

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

CRM A-1221-MA of 2017

Date of Decision: August 4, 2017

State of Haryana	Versus	Applicant
Raman and others		 Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present : Mr. Kapil Aggarwal, Addl. A.G., Haryana.

T.P.S.MANN, J.

The State has filed the present application under Section 378(3) of the Code of Criminal Procedure, 1973 for challenging the judgment dated 11.11.2016 passed by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, whereby, the accused/respondents stood acquitted of the charges under Sections 120-B, 148, 302 read with Section 149 IPC.

The accused/respondents alongwith five others, namely, Pardeep Kumar, Sumit Saini, Murli Saini, Satish Kumar and Lakhan were tried for committing the aforementioned offences. Vide impugned judgment, learned trial Court acquitted the accused/respondents of the charges against them. Their co-accused were also acquitted under Section 120-B IPC. However, they were convicted and sentenced for committing

offences under Section 148 and Section 302 read with Section 149 IPC and sentenced to undergo imprisonment for life besides paying fine amounting to Rs.21,000/- each.

According to the prosecution, on receiving information that dead body of a person was lying near the Farm of Mohd. Hassan, Ex. Sarpanch on Kansapur-Ratauli road, Inspector Dayal Chand, S.H.O. Police Station, Farakpur alongwith fellow officials reached the spot where Jagdish Lal met him and made statement to the effect that he was serving in Electricity Department as Foreman. He had four children, youngest of whom was Virender @ Bittu (since deceased). Virender Singh @ Bittu was unmarried. On the night intervening 27/28.9.2015, there was 'Jagran' in their neighbourhood and they all attended the same. Virender @ Bittu remained present there till 2/2.30 a.m. At that time, Ashu, Shoki, Sumit, Chhotu and Mange Ram, residents of village Kansapur alongwith Virender @ Bittu were present in the 'Jagran'. On the next morning, i.e. 29.9.2015 at 8.30 a.m., Jagdish Lal, complainant was informed that his son Virender @ Bittu had received injuries on his head, right eye and back. He suspected that the murder of his son was caused after inflicting injuries to him and, therefore, the boys, who were present with him during the night be subjected to interrogation for tracing out the murderers.

It is also the case of the prosecution that on the statement made by complainant Jagdish Lal, FIR for the aforementioned offences was registered at Police Station, Farakpur. During the investigation of the case, Sumit and Pardeep Kumar accused were arrested on 29.9.2015 whereas Murli Saini and Satish Kumar were arrested on 30.9.2015. On 1.10.2015 investigation was carried out by SI Dalip, who arrested Lakhan @ Vinod, Mithlesh @ Chhotu, Bharat @ Bhanu and Raman.

This Court has heard learned State counsel and also perused the impugned judgment to the extent of acquitting the respondents of the charges against them.

According to the prosecution, respondent No.3-Bharat @ Bhanu got recovered a motor-cycle, which however, did not belong to him. At the same time, no recovery was effected at the instance of respondent No.1-Raman. Though respondent No.2-Mithlesh @ Chhotu got recovered binda but it did not bear any blood stains.

As regards the charge under Section 120-B IPC, no material whatsoever was collected by the prosecution or produced before the learned trial Court to establish that the respondents and their co-accused had conspired to kill Virender @ Bittu. For these reasons, learned trial Court was justified in

acquitting the respondents of all the charges against them.

The application is without any merit and, therefore, dismissed. Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

August 4, 2017
amit rana

(MAHABIR SINGH SINDHU)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No