

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No.D-1230-DB of 2014

Date of Decision : August 10, 2015

Harbilas

.....Appellant

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE GURMIT RAM

Present : Mr. Shivroop Singh Dhaliwal, Advocate for
Mr. K.D.S. Sodhi, Advocate
for the appellant.

T.P.S. MANN, J.

The appellant, who is father of deceased Gurjit Pal and, thus, a 'victim' as defined under Section 2(wa) of the Code of Criminal Procedure, 1973 has filed the present appeal for challenging the judgment dated 23.12.2013 passed by the Additional Sessions Judge, Hoshiarpur whereby respondents No.2 to 9 stand acquitted of the charges under Sections 302/120-B/148/149 IPC.

In brief, the prosecution case is that on 4.5.2011 at about 7.30 p.m., Gurjit Pal, who used to run meat shop informed his father, i.e. complainant Harbilas, on telephone, that he was about to leave the shop and the complainant should reach the poultry farm. Accordingly, the complainant, alongwith his wife, reached the poultry farm but Gurjit Pal did not reach there. At about 8.00 p.m., one Sunny told the complainant that Gurjit Pal

had met with an accident and taken to Civil Hospital, Mahilpur from where he was further taken to Nawanshahr. When the complainant, alongwith Sunny, reached Harbans Hospital, Nawanshahr, he found Gurjit Pal with injuries on his head, back and other parts of the body. Those injuries had been inflicted by someone and were not on account of the accident. On 5.5.2011, Gurjit Pal succumbed to the injuries. In the hospital, the complainant was informed by the boys, who had brought Gurjit Pal to the hospital, that a labourer working on his shop had escaped from the shop being frightened. A few days back, Gurjit Pal had rebuked Raj, Siki and Deepa for teasing the girls of the village. Those boys, however, threatened his son. Accordingly, the complainant was of the firm belief that his son had been murdered by those boys.

Further case of the prosecution is that on the basis of statement made by complainant Harbilas, FIR No.34 dated 6.5.2011 was registered at Police Station Chabbewal, District Hoshiarpur. During the course of investigation, the accused were arrested. Accused Sandeep Kumar @ Seepa suffered disclosure statement that he, in connivance with other accused, had committed the murder of Gurjit Pal at the instance of accused Gurdeep Singh. Accused Avtar Singh @ Sabi also made extra-judicial confession before Paramjit Singh of village Sarhala Kalan. In pursuance of the disclosure statement, Avtar Singh @ Sabi got recovered the weapon of offence.

Having heard learned counsel for the appellant and on going through the record of the trial Court, this Court finds that the prosecution had examined PW2 Lovepreet Singh and PW8 Harjinder Singh in support of the ocular account but they did not support the prosecution case and were declared hostile. The prosecution had also examined Paramjit Singh as PW3, who testified that on 28.5.2011 Avtar Singh @ Sabi accused came to his house and disclosed that he, alongwith other accused, had caused injuries to Gurjit Pal on 4.5.2011. However, he admitted in his cross-examination that he was neither Sarpanch nor Panch nor even Lambardar of the village. He also admitted that he was interested in the conviction of the accused as his cousin had been murdered by them. As regards the recovery of baseball bat, no witness from the public was joined. Further, the prosecution did not examine the girls or their parents to establish that some boys have been teasing those girls and Gurjit Pal had rebuked them or that those boys had threatened him.

In view of the above, no fault can be found with the impugned judgment of acquittal passed by the trial Court.

The appeal is without any merit and, therefore, dismissed.

(T.P.S. MANN)
JUDGE

(GURMIT RAM)
JUDGE

August 10, 2015

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