

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No.D-1899-DB of 2014

Date of Decision : September 18, 2015

Labho

.....Appellant

Versus

Varinder Singh (Goldy) and others

....Respondents

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

Present : Mr. S.S. Antal, Advocate.

T.P.S. MANN, J.

The appellant, whose son Pardeep, was murdered by respondents No.1 to 6 and, thus, a 'victim' as defined under Section 2(wa) of the Criminal Procedure Code, has filed the present appeal for challenging the judgment dated 8.8.2014 passed by the learned Additional Sessions Judge, Ambala whereby the accused, i.e. respondents No.1 to 6 stand acquitted of the charges under Sections 120-B, 302 and 201 IPC and Section 25 of the Arms Act.

The case of the prosecution, in brief, is that on 18.8.2011 at about 9.00 a.m., Goldi son of Guddu Singh, Kala son of Tara Singh and Happy son of Naib Singh had called upon Pardeep Singh and taken him away with an intent to kill him and he did not return. On 21.8.2011, Pardeep Singh's grand-father Ram Singh received phone call from village Mithapur that Pardeep Singh had been shot dead and

his dead-body was lying in Gau Charand. With the above allegations, said Ram Singh informed the police and, accordingly, FIR No.132 dated 22.8.2011 under Sections 302, 201 and 120-B IPC and Section 25 of the Arms Act was registered at Police Station Saha.

Having heard learned counsel for the appellant and on going through the impugned judgment of acquittal, this Court finds that though Ram Singh had alleged that his grandson Pardeep Singh had been called and taken away by Goldi son of Guddu Singh, Kala son of Tara Singh and Happy son of Naib Singh yet there was no such accused by the said names before the trial Court. In the FIR, Happy son of Naib Singh was one of the accused but one Gurpreet Singh son of Naib Singh was arraigned as one of the accused before the trial Court. However, the prosecution failed to establish that Gurpreet Singh was also known as Happy. Further, there were additions and alterations made while submitting the complaint to the police. It could not be ascertained that those additions and alterations were made in the names and parentage of the aforementioned three accused at the time of lodging the FIR or later.

The prosecution had also examined Charanjit Singh as PW2 in support of the circumstance of last seen. However, Ram Singh, who had lodged the FIR and testified about seeing the three accused last with his grandson did not mention the presence of any other person at the relevant time. Further, as per the medical evidence, the death could have taken place four to five days before

23.8.2011 but PW1 Ram Singh claimed to have seen his grandson being taken away by the three accused on 18.8.2011. Even the presence of Ram Singh at the house of his son Dalel Singh was doubtful as Ram Singh testified that he had been residing with his other son Baljit Singh. According to PW1 Ram Singh, he met the police in the morning of 22.8.2011 whereas FIR came to be registered on 22.8.2011 at 5.20 p.m.

In view of the above, no fault can be found with the impugned judgment passed by the trial Court whereby the accused stand acquitted of the charges against them.

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

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

September 18, 2015
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