

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

Sr. No.218

**CRA-D-788-DB-2015 (O&M)**

**Date of decision : 27.5.2019**

Madan Lal

..... Appellant

VERSUS

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY  
HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. A.K. Khunger, Advocate, for the appellant.

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**SUDHIR MITTAL, J.**

The complainant has preferred this appeal against the acquittal of accused Surinder Singh @ Sheela, Harnek Singh, Harbhajan Singh @ Bhajna, Beant Singh and Jagdeep Singh.

2. The investigation was commenced on a medical ruqa dated 4.2.2014, received from Civil Hospital, Malout regarding death of Mohan Lal. On reaching the hospital Mohan Lal son of Balak Nath (complainant) got his statement recorded that deceased Mohan Lal was his younger brother. His son Vishal Kumar aged about 07 years was flying a kite on the rooftop on 2.2.2014. Kala and Sheela sons of Raj Singh were also flying a kite on rooftop. The thread of the kite of Kala

and Sheela got cut and the kite was caught by Vishal Kumar. This led Kala and Sheela to come to his house and give beatings to Vishal Kumar. On the date of the incident, Kala and Sheela came to their house and threatened the ladies. His brother Mohan Lal went to see-off some friends at around 6.30 p.m. and when he was returning home, the youngest brother Sohan Lal went to receive him. Accused persons were standing near the house of Harnek Singh and at that time, Kala Singh was armed with knife while the others were empty handed. Kala Singh gave a knife blow on the head of his brother and the other accused threw him down on the ground and gave fist blows. The complainant and his younger brother Sohan Lal raised hue and cry, which attracted the neighbours and the accused fled away from the spot. Mohan Lal was got admitted in Civil Hospital, Malout, where he was declared brought dead.

3. The accused pleaded false implication and set up a defence of alibi.

4. On appreciation of evidence, the trial Court convicted Varinder Singh @ Kala under section 302 IPC and acquitted the other accused by giving them benefit of doubt. It was found that only 02 injuries were present on the person of the deceased out of which the head injury (which caused the death) was inflicted by Varinder Singh @ Kala and injury No.2 was result of injury No.1. Hence, the trial Court held that since the co-accused did not inflict any injury, their mere presence was not sufficient to convict them as the prosecution had failed to prove that they had collected at the spot with the common object of murdering deceased Mohan Lal.

5.            Learned counsel for the appellant has not been able to  
  
impeach the finding of the trial Court and thus, we do not find any reason  
  
to interfere therewith.
6.            The appeal is accordingly, dismissed.

**(DAYA CHAUDHARY)**  
**JUDGE**

**(SUDHIR MITTAL)**  
**JUDGE**

**27.5.2019**  
Ramandeep Singh

Whether speaking / reasoned  
  
Whether Reportable

Yes / No  
  
Yes/ No