

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-1870-MA-2015

Date of decision: August 07, 2018

Suresh Kumar

.....Applicant

Versus

Roop Chand and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. M.S. Chahal, Advocate
for the applicant.

Ms. Tanisha Peshawaria, DAG, Haryana.

None for other respondents.

A.B. CHAUDHARI, J.

The present application has been filed under Section 378 (3) Cr.P.C. for grant of filing leave to appeal against judgment and order dated 11.08.2015, passed by the learned Additional Sessions Judge, Narnaul.

Heard learned counsel for the rival parties.

It is vehemently argued that a motor cycle was recovered as per statement of Roop Chand, whereas, a piece of brick was recovered at the outset of Bhim Singh. It is submitted that medical evidence did not indicate that case of accidental death was even prima facie proved but then the case was infact of murder.

Per contra, learned State counsel submitted that the judgment and order, passed by the trial Court is legal, correct & proper and based on

the evidence. She also makes a statement that applicant No.1-Roop Chand @ Sonu has expired on 15.02.2017.

At the outset, the appeal will have to be dismissed as abated against applicant No.1-Roop Chand @ Sonu, who died on 15.02.2017.

The appeal remains only qua Bhim Singh against whom there is evidence namely, the alleged recovery of a piece of brick only without any blood thereon. As per disclosure statement, there is absolutely no evidence against Bhim Singh. We are afraid that Bhim Singh could be convicted on a remotest type of evidence for committing the alleged offence.

Application for grant of leave to appeal, is dismissed.

(A.B. CHAUDHARI)
JUDGE

(KULDIP SINGH)
JUDGE

August 07, 2018
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Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No