

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

CRM A-994-MA of 2017

Date of Decision : November 27, 2018

Rajinder Singh

.....Applicant

VERSUS

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

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

T.P.S. MANN, J.

The applicant, who is father of deceased Mandeep Singh @ Deep, has filed the present application under Section 378(4) of the Code of Criminal Procedure for grant of special leave to appeal against the judgment dated 27.3.2017 passed by learned Additional Sessions Judge, Ludhiana.

Vide impugned judgment, learned trial Court acquitted Shubham Kumar and Naveen Kumar-accused of the charges under Sections 302, 365 and 201 IPC whereas Rajat Kumar @ Rajat-accused, respondent No.2 herein, was acquitted under Sections 365 and 201 IPC but convicted under Section 302 IPC and sentenced to undergo imprisonment for life.

According to the prosecution, the deceased was aged about 22 years and studying computer hardware at Jetking Institute, Malhar Road, Gurdev Nagar, Ludhiana. On 6.10.2014 at about 11.00 a.m., he left the house for studies but did not return. DDR No. 15 dated 7.10.2014 regarding missing of the deceased was recorded at Police Station Division No.7, Ludhiana. Suspecting that his son had been kidnapped by some unknown persons, the complainant made statement before the police on the basis of which FIR under Section 365 IPC was registered. During the investigation, Inspector Paramjit Singh received information that some unknown person had died in the area of Police Station Phillaur and proceedings under Section 174 Cr.P.C. had been conducted. The features of the deceased matched with the features given in the missing report of Mandeep Singh-deceased. Accordingly, offences under Sections 302 and 201 IPC were added.

At the outset, learned counsel for the applicant states that he does not press the present application qua respondent No.2-Rajat Kumar @ Rajat. However, he has submitted that the learned trial Court erred in acquitting respondents No.3 and 4 of the charges under Sections 302, 365 and 201 IPC.

Having heard learned counsel for the applicant and on perusing the impugned judgment passed by the learned trial Court, this court finds that in his initial statement Sewa Singh had

mentioned only Rajat Kumar-accused, whom he had seen accompanying deceased-Mandeep Singh. Therefore, the presence of Shubham Kumar and Naveen Kumar alongwith the deceased becomes highly suspected. Further, no evidence had been led by the prosecution to sustain the charges against Shubham Kumar and Naveen Kumar-accused.

In view of the above, the application qua respondent No.2-Rajat Kumar @ Rajat is dismissed as not pressed. At the same time, application qua respondents No.3 and 4, namely, Shubham Kumar and Naveen Kumar is without any merit and, therefore, dismissed. Special leave to appeal is declined.

**(T.P.S. MANN)
JUDGE**

November 27, 2018
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**(AVNEESH JHINGAN)
JUDGE**

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