

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Crl. Appeal D-1661-DB of 2014

Date of Decision : July 14, 2015

Kulwinder Singh

.....Appellant

VERSUS

Sonu Gupta and another

.....Respondents

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

Present : Mr. Gourav Goel, Advocate

T.P.S. MANN, J.

The appellant, who is brother of deceased Gurpreet Singh, has filed the present appeal for challenging the judgment dated 9.9.2014 passed by the Additional Sessions Judge, Fatehgarh Sahib whereby respondent No.1-Sonu Gupta stands acquitted of the charges under Sections 364, 302, 201 and 404 read with Section 34 IPC.

Having heard learned counsel for the appellant and on perusing the trial Court record, this Court finds that respondent-Sonu Gupta was attributed catching hold of Gurpreet Singh from his neck while his co-accused Kulwinder Singh @ Mintu was said to have given blows with a panna (spanner) which resulted in the death of Gurpreet Singh. According to the prosecution, respondent-Sonu Gupta had made extra judicial confession before Darbara Singh. Said Darbara Singh while stepping into the witness box as PW12 did not state so. He was declared hostile. Even during his cross-examination, no material could be brought on record by the prosecution to connect respondent-

Sonu Gupta with the crime. Further, from the statement of PW2 Harwinder Singh, it cannot be said that respondent-Sonu Gupta remained present with his co-accused Kulwinder Singh and deceased-Gurpreet Singh till the time said Gurpreet Singh was murdered. At the most, it could give rise to suspicion against respondent-Sonu Gupta but that would not be sufficient enough to hold that respondent-Sonu Gupta was present at the time of commission of the murder.

The appellant has laid stress on the fact that pursuant to the disclosure statement suffered by respondent-Sonu Gupta, the adhar card and wallet belonging to deceased-Gurpreet Singh were recovered. However, those two items got recovered by respondent-Sonu Gupta were of no value to him and, therefore, there was no earthly reason for him to have kept concealed the said two articles in an iron box containing clothes.

After going through the impugned judgment, we find that the evidence led by the prosecution has been rightly appreciated by the trial Court so as to hold that respondent-Sonu Gupta deserved the benefit of doubt.

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

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

July 14, 2015
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**(MAHAVIR S. CHAUHAN)
JUDGE**