

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

CRA D-305-DB of 2015

Date of Decision : May 22, 2018

Sarabjeet Singh

.....Appellant

Versus

State of Punjab and another

.... Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present : Mr. Naveen Batra, Advocate
for the appellant.

T.P.S.MANN, J.

Judgment dated 13.11.2014 passed by learned Additional Sessions Judge, S.A.S. Nagar, Mohali, while acquitting respondent No.2-Shallu, wife of Jagtar Singh stands challenged by Sarabjeet Singh, brother of deceased Jasbir Singh by way of the present appeal.

Respondent No.2-Shallu and her husband Jagtar Singh were tried for committing offence punishable under Sections 302/34 IPC. The trial Court acquitted accused Shallu of the charge against her. However, Jagtar Singh was convicted

under Section 302 IPC and sentenced to undergo imprisonment for life and to pay a fine of Rs.20,000/-.

According to the prosecution, on 27.5.2013, a telephone call was received from Kanwarpal Singh, Sarpanch of village Behlolpur at Police Station Balongi to the effect that dead body of an unidentified person was lying adjoining Kajauli pipeline near land of M.G.F. and there were injuries on face, head, left ear and right cheek of the deceased. Inspector Kulbir Singh reached the spot, where he came across the appellant, who made statement that he was resident of village Nurpur Bedi. They were two brothers and one sister. His brother Jasbir Singh had left home the previous day at noon time but did not return home. His mobile was found switched off. The complainant searched for his brother but to no effect. In the meantime, the complainant received call from Kanwarpal Singh to the effect that dead body of an unidentified person having injuries and drenched in blood was lying adjoining Kajauli water supply pipeline. It was also informed by Kanwarpal Singh that a paper slip was found in the pocket of the deceased which bore mobile phone numbers 98787-49133 and 98769-47817 and, accordingly, a call was made to the complainant. After receiving phone call, the complainant alongwith his maternal uncle Dharampal and brothers-in-law Pardeep Kumar and Lakhwinder Singh reached the spot and

identified the dead body to be that of his brother Jasbir Singh. According to the complainant, his brother Jasbir Singh had been murdered by some unidentified persons as there were injury marks on the dead body. Accordingly, he prayed for taking action against the unknown assailants.

During the investigation of the case, the complainant made supplementary statement to the effect that his brother Jasbir Singh had friendship with Shallu accused and they both had eloped from their houses sometimes ago but had come back. Shallu, thereafter, married Jagtar Singh. The complainant had suspicion that his brother Jasbir Singh had been murdered by Shallu and Jagtar Singh.

Having heard learned counsel for the appellant and on going through the judgment and the record, this Court finds that the prosecution has failed to lead any evidence in order to connect Shallu with the occurrence in question. Though, the prosecution brought on record greetings card Ex.P65, love letters Ex.P66, compact disk Ex.P67 and photographs Ex.P68 to P75 to prove the motive for Shallu accused to commit the murder of Jasbir Singh but those articles do not in any way establish that she had taken part in the commission of offence of murder. Similarly, merely because, some broken pieces of bangles of red colour were recovered lying near the dead body of Jasbir Singh is

no ground to connect Shallu with commission of offence. The prosecution did not make any attempt to connect the broken pieces of bangles recovered from the spot with Shallu accused.

In view of the above, no fault can be found with the impugned judgment to the extent of acquitting respondent No.2-Shallu of the charge against her. The appeal is without any merit and, therefore, dismissed.

(T.P.S. MANN)
JUDGE

May 22, 2018
amit rana

(FATEH DEEP SINGH)
JUDGE

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