

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No.D-1519-DB of 2014

Date of Decision : May 25, 2015

Reshmi

....Appellant

Versus

State of Haryana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. S.K. Chaudhary, Advocate
for the appellant.

T.P.S. MANN, J.

The appellant, who is sister of deceased Darshan Lal, has filed the present appeal for challenging the judgment dated 8.5.2014 passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, whereby respondents No.2 to 6 were acquitted of the charges under Section 302 read with Section 120-B and Section 404 IPC.

The case of the prosecution, in nutshell, is that deceased Darshan Lal owned 16 acres of land, out of which he had transferred six acres of land to his son Ankush Kumar and another six acres in favour of his younger son Akahay Kumar. On 4.5.2012, Darshan Lal sold two acres of land for an amount of Rs.56 lacs to one Shanti Devi of Jagadhri. Three of the five sisters of Darshan Lal, including the appellant, filed a civil suit regarding the above said land which suit was fixed for 7.5.2012. Darshan Singh deceased attended the

Court on that day but the sisters of the deceased did not attend those

proceedings. On 13.5.2012, the deceased went to the fields early in the morning. At about 8.00 p.m., Ankush Kumar went and served tea to his father, who used to sleep in a room constructed in the fields. On the next morning at about 7.00 a.m., one Sukhwinder Singh @ Kala informed Ankush Kumar that his father Darshan Lal was lying dead on a cot.

At the trial, Ankush Kumar, who had lodged the FIR, appeared as PW11. He only testified about serving tea to his father at 8.00 p.m. and dinner at about 10.00 p.m. on 13.5.2012. He also testified that on 14.5.2012 at about 7.00 a.m. he was apprised by Sukhwinder Singh @ Kala that his father was lying dead in a pool of blood. Though he proved his initial statement Ex.PW11/A yet he denied making statement Ex.PW11/B before the police. In his statement Ex.PW11/B, Ankush Kumar had stated that respondent Baldev Kaur in collusion with remaining accused respondents had hatched a conspiracy to kill Darshan Lal. As Ankush Kumar denied making any such statement before the police, it cannot be said that the respondents had any reason or motive to kill Darshan Lal.

In order to prop up its case, the prosecution relied upon the statements Ex.PW13/A of accused Aman, Ex.PW13/B of accused Manoj and Ex.PW16/A of accused Baldev Kaur, which they suffered before the police while in custody and admitting their guilt yet as per the provisions of Sections 25 and 26 of the Evidence Act, these confessional cannot be read in evidence. Even the recovery of arms allegedly used in the

incident on the basis of aforementioned statements lacked independent corroboration as the Investigating Officer, for the reasons best known to him, did not join any such independent witness of locality.

Another circumstance put forth by the prosecution was about deceased Darshan Lal having illicit relations with one lady, namely, Vidya Devi and for that reason accused Baldev Kaur nursing enmity against her husband Darshan Lal. However, Vidya Devi was not examined by the Investigating Officer. Moreover, PW10 Jitender Pal, Sarpanch of the village admitted in his cross-examination that he never heard in the village about Darshan Lal having illicit relations with Vidya Devi.

In view of the above, it cannot be said that the trial Court was not justified in acquitting the respondents.

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

**(T.P.S. MANN)
JUDGE**

**(MAHAVIR S. CHAUHAN)
JUDGE**

May 25, 2015
satish

Criminal Misc. No.30082 of 2014 in
Criminal Appeal No.D-1519-DB of 2014

Reshmi Vs. State of Haryana and others

Present : Mr. S.K. Chaudhary, Advocate
for the applicant/appellant

Heard. Sufficient cause has been shown for condoning the delay in filing of the appeal. The application is, therefore, accepted and the delay of 48 days in filing of the appeal is condoned.

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

May 25, 2015
satish