

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

CRA-D No.370-DB of 2015

Date of decision:11.5.2015

Charanjit Kaur

....Appellant

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Balbir Singh Jaswal, Advocate for the appellant.

HEMANT GUPTA, J.(Oral)

The present appeal is directed against an order passed by learned Sessions Judge, Gurdaspur, on 06.10.2014 granting benefit of doubt to the accused for the offence under Section 302, 120-B and 201 of Indian Penal Code (for short 'IPC').

The present appeal has been preferred by Charanjit Kaur mother of the deceased-Amarjit Kaur who died on 28.06.2013. The prosecution case was set in motion on the basis of a complaint made on 24.06.2013 in respect of missing of Amarjit Kaur. Sub Inspector/Station House Officer Amolak Singh took into possession call details of accused-Gurdev Singh and deceased-Amarjit Kaur. On the basis of extra-judicial confession made by the accused before Jaspal Singh, ex-Sarpanch, and also alleged last seen by Balwinder Singh @ Bittu in the company of the accused, the respondent-accused were prosecuted for the death of Amarjit Kaur.

The prosecution in evidence, inter alia, relied upon the extra-judicial confession made by accused to PW2 Jaspal Singh, ex-Sarpanch; last seen by PW3 Balwinder Singh and call details of mobile phone allegedly used by deceased-Amarjit Kaur and accused Gurdev Singh.

Admittedly, Jaspal Singh PW2 has not supported the prosecution story nor did Balwinder Singh PW3, the witness of last seen. The only evidence which learned counsel for the appellant relies upon to set aside the acquittal is the call details between the deceased-Amarjit Kaur and accused-Gurdev Singh on 18.06.2013 and 19.06.2013. Firstly, there is no evidence that the alleged mobile of Amarjit Kaur was in fact used by her except the statement of her sister PW8 Kanwalpreet Kaur. The primary evidence from the service provider has not been produced. Still further, her statement that her sister used to use mobile cannot be made the sole basis of setting aside the judgment of acquittal.

Secondly, it will only show that the deceased-Amarjit Kaur and accused-Gurdev Singh were known to each other and were talking but what was the nature of conversation has not come on record. Still further, the said fact alone will not be sufficient to raise a conclusive finding that it is the accused and the accused alone who have committed the crime in the absence of any other supporting or corroborating evidence.

Learned trial Court has considered the entire evidence in proper perspective. Merely because, one of the accused and the

deceased were in touch with each other is not sufficient to infer commission of offence by the accused.

We do not find any perversity in the order passed by learned Sessions Judge, which may warrant interference in the present appeal.

Consequently, the present appeal is dismissed.

(HEMANT GUPTA)
JUDGE

MAY, 2015
‘D. Gulati’

(LISA GILL)
JUDGE