

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No. D-1277-DB of 2015

Date of Decision : September 24, 2015

Shri Bhagwan

.....Appellant

VERSUS

State of Haryana and others

.....Respondents

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

Present : Mr. Sanjay Mittal, Advocate.

T.P.S. MANN, J.

Appellant-Shri Bhagwan, who is brother of deceased Laxmi Narain and, thus a 'victim' as defined under Section 2(wa) has filed the present appeal for challenging the judgment dated 29.5.2015 passed by the learned Additional Sessions Judge, Rewari to the extent of acquitting respondents No.2 to 10 of the charges under Section 120-B IPC and Section 302 read with Section 34 IPC.

Briefly stated, the case of the prosecution is that on 21.1.2013 at about 9.30 p.m., respondents Babu Lal, Tinku, Inder, Pradeep and Zile Singh took Laxmi Narain, brother of the appellant to the house of Ajit Singh, after hatching a criminal conspiracy. It was followed by accused Ajit Singh giving a blow with a Dav (a sharp edged weapon) on the head of Laxmi Narain, as a result of which Laxmi Narain fell on the ground. This was followed by respondents Satbir, Ramehar, Jai Bhagwan and Jai Parkash giving fists and slaps to Laxmi Narain. As a result of the injuries, Laxmi Narayan succumbed to death.

The trial Court acquitted respondents No.2 to 10 of the charges against them, but convicted accused Ajit Singh under

Section 302 IPC and sentenced him to undergo imprisonment for life and to pay a fine of Rs.10,000/-.

Having heard learned counsel for the appellant and on going through the impugned judgment, this Court finds that PW8 Shri Bhagwan and PW4 Krishan Kumar had not stated before the police that any of the acquitted accused had surrounded Laxmi Narain or caught hold of him in order to facilitate the attack upon him by accused Ajit Singh who gave a blow with Day on the head of Laxmi Narain. In fact, no specific act was attributed to any of the acquitted accused. If the acquitted accused had hatched a criminal conspiracy with their co-accused Ajit Singh or shared common intention, they would not have lagged behind in arming themselves and assaulting the deceased. Only convict Ajit Singh was said to be armed with a Day, and, that too, in inflicting only one injury to deceased Laxmi Narain. Merely because accused Ajit Singh and his wife Anita @ Sharmila used to have a quarrel in between them and Laxmi Narain was the mediator of the said marriage is not by itself sufficient to hold that the acquitted accused, who were related to Ajit Singh, nursed a grudge against Laxmi Narain so as to commit his murder.

In view of the above, no illegality or infirmity is noticed in the impugned judgment to the extent of acquitting respondents No.2 to 10 of the charges against them.

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

(T.P.S. MANN)
JUDGE

(GURMIT RAM)
JUDGE

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