

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

CRM-A No. 539 MA of 2015

Date of decision : December 06, 2016

Hari Ram Dagar,

..... Petitioner

v.

Kanwar Singh and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sanjay Verma, Advocate
for the applicant.

Ajay Tewari, J (Oral)

This is an application for permission to file an appeal against the order of the trial Court rejecting the protest petition filed by the petitioner.

Brief facts of the case are that the son of the applicant had gone for his duty but did not return and thereafter on 1.3.2010 at 4 pm

the applicant received a message that his son was admitted in the hospital

in injured condition with several injuries. On the basis of his statement, FIR No.119 dated 2.3.2010 was registered under Section 307 of the IPC against unknown persons. Ultimately, son of the applicant expired on 2.3.2010. The aforesaid FIR was still pending and in that FIR, statement of eye witness Ram Babu had been recorded wherein he had stated that on the fateful day, in his presence, an unknown person had struck an iron rod blow on the head of the deceased. The applicant filed an application under Section 156(3) of the Cr.P.C complaining that it was the family of the estranged wife of his deceased son who were behind this murder. In support of the application, 7 witnesses were examined. The same eye witness Ram Babu i.e CW6 stated that he heard the unknown person telling the deceased that he would teach him a lesson for harassing his wife.

The trial Court found that this was an unexplained improvement. The trial Court further found that the other witnesses were either the doctor or the persons who had just corroborated the fact that there were differences between the deceased and his wife. It further held that merely because the deceased had strained relationship with his wife, her family could not be foisted with the death of the deceased in the absence of any objective evidence to that effect. Counsel for the applicant has not been able to show how the statement of PW6-Ram

Babu can be considered without any explanation for the apparent improvement. He has also not been able to show any other evidence which may point towards guilt of the family of the estranged wife of the deceased. Consequently, I find it difficult to take a view different from the trial Court and this application is dismissed being devoid of any merit.

December 06, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No