

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

Crl. Appeal D-1834-DB of 2014
Date of Decision : January 20, 2015

Mam Raj

.....Appellant

VERSUS

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE DR. SHEKHER DHAWAN**

Present : Mr. Rajinder Goyal, Advocate

T.P.S. MANN, J.

The appellant, who is father of deceased Sonu, has filed the present appeal for challenging the judgment dated 25.9.2014 passed by the Additional Sessions Judge, Kaithal whereby respondents No.2 to 7, here-in-after referred to as 'the accused', were acquitted of the charges under Sections 302 and 201 read with Section 34 IPC.

Having heard learned counsel for the appellant and on perusing the impugned judgment, we find that while appearing before the trial Court as PW8, Bala Devi, mother of the deceased, testified that she had last seen her son Sonu in the company of the accused. However, when she had appeared before the police during the investigation of the case and her statement under Section 161 Cr.P.C. was recorded, she had nowhere stated therein about seeing her son last in the company of the accused. Similarly, the case of PW4 Mam Raj was that the accused had

taken the dead body of his son and forcibly cremated him. However, he was duly confronted with his statement made before the police during the investigation of the case where it was so stated. Further, the case of the prosecution was that the two accused, namely, Parkash and Rakesh got recorded disclosure statements that they could get the *parna* (piece of cloth) with which the deceased was killed, recovered. However, no such recovery of *parna* was effected. Rather, the *parna* was subsequently produced by the complainant himself before the police. There was also inordinate and unexplained delay of 12 days in lodging of the FIR. The prosecution tried to come up with some sort of explanation by bringing on record application Ex. PH which was said to have been made by the appellant on 9.5.2013 upon which no action was taken but even that is not sufficient to explain the delay as the occurrence had taken place on 3.5.2013.

In view of the above, we are of the considered view that no case is made out for any interference in the impugned judgment of acquittal.

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

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

January 20, 2015

(SHEKHER DHAWAN)