

(209) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM –A No.673-MA of 2014 (O&M)
Date of decision: 15.3.2016

Gurnam SinghApplicant

Versus

State of Punjab and Ors. Respondents

CORAM: HON'BLE MR. JUSTICE S.S. SARON.
HON'BLE MR. JUSTICE GURMIT RAM.

Present: Mr. Parvinder Singh, Advocate for the applicant with
Gurnam Singh, complainant/applicant in person.

S.S. Saron, J.

The application for leave to appeal against the acquittal of respondents No.2, 3 and 4 for the offence punishable under Sections 302/34 Indian Penal Code ('IPC' – for short) by the learned Additional Sessions Judge, Mohali vides his impugned judgment and order dated 18.01.2014 has been filed by Gurnam Singh (applicant/appellant) who is also present in person in Court today.

According to Gurnam Singh (complainant/applicant) he and respondents No.2, 3 and 4 are residents of village Chandiala Sudan, Police Station Sohana, District SAS Nagar (Mohali). There has been litigation inter se amongst the parties. The complainant/applicant and his family members are facing trial in case FIR No.142 dated 9.9.2012 registered at Police Station Sohana for the offences under Sections 323, 148 and 149 IPC. The son of the complainant/applicant namely Resham Singh (deceased in the case) was to appear before the Court at Mohali on 9.11.2006. He was to

surrender in the aforementioned FIR. Resham Singh (deceased) went to bus stand to board the bus where all the accused (respondents No.2 to 4) were present at the bus stand and they threatened him that if he went to the Court on the said day i.e. 9.11.2006 then they would harm him. Resham Singh (deceased) got frightened and came back to his house. However, at the instance of his mother, he agreed to go to Mohali and boarded a bus from the other bus stand. The accused namely Shambhu (respondent No.1), Mewa Ram (respondent No.2) and Seema (respondent No.3) were also in the same bus. On seeing Resham Singh (deceased), they (accused – respondents No.2 to 4) came to his seat and Shambhu (respondent No.1) and Mewa Ram (respondent No.2) sat besides him. Seema (respondent No.3) took out a bottle of poison from her purse and handed it over to Shambhu (respondent No.1). Mewa Ram (respondent No.2) caught hold of the hands of Resham Singh (deceased) and Shambhu (respondent No.1) thrust the poison in the throat of Resham Singh (deceased) and closed his mouth with his hands. All the while, Mewa Ram (respondent No.2) held Resham Singh (deceased) from his hands. Resham Singh died due to the administration of poison. The entire incident was witnessed by Ram Avtar, Naib Singh and Gurcharan Singh who were also travelling in the same bus and when they asked the accused persons what had happened, they said that Resham Singh was having some fits. When Resham Singh collapsed in the bus, the driver and conductor of the bus immediately brought him back to village but by that time, he had died due to poisoning.

Dr. Sandeep Singh, Medical Officer, Civil Hospital, Phase-VI, Mohali (PW-4) stated that the cause of death in this case was, "organo phosphorus poisoning".

The learned trial Court after considering the evidence and material on record has acquitted the respondents No.2, 3 and 4. The

driver and conductor of the bus while narrating the occurrence did not state that any of the passengers travelling in the bus had administered any poisonous substance to Resham Singh. They in fact stated that Resham Singh died only because of some vomit and then passing of urine in his trousers while sitting in the bus. According to the trial Court, all this showed that although as per post-mortem report poison was stated to be the cause of death of Resham Singh but the prosecution had miserably failed to prove that the accused persons had any role in administering any poisonous substance to the deceased Resham Singh. Thus the accused (respondents No.2 3, and 4) were acquitted of the charges framed against them.

Learned Counsel for the applicant who is appearing along with applicant in person has submitted on instructions that the applicant is now not interested in pursuing the application for leave to appeal and he may be allowed to withdraw the same.

We have asked Gurnam Singh (complainant/applicant) who is present in Court as to whether he wants to withdraw the application for leave to appeal. He has stated that he wishes to withdraw the same.

In the facts and circumstances, the application for leave to appeal is permitted to be withdrawn.

Dismissed as withdrawn.

(S.S. Saron)
Judge

(Gurmit Ram)
Judge

15.03.2016
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