

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

**CRM A-695-MA of 2017
Date of Decision : July 30, 2018**

Naresh KumarApplicant

Versus

Gurmail Bharti and others Respondents

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

Present : Mr. L.M. Gulati, Advocate with
Ms. Jasneet Mehra, Advocate
for the applicant.

T.P.S.MANN, J.

Naresh Kumar, brother of injured Jaswinder Kumar has filed the present application under Section 378(3) Cr.P.C. for grant of leave to appeal against the judgment dated 11.1.2017 passed by learned Additional Sessions Judge, Patiala, whereby, respondents No. 1 to 22 were acquitted of the charges under Sections 307, 325, 323, 341, 506, 148 read with Section 149 IPC.

It may be mentioned here that respondents No. 1 to 22 alongwith four others, namely, Bhagwan Bharti, Kamal Kumar Bharti, Jasvir @ Butta Goswami and Sukhwinder @ Khannu Goswami were charged for the aforementioned offences. Proceedings against accused Balbir Bharti came to be abated. The learned trial Court acquitted respondents No. 1 to 22 of the charges against them whereas Bhagwan Bharti, Kamal Kumar

Bharti, Sukhwinder @ Khannu Goswami and Butta Goswami were convicted under Sections 148, 307/323/149 and 341 IPC and, subsequently, they were sentenced to undergo imprisonment for five years and to pay a fine of Rs.20,000/- each.

On going through the impugned judgment, this Court finds that only Bhagwan Bharti, Kamal Kumar Bharti, Butta Goswami and Sukhwinder @ Khannu Goswami were attributed specific role in the commission of crime. No role was assigned to respondents No. 1 to 22. Mere mentioning of the names of the respondents No. 1 to 22, in the complaint or by PW2 Naresh Kumar during the trial of the case is not enough to establish the participation of the said respondents in the commission of the crime.

In view of the above, no case is made out for any interference in the impugned judgment to the extent of acquitting respondents No. 1 to 22 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 30, 2018
amit rana

**(FATEH DEEP SINGH)
JUDGE**

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No