

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

**CRM A-655-MA of 2018
Date of Decision : July 24, 2018**

State of HaryanaApplicant

Versus

Krishan @ Pada and others Respondents

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

Present : Mr. Kapil Aggarwal, Addl. A.G., Haryana.

T.P.S.MANN, J.

The respondents, seven in number, namely, Krishan @ Pada, Charan Singh, Jai Chand @ Jacha, Sandeep Kumar @ Golu, Rattan Singh, Sat Narain and Satyawar, alongwith Balsher were tried for committing offences punishable under Sections 148, 147, 302, 120-B IPC and Section 25 of the Arms Act. Vide judgment dated 6.7.2017, learned Additional Sessions Judge, Hisar acquitted the respondents of all the charges against them. However, Balsher was convicted and subsequently sentenced for committing the offences under Section 302 IPC and Section 25 of the Arms Act.

Aggrieved of the acquittal of respondents of the charges against them, the State has filed the present application under Section 378(3) Cr.P.C. seeking leave to appeal against the impugned judgment of acquittal.

According to the prosecution, on 10.2.2015 an information was received by SI Raj Kumar regarding the death of Krishan Kumar on account of firing. Accordingly, SI Raj Kumar alongwith other police officials went to village Bithmara. Inspector Jagdev Singh, Station House Officer also reached the village. The villagers were agitating and did not allow the police party to go near the dead body of Krishan Kumar. On 11.2.2015, Inspector Jagdev Singh and other police officials went to the village where Ram Kumar made statement to the effect that on the previous day, i.e. 10.2.2015 at about 4.00/4.30 p.m., he alongwith Rajender and his nephew Krishan Kumar son of Pala Ram was going home from the Bus Stand on foot. When they reached near Ramsara pond, Krishan Kumar started urinating. A little distance behind them, two vehicles stopped. 6/7 persons armed with weapons alighted from those vehicles. On hearing the noise, complainant Ram Kumar turned around and saw that Satyawar and Baljit had caught hold of Krishan Kumar whereas Krishan @ Pada was beating Krishan Kumar. Balsher and Sat Narain were having revolvers. Charan Singh threatened Krishan Kumar. Balsher

proclaimed that his father was killed on that day and he would also be sent to his father. This was followed by Balsher firing from his revolver and the shot hitting directly on the head of Krishan Kumar. Sat Narain gave injuries with the butt of the revolver. Krishan Kumar fell down. An alarm was raised. All the assailants while carrying their respective weapons boarded the vehicles and decamped from there. Rajender Kumar tried to catch hold of Rattan Singh, driver of Alto car but he was pushed away.

Having heard learned State counsel and on going through the impugned judgment to the extent of acquitting the respondents of the charges against them, this Court finds that accused Jai Chand @ Jacha and Sandeep @ Golu were not named by PW4 Ram Kumar and PW5 Rajender. Accused Charan Singh was attributed raising of lalkara differently at different time. Accused Sat Narain and Satyawan, who were named as accused in the FIR were found innocent. Further, nothing was got recovered by accused Sat Narain. Still further, accused Rattan Singh and Krishan @ Pada were attributed causing of injuries by blunt weapons, i.e. danda and butt of revolver but those were not supported by the medical evidence. All this assumes significance because of delay of 24 hours in the lodging of the FIR.

In view of the above, no case is made out for any interference in the impugned judgment to the extent of acquitting

the respondents of the charges against them. The application is without any merit and, therefore, dismissed. Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

July 24, 2018
amit rana

(FATEH DEEP SINGH)
JUDGE

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