

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-A-596-MA-2016

Date of Decision:05.05.2016

Lilu Ram

.....Appellant

Vs

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL  
HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Vikas Bishnoi, Advocate  
for the appellant.

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**RAJ MOHAN SINGH J.**

[1]. This appeal is directed by the complainant against the judgment of acquittal recorded by the Additional Sessions Judge, Fatehabad dated 11.02.2016 in favour of accused/respondents No.2 to 4.

[2]. Prosecution was set into motion on the statement of Atma Ram, Sarpanch, resident of village Dhanger. He got his statement recorded on 13.04.2013, stating that at about 7:30/8:00 a.m, Ram Kailash son of Ram Narayan informed him that Lilu Ram was injured and he should accompany him to his Dhani. Thereupon, Atma Ram reached the Dhani of Lilu Ram with aforesaid Ram Kailash and found that Lilu Ram had

suffered injuries on his neck, head and hands with sharp edged weapon and was bleeding profusely. He was removed to Civil Hospital, Fatehabad. His wife was also lying on the adjoining cot having serious injuries on her head and neck with sharp edged weapon. She had succumbed to the injuries. It was stated that some unknown persons had attacked Lilu Ram and Parmeshwari Devi with intention to kill them.

[3]. A case was registered under Section 302 and 307/34 IPC and investigation was brought into effect. The cause of death of Parmeshwari Devi was found to be shock and haemorrhage due to multiple injuries which were ante mortem in nature and sufficient to cause death in ordinary cause of nature.

[4]. Some complaint was received in the office of Inspector General Police, Hisar Range, Hisar in connection of aforesaid assault on the couple, suspecting involvement of wife of Krishan, son of Nilu Ram, his father-in-law Inder Singh and brother-in-law Lalit. Polygraph tests of Inder Singh, Sheela Devi wife of Inder Singh, Renu Bala wife of Krishan Kumar and Krishan Kumar son of Lilu Ram were conducted. Inder Singh, Sheela Devi and Renu Bala were joined in investigation. Lilu Ram was seriously injured and remained in shock for long. After recovery, he along with his son Krishan Kumar approached CIA Police at Fatehabad on 19.11.2013 and presented their

affidavits. Their statements were recorded. Lilu Ram stated that the marriage of his son Krishan Kumar was solemnized with Renu daughter of Inder Singh about 7 years ago. Soon after marriage, his daughter-in-law started pressurizing his son to live separately at Hisar. Her parents also supported her. On that account, there was a dispute between them. Krishan Kumar was the only son of Lilu Ram. They kept on satisfying the demand of Renu. Inder Singh had extracted an amount of Rs.4 lacs from him on the pretext of procuring job for Krishan Kumar. They all pressurized Lilu Ram to transfer his entire land in the name of his son. They used to visit his Dhani frequently. 5-6 days prior to the incident, they came to the Dhani in a car and gave beating to him and his wife. They also gave threats that Renu and Krishan Kumar be sent to Hisar. Lilu Ram had two shops in Hisar in the name of his son Krishan Kumar which were sold by Inder Singh and usurped the whole money. Some time ago dog of the complainant was poisoned and killed. On the day of incident, Inder Singh and his daughter Renu admitted younger daughter of Krishan Kumar in a private hospital on the pretext of illness and Krishan Kumar was called to Hisar. At night, when the couple was sleeping in the courtyard, a car came and the complainant woke up. Inder Singh and other two persons alighted from the car. Inder Singh exhorted those two persons to

kill them. Upon which, those two persons caused injuries with gandasis to Parmeshwari Devi, who died on the spot and they also inflicted injuries to the complainant Lilu Ram on his person. He became unconscious. With the aforesaid improvement, the complainant intended to set the police machinery into motion.

[5]. On the basis of this version, accused were arrested and were joined in investigation. Their disclosure statements were recorded and investigation of the case was done. Trial Court appreciated the evidence on record. The pith and substances of the allegations were that the occurrence took place at the night on 12/13.04.2013 and FIR was registered on 13.04.2013 in the morning. Statement of Lilu Ram was recorded under Section 161 Cr.P.C after 15 days i.e. on 29.04.2013. In the first version recorded by Lilu Ram to the police, it was claimed that murderous attack was executed by three unknown and unidentified persons. It was dark and two of the persons had caused injuries to him as well as his wife, due to which he became unconscious and his wife died. On 19.11.2013 i.e. about seven months later, Lilu Ram and his son submitted affidavits claiming that incident dated 12.04.2013 was in fact translated by Inder Singh and two other persons. The reason for giving this changed version after seven months of the incident was that the complainant did not disclose the names of the

accused earlier as he was under the fear of life of his son Krishan Kumar.

[6]. The entire prosecution case was rested on the evidence of complainant Lilu Ram who was injured witness. He tried to give instances of strained relationships between Krishan Kumar, his wife and in-laws. His testimony on this changed version did not find favour with the trial Court. The threat perception by the complainant started even prior to the occurrence. It subsisted even after the occurrence and even, it never culminated in action after 7-8 months of the occurrence as well. The filing of affidavits after 7-8 months of the occurrence by the complainant and his son to CIA staff, Fatehabad, virtually shattered the prosecution case and the Court was under obligation to extract truth out of prosecution case. The statement of the injured was recorded on 29.04.2013, wherein he did not disclose any such event in respect of identity of the accused. The disclosure of identity of the accused who were none-else the wife, father-in-law and brother-in-law of Krishan Kumar son of the complainant came to be made in the affidavit dated 19.11.2013 for the first time. The explanation of such implication was only a fear which remained in the mind of the complainant throughout.

[7]. Trial Court went on to appreciate the allegation in the

light of the fact that when the complainant regained consciousness in Jindal Hospital, Hisar, his two sons-in-law namely Umesh and Sadhu were present near him, but he did not disclose anything to them. Thereafter also, his relatives came to visit him, but he never disclosed anything about the occurrence to them as well to the Sarpanch of the village and the villagers. Inder Singh was none-else but his Sambandi i.e close relative. Threat perception was not so grave that the complainant, would withhold the identity of the persons, one of whom was his close relative.

[8]. Even the police conducted the investigation and did polygraph examination, not only of the accused persons but also of son of complainant Krishan Kumar. When son of the complainant was subjected to such test, the complainant would have disclosed the fact to the police immediately when police was suspecting the involvement of his son in the incident. Prolonged silence on the part of the complainant at that crucial stage also found to be a reason for discarding the prosecution story propounded by the complainant. Inder Singh was found to be 80% handicapped. The story of threat extended by Inder Singh was perceived to be motivated. Unexplained delay on the part of the complainant was construed to be sufficient for doubting the prosecution case. The evidence led by Lilu Ram

was not treated to be sufficient to bring out the guilt of the accused respondents to the hilt. The evidence on record was not sufficient to record conviction of respondents No.2 to 4 by any stretch of imagination and the prosecution could not bring the guilt of the accused to the hilt. Even otherwise also the findings of acquittal cannot be converted into conviction in ordinary circumstances. The parameters are different altogether. So such exception was made out for such a case. No misreading of evidence was pointed out during arguments.

[9]. Acquittal recorded by the trial Court in considered opinion of this Court, does not require consideration at the hands of this Court as the same is found to be perfectly in consonance with the evidence on record. Resultantly, leave to file appeal is hereby declined. Consequently appeal is also dismissed.

**(RAJ MOHAN SINGH)**  
**JUDGE**

05.05. 2016

Prince

**(M. JEYAPPAUL)**  
**JUDGE**