

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-33993-2018 in/and
CRM-A-2027-MA-2018
Date of Decision : 18.7.2019

Balwan

..... Appellant

Versus

Satpal and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present : Mr. S.S.Verma, Advocate
for the applicant-appellant.

AJAY TEWARI, J. (Oral)

CRM-33993-2018

For the reasons recorded, the application is allowed. Delay
of 34 days in filing the appeal is condoned.

Main Case

This is an application for granting leave to appeal against
the judgment of acquittal of respondents No. 1 to 4 dated 23.3.2018
passed by learned Additional Sessions Judge, Jhajjar.

Brief facts of the case are that the complainant-Balwan
reported to the police that while he was going for a walk on 22.5.2015, he
came to know that dead body of his uncle Anup was lying in the shamlat
land. It was his case that the deceased-Anup who was a drunkard had sold
a house 6-7 months ago for a sum of Rs.4.5 lakhs, after which his drinking
habit had increased and he had become a vagabond and he used to sleep in
the temple or near the pond. As per the appellant, the accused persons had

killed Anup because accused Satender had purchased the house for a sum of Rs 4.5 lakhs and had not paid the entire money to him. The other evidence was the recovery of danda/gandasi on the basis of disclosure of accused Jai Parkash. The Court below found that danda was recovered from Satender @ Kalu and gandasi was recovered from Jai Parkash @ DTC. The Court below noticed that the accused persons had been apprehended only after about 6 months and there was no reason for them to have kept danda and gandasi in such a place where the police could easily recover them. The Court below also noticed that no blood stain was detected on the alleged danda and gandasi. The Court below found that story about non-payment of sale consideration of house to be untenable because no evidence was ever led that the deceased had made any complaint about the same. Consequently, the Court below found that the circumstantial evidence did not meet the requirements as laid down in a catena of judgments and there were many unexplained circumstances which could not be said to be pointing only to the guilt of the accused.

In the circumstances, we see no reason to interfere with the findings of the Court below. The application for leave is declined.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

**(AJAY TEWARI)
JUDGE**

**(HARNARESH SINGH GILL)
JUDGE**

**18.7.2019
anuradha**

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