

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

227

CRM-A-1909-MA of 2016 (O&M)
Date of Decision: February 01st, 2017

State of Haryana

...Appellant

Versus

Paramjeet and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Kapil Aggarwal, Additional Advocate General, Haryana,
for the applicant-appellant.

M. JEYAPPAUL, J. (ORAL)

CRM-34343-2016

There is a delay of 325 days in filing the appeal.

We are convinced with the reasons assigned for the delay of
325 days in filing the appeal.

Therefore, the application is allowed.

Delay of 325 days in filing the appeal stands condoned.

CRM-A-1909-MA of 2016

Aggrieved by the acquittal of respondents-Paramjeet and
Suresh, State has filed the present application praying for leave to
prefer an appeal.

The case of the prosecution is that the respondents herein
in furtherance of their common intention, attacked complainant-Yudhvir
(PW-1), Ashok (PW-3) and Jagbir (PW-2) with a firearm and Lathi and
caused injuries to them. They were sent up for trial to face the charges
under Sections 307 read with Section 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The trial Court having evaluated the evidence on record,
came to the conclusion that the prosecution miserably failed to establish the
charges framed against the respondents as the material witnesses, namely,

PW-1 Yudhvir, PW-2 Jagbir and PW-3 Ashok turned hostile to the case of the prosecution.

We heard the submissions made by the learned State counsel.

It is submitted by him that the FSL report discloses that a bullet had been fired from a licenced pistol recovered from Ist respondent-Paramjeet on the basis of the disclosure statement suffered by him.

As rightly pointed out by the trial Court, PW-1 Yudhvir, who happened to be the complainant, PW-2 Jagbir and PW-3 Ashok, who all allegedly sustained injuries in the occurrence, turned wholesale hostile to the case of the prosecution.

In other words, they have categorically deposed before the trial Court that both the respondents were not at all present at the spot at the time when the occurrence took place. In the face of the above hostile testimony available on record, the recovery of the licenced pistol from the Ist respondent and the FSL report indicating that a bullet had been fired from the pistol allegedly recovered from the Ist respondent pales into insignificance.

As rightly pointed out by the learned trial Court, there is no credible evidence to establish the case of the prosecution. Therefore we decline to grant leave to prefer an appeal.

Application stands dismissed.

(M. JEYAPPAUL)
JUDGE

February 1st, 2017
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No