

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

CRM-A-245-MA-2016 (O&M)

Date of decision: 19.11.2018

Mangal

.. Appellant

VS

Dheera and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajiv Sharma
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present:- Mr. Ravinder Malik, Advocate, for the appellant.
Mr. Parminder Singh, Advocate, for respondent nos. 1 to 4.
Ms. Shubhra Singh, Additional Advocate General, Haryana.

Rajiv Sharma, J.

This application for grant of leave to appeal has been filed by Mangal Singh father of deceased Nakel Singh @ Nakli, against the judgment of acquittal dated 8.10.2015 in Sessions Case No. 4 of 2015 rendered by learned Additional Sessions Judge, Karnal, wherein the accused were charged and tried for an offence punishable under Sections 302, 201, 120-B and 506 IPC.

The case of the prosecution in nutshell is that a private complaint Ex.P1 was filed by PW-1 Mangal against Dheera and others for an offence under Sections 302, 201, 120-B and 506 IPC. According to the averments made in the complaint, the respondents had conspired and murdered his son Nakel Singh @ Nakli. The dead body of Nakli was dumped in BML canal.

The postmortem of the dead body of Nakel Singh was conducted by PW-4 Dr. Jai Pal Chahal. According to his opinion, death was caused due to strangulation. There was no evidence of drowning.

The investigation was completed and cancellation report was filed. The prosecution has examined number of witnesses.

Learned trial Court after appreciation of evidence and going through the record, acquitted the respondents-accused from the charges levelled against them vide judgment dated 08.10.2015. Hence, this appeal.

PW-1 Mangal is the material witness. He has not supported the prosecution case. He testified that Nakli, his son was working as Chowkidar in R.K. Memorial School, Rahra. On 05.12.2009 his son Nakli came to him at 5.30 PM and went back at 6.00 PM to the school. On the next day, driver of the school namely Lakha came to him and informed him that his son Nakli was missing. On 6.12.2009, he came to know about the dead body of Nakli, which was lying in the BML canal. The Sarpanch of the village was informed. The postmortem of the dead body was got conducted. He did not know, who had committed the murder of his son. He further testified that he did not remember whether he had earlier made any statement in the Court of law or not. He was thereafter declared hostile by the learned Public Prosecutor. During cross-examination, he was confronted with statement Ex.P1. He had admitted that he filed a complaint and a panchayat was convened on 6.12.2009. He further testified that he has made a statement Ex.D1 to the police that his son Nakli had incidentally slipped in the canal and died.

PW-2 Sandeep was also declared hostile. PW-3 Thath Singh has not supported the case of the prosecution. He was also declared hostile and

he has only deposed that he has only seen Dheera, Santro and Sardara standing near the liquor vend and Nakli was accompanying them. In his cross examination, he told that Santro, Dheera and Sardara were standing near the liquor vend and Nakli had got the liquor from the vend.

PW-4 Dr. Jai Pal Chahal conducted the postmortem examination.

The prosecution has failed to prove the case as the material witnesses i.e. PW1 Mangal Singh and PW-3 Thath Singh were declared hostile and there is no corroborative evidence against the accused-respondents.

Accordingly, the application for grant of leave to appeal, being without any merit, stands dismissed.

(Rajiv Sharma)
Judge

19.11.2018
atul/vs

(Harinder Singh Sidhu)
Judge

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