

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

**CRM 13957 of 2016 in/and
Crl. Appeal D-915-DB of 2015**
Date of Decision : October 04, 2018

Jai Bhagwan

.....Applicant

VERSUS

State of Haryana and others

.....Respondents

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

Present : Mr. Sumit Gupta, Advocate
for the applicant/appellant.

T.P.S. MANN, J.

Vide judgment dated 30.3.2015, learned Additional Sessions Judge (Exclusive Court), Jhajjar acquitted Rajpal @ Bhai Ram, Ramesh, Sadhu and Om Parkash @ Dhola-accused, who are respondents No. 2 to 5 herein of the charges under Sections 120-B, 302/307/34 IPC and of Dharampal-accused, who is respondent No.6 herein of the charge under Section 216 IPC.

Aggrieved of the acquittal of respondents No. 2 to 6, the applicant, who is a victim, being father of deceased Vijay, has filed the present application for leave to appeal and also the appeal against the impugned judgment.

Respondents No. 2 to 6 were not named as accused in the FIR. In order to connect respondents No.2 to 5 with the commission of crime, the prosecution relied upon their respective disclosure statements which are inadmissible in evidence being

inculpatory and having not led to discovery of any new fact or recovery of any incriminating material. Respondent No.4-Sadhu was arrested in the case on the basis of disclosure statement made by respondent No.2-Rajpal @ Bhai Ram. However, neither respondent No.4-Sadhu was interrogated nor his disclosure statement recorded regarding his involvement in the commission of the offence.

Respondent No.6-Dharampal was arraigned as accused under Section 216 IPC. However, there is no material brought on record that he had provided shelter to the accused persons, who were wanted by the police in the instant case.

In view of the above, no case is made out for any interference in the impugned judgment to the extent of acquitting respondents No. 2 to 6 of the charges against them.

The application (CRM 13957 of 2016) seeking leave to appeal is without any merit and, therefore, declined. Consequently, the appeal (Crl. Appeal D-915-DB of 2015) is dismissed.

**(T.P.S. MANN)
JUDGE**

October 04, 2018
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**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned.
Whether Reportable.

: Yes/No
: Yes/No