

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

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**CRM-33720-2019 in/and
CRM-A-2415-2019 (O&M)
Date of Decision: 19.12.2019**

State of Haryana

... Applicant

vs.

Rinku and Another

.. Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE VIVEK PURI**

Present : Ms. Tanisha Peshwaria, Deputy Advocate General, Haryana.

AJAY TEWARI, J.(ORAL)

CRM-33720-2019

For the reasons stated in the application, the same is allowed.

Delay of 108 days in filing the application for leave to appeal is condoned.

CRM-A-2415-2019

2. The present application has been filed under Section 378 (3) of Code of Criminal Procedure by State of Haryana seeking leave to appeal against the judgment of acquittal dated 04.04.2019 passed by Additional Sessions Judge, Karnal, vide which accused/respondents were acquitted in FIR No. 435 dated 03.12.2016 under Sections 398, 401,307,420,467,468,471 of IPC and under Section 25/54/59 of Arms Act, registered at Police Station Butana, Karnal.

3. The charge against the respondents was that on the day in question, they were stopped by the police in a stolen car with 06 forged number plates and registration certificates and when the police party tried to apprehend them, they shot at the police party.

4. The Trial Court has considered the entire evidence and has correctly found serious contradictions and anomalies in the case of prosecution.

5. The occurrence is stated to have taken place on 02.12.2016 at 7:30 P.M. and the police station was one and a half kilometers away but the FIR was lodged at 1:48 P.M on the next date, i.e. 03.12.2016, and there is no explanation for the same. The Police witnesses had to admit that the occurrence had taken place on a busy road but not a single public witness was found who could corroborate that any firing had actually taken place by the respondents.

6. No pallet or bullets were found at the site of crime. The learned trial Court noticed that in the direction, the shots were fired, there was *pucca* wall which would have definitely received an imprint of a shot. Even as regards the disclosure statements, they were recorded on two occasion of each of the respondents but no recovery was made pursuant thereto and this led the trial Court to believe that the pistols could have been planted upon the respondents. The trial Court also noticed that the the Armourer, who had come to depose, did not actually test the gun firing but only deposed that the pistols were in a working condition.

7. We see no reason to take a different view.

8. Accordingly, the present application stands dismissed.

**(AJAY TEWARI)
JUDGE**

**(VIVEK PURI)
JUDGE**

19.12.2019
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