

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

**CRA-D-1023-DB-2015 (O&M)
Date of Decision: 20.04.2018**

Sheo Narain

.. Appellant

Vs.

State of Haryana and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr. Jainainder Saini, Advocate for the appellant.

...

A.B. Chaudhari, J.

CRM-21353-2015

Heard.

For the reasons mentioned in the application, delay of 940 days in filing the appeal is condoned.

The application stands allowed accordingly.

CRA-D-1023-DB-2015

Appellant-Sheo Narain has filed the present appeal against the respondents State of Haryana and accused Phool Chand @ Phool Singh and Ramphal challenging the impugned judgment dated 08.10.2012 vide which accused respondent Nos.2 and 3 have been acquitted of the charges framed against them.

Heard learned counsel for the appellant at length.

He vehemently argued that trial Court committed an error in recording the order of acquittal of the respondents, though the following evidence pointed out their culpability:-

- (i) The dead body was lying near the house of the accused;
- (ii) The mobile phone of co-accused was lying near the dead body;

- (iii) The brick was discovered by Phool Chand accused and
- (iv) The injuries, if seen, show that they were caused by repeated blows by means of brick.

We have also gone through the judgment of the trial Court. We find that there is absence of direct evidence against the accused. The evidence pointed out by learned counsel for the appellant as above in our opinion is not sufficient to come to the conclusion that the chain of circumstances is complete, pointing out the guilt of the accused persons only and none else. The aforesaid evidence even if, taken into consideration can not be the basis for recording conviction. We, therefore, find no merit in the appeal. In the light of the above discussion, we dismiss the appeal.

(A.B. CHAUDHARI)
JUDGE

(INDERJIT SINGH)
JUDGE

April 20, 2018
Jasmine Kaur

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No