

CRA-S-3524-SB of 2014 and another connected case 1

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

CRA-S-3524-SB of 2014
Date of Decision: 03.02.2018

Ramesh**Appellant**

Vs.

State of HaryanaRespondent

CRA-S-143-SB of 2015
Date of Decision: 03.02.2018

Rajbir SinghAppellant

Vs.

State of HaryanaRespondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Satish Garg, Advocate, with
Mr.Rahul Gautam, Advocate, for the petitioner(s)
(legal aid counsel).

Mr.Vivek Saini, DAG, Haryana.

RITU BAHRI, J. (ORAL)

The present appeals have been filed by the appellants i.e. Ramesh and Rajbir Singh against the judgment of conviction dated 28.10.2013 and orders of sentence dated 29.10.2013 whereby, they have been convicted for RI of 7 years for the offence under Section 392 and 397 IPC and imposed fine of Rs.7500/- and in case of non-payment of fine further imprisonment of 7 months.

The FIR (Ex.PB/2) No.294 dated 26.07.2010 for the offence under

Sections 392, 397 IPC was registered with the Police Station City, Sonapat

on the statement of PW-2 Jitender. Complainant in his statement Ex.PB had asserted that he is working as salesman at Balaji Petrol Pump, Gohana Road, Sonipat, for last three months along with Surender and Devender who were also salesman. On 25.07.2010 at about 11:30 p.m. Surender was sleeping outside and Devender was sleeping inside the room. At about 12:00 p.m. on motorcycle CT-100 black colour without number driven by two boys with muffled faces came at petrol pump. They woke up the salesman and asked them to fill petrol, on their refusal both took out pistols and threatened them by asserting that in case petrol is not filled up, they will kill. Devender was woken up, keys of machine were taken, Petrol of Rs.100 was filled in motorcycle and Rs.100 were handed over to Devender. Thereafter the said two boys took all the three salesman inside the petrol pump by showing pistols. They took off battery of mobile phone of Surender and Devender and kept the same with them. Thereafter they asked them to hand over whatever they have. Upon which Surender had handed over Rs.2500/- and complainant had handed over Rs.40/-. The accused thereafter checked the table and Almirah lying in the office. Thereafter, said boys got petrol filled up to the full capacity of tank and they had locked all three of them in the office and ran away on motorcycle.

After registration of FIR, CCTV footage was taken in possession and disclosure statement was recorded and thereafter challan was present against the accused. Thereafter, vide order dated 26.11.2010 charges were framed against the accused persons under Section 392, 397 IPC. Prosecution has examined as many as 18 witnesses and thereafter statement of accused under Section 313 Cr.P.C. were recorded. The trial Court convicted the

witnesses. The CCTV camera at petrol pump (place of occurrence) were working properly, that the occurrence was recorded by CCTV cameras and said recording was taken in police custody from care taker of petrol pump to show that it was accused persons who had committed the offences with which they have been charged. It has been proved that identity of accused persons stands duly established by evidence of PW1 and PW2 and CCTV footage available on record. It was submitted that the description of assailants as given by PW-2 matches with description of accused facing trial and CCTV footage duly shows that it was accused persons who were committing robbery at petrol pump On 25,/26.07.2010.

The trial Court has relied upon the evidence given by PW-1 and PW-2, PW-3 corroborated by PW-6 prosecution has succeeded in proving that on the intervening night of 25/26.07.2010 two assailants armed with country made pistols came on motorcycle, by pointing country made pistol forcibly and by threatening salesman present at petrol pump robbed them of Rs.2500/- and Rs.40/- and mobile batteries. However, PW-2 and PW3 did not identify the accused. CCTV camera stated that the persons who found while doing robbery in the camera are the same accused persons. The evidence of PW-1 regarding installation of CCTV camera, recording of footage and that same was given to police was duly corroborated by PW-2 when he was cross-examined by public prosecutor. PW-2 in his cross-examination admitted that CCTV cameras were installed at petrol pump and they were working properly. The evidence of PW-1 further corroborated by evidence of PW-6 i.e. Inquiry Officer who had taken CD as well as pen drive containing CCTV footage from PW-1 on 26.07.2010 and then had got

27.07.2010. PW-9 has also supported the assertion regarding preparation of photographs from CD and pen drive handed over to IO PW-6. The evidence of prosecution regarding recording of footage at the time of robbery at petrol pump therefore stands established beyond the reasonable doubt. From evidence of prosecution it is duly established that on the day of occurrence CCTV camera were installed at petrol pump, CCTV cameras had recorded the occurrence and CCTV footage recorded on 25/26.07.2010 and produced in Court vide Ex.P-1 and pen driver are authentic and genuine containing actual recording of occurrence. So, in view of above discussion, evidence of PW-1, PW-2, P-3 and CCTV footage contained Ex.P-1 and official police witnesses was held to be consistent, trustworthy and reliable as regards to occurrence as well as identity and involvement of accused persons and the trial Court has convicted the appellants for the offence under Sections 392 read with Section 397 IPC and sentenced to undergo RI of 7 years and imposed fine of Rs.7500/- and in case of non-payment of fine further imprisonment of 7 months.

So in the light of the discussion, the judgment of conviction and orders of sentence of the trial Court does not reflect any material irregularity or perversity which warranting interference. Hence the present appeals stand dismissed.

(RITU BAHRI)
JUDGE

03.02.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No