

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

CRA-D-1475-DB-2015 (O&M)
Reserved on : September 10, 2019
Date of Decision: January 20, 2020

Harish Kumar Verma alia Kaka ...Appellant

Versus

State of Punjab ...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA,
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Ms. Pratula Sethi, Advocate for appellant.

Mr. H.S. Grewal, Additional A.G. Punjab.

HARINDER SINGH SIDHU, J.

1. This appeal has been instituted against the judgment and order dated 16/18.09.2015 of the learned Sessions Judge, Ludhiana in Sessions Case No.35 of 2013, whereby, the appellant was tried and convicted for offence under Section 302 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.10,000/- and in default to undergo rigorous imprisonment for a further period of 6 months.

2. The case of the prosecution in a nutshell is that on 07.02.2013, information was received at Police Post Lalton Kalan (P.S. Sadar Ludhiana) regarding death of Pawan Pandey. A police party headed by ASI Balbir Singh, Incharge P.P. Lalton Kalan went to Civil Hospital, Ludhiana, where complainant Gitika Pandey got recorded her statement that she was working as Field Executive in IPSOS (Marketing) Company at Ludhiana for the last

8 years. Her brother Pawan Pandey aged about 26 years was working as

Market Researcher and residing with her. On 06.02.2013, she had gone to Amritsar in connection with some work. She stayed there in Azad Hotel. At about 3.00 am on the night intervening 6/07.02.2013 she received a phone call from mobile number 99883-61803 of Harish Kumar alias Kaka (appellant) on her mobile number 96468-27263. Harish Verma informed her that he and Pawan Pandey had gone to Bath Castle, Marriage Palace, Ludhiana to attend the marriage of their friend where Pawan Pandey became unwell. He was taken to Civil Hospital Ludhiana where the doctor declared him dead. On receipt of this call complainant left for Ludhiana and directly reached Civil Hospital. She requested that a post mortem of dead body of her brother be conducted as it was not clear how he had died. On the basis of statement, ruqa was sent to Police Station for making entry in the Daily Diary Register. ASI Balbir Singh prepared Inquest Report. Post mortem was conducted on 07.02.2013. The viscera was sent for analysis to the office of Chemical Examiner. On 08.02.2013 complainant Gitika Pandey alongwith her uncle Suresh Bhardwaj met SI Amardeep Singh and got recorded her statement that she is of the firm belief that her brother Pawan Pandey had died due to negligence of Harish Verma alias Kaka. Harish Verma had taken her brother to Bath Castle Marriage Palace and had offered drink to her brother. She suspected that some poisonous substance had been mixed in his drink because of which her brother died. She further stated that Mamta Verma sister of Harish Verma alias Kaka had been working with the complainant. About 6 months earlier she was removed from job. About two months back Mamta Verma had come to the house of complainant protesting against her removal and also threatened the

complainant with dire consequences. Harish Verma was nourishing a grudge against the complainant on that account and it appears to be reason why he killed her brother Pawan Pandey. On this statement, FIR under Section 302 IPC was registered against Harish Verma alias Kaka. Report dated 24.06.2013 of Chemical Examiner was received as per which chloro-compound group of insecticide was found in the viscera of Pawan Pandey. Thereafter, the doctors who conducted post- mortem examination gave opinion that cause of death in this case was due to choloro- compound group of insecticides which were sufficient to cause death in the ordinary course of nature.

3. For some time, the police did not take any action on her complaint. Dissatisfied with their inaction she filed criminal complaint against Harish Verma and others under Sections 302, 379/34 IPC in the Court of Illaqa Magistrate, Ludhiana in relation to this occurrence. Accused was arrested on 03.09.2013. Challan was presented on 23.10.2013.

4. The prosecution examined number of witnesses in its support. The statement of the accused under Section 313 Cr.P.C. was recorded. He stated that he with three/four friends had gone to attend the marriage of a friend. Liquor was also served in the marriage party. His friends were sitting on one table. Pawan Pandey alongwith other boys started consuming neat whiskey one after the other. In spite of his asking them not to do so they did not stop consuming neat whiskey. Pawan Pandey and other boys were also consuming something like Gutka alongwith their drinks. After taking three/four drinks, the other boys moved out of the *pandal* in an inebriated state. Pawan Pandey fell down from the chair. He with the help

of other persons tried to take care of him. Thereafter, Pawan Pandey was taken to Civil Hospital by calling a taxi. He informed Gitika Pandey the sister of Pawan Pandey on telephone. She was in Amritsar and reached the hospital in morning. The police was also present there and her statement was recorded by the police. He stated that he was innocent. He had not committed any offence and had been falsely implicated in the case.

5. The appellant was convicted and sentenced as referred to above. Hence, this appeal.

6. We have heard learned counsel for the parties and have gone through the judgment and record.

7. PW1 Gitika Pandey stated that she had been working as Field Executive in IPSOS Marketing Research Company. She has now resigned. She was earlier posted at Delhi. In 2004, she alongwith her brother was transferred to Ludhiana. On 06.02.2013 she had gone to Amritsar in connection with the work of company. She stayed at Azad Hotel, Near Bus Stand. On 06.02.2013 at about 8.30 pm she received a telephonic call from the mobile of her brother Pawan Pandey. She informed him that she had to stay at Amritsar and asked him to take care of himself. On 07.02.2013 at about 3.00 am she received a phone from the mobile of Harish Verma alias Kaka. He hurriedly informed her that he had brought her brother to attend a marriage at Bath Castle and also stated that the condition of Pawan Pandey suddenly deteriorated. He was taken to Civil Hospital Ludhiana where he was declared dead by the doctors. She tried to call on the phone of her brother. However, there was no response. She immediately rang up her landlady Mithlesh alias Seema in order to inquire about her brother Pawan

Pandey. Mithlesh informed her that yesterday i.e. on 06.02.2013 Harish Verma had come with some boys at about 9.00 pm and had taken Pawan Pandey alongwith him. Thereafter, the complainant took a taxi and rushed to Civil Hospital, Ludhiana. She saw dead body of her brother in the mortuary. She noticed that there were some injuries on his body. The body was swollen, was of a bluish colour. She also noticed blood near the nostril and mouth. When she reached the hospital Harish Verma was not present. She tried to contact Harish Verma and his sister. Bharti Verma the sister of Harish Verma threatened her on phone that they shall see after the post mortem report. Then she went to her house and from there alongwith her landlady Mithlesh, Neena Sachar and others went to the Police Station at about 10.00 am. Harish was not present at the spot. Inquest proceedings were conducted. She contacted the senior officers on 07.02.2013. Thereafter, police recorded her statement dated 07.02.2013 Ex.PA and her statement dated 08.02.2013 Ex.PB on the basis of which FIR was recorded. When she saw the dead body in the hospital, the mobile, gold chain, gold ring and socks of deceased were missing. The missing mobile phone of her brother remained operational for one month after his death. She kept informing the police but no attempt was made by police to trace the phone. She submitted written complaints to DGP, ADGP Crime, Commissioner of Police and others but the police made no attempts to investigate the matter. She also filed criminal petition in the Punjab and Haryana High Court. After notice was issued to Punjab State, the police swung into action and arrested the accused. She identified the accused in Court.

8. In cross examination by learned counsel for accused, she stated

that she had told the police that on 06.02.2013 at 8.30 pm her brother had spoken to her on the phone. She also stated that she had got recorded in her statement that Harish had telephoned her that he alongwith her brother Pawan Pandey had gone to attend the marriage of his friend where condition of Pawan Pandey worsened. She immediately rang up her landlady who informed her that Pawan Pandey had gone with Harish Kumar and other boys at 9.00 pm. She stated that in her first statement she had stated that Harish was responsible for death of her brother as he had taken him along to the marriage. She stated in her statement that she had mentioned before the Police that when she reached Civil Hospital Ludhiana she noticed that dead body of her brother was having injuries and blood was coming out of his nostril and body had cynosis (blue colour). She was confronted with her statement EX.DA where these facts were not mentioned. She stated that her brother never used to take liquor.

9. PW2 Dr. Pardeep Mohindra, Medical Officer, Civil Hospital, Ludhiana stated that on 07.02.2013 he was posted as Medical Officer, Ludhiana. On that day, he alongwith board members Dr. Yogesh Khanna and Dr. Jasbir Kaur (which was constituted by SMO Incharge Dr. Harpreet Singh Nagi, Civil Hospital, Ludhiana) conducted post mortem examination on the dead body of Pawan Pandey. The dead body was brought by HC Gurjot Singh Police Station Sadar Ludhiana and was identified by Kamaljit Singh son of S. Harbans Singh and Narinder Singh son of Chattar Singh. The body was brought from Bath Castle Marriage Palace to Civil Hospital Ludhiana. The body was received in the mortuary at 3.10 am on 07.02.2013. The post mortem examination on the dead body was conducted

at 2.40 pm on 07.02.2013. As per the information furnished by the Police death occurred due to intake of Alcohol. Rigor mortis was fully developed and postmortem staining was present on back. Eyes and mouth were closed. Blood stained discharge from the angle of mouth (left side) was present. Watery discharge was present from both nostrils (inside and around both nostrils). Cyanosis of nails of fingers and toes and mucous membrane of both lips was present. Larynx and trachea were congested and contained semi-digested food particles. The following injuries were found on the dead body :

- “1. Abrasion reddish brown 21.25 inches x 7.25 inches was present on right lateral aspect of chest and abdomen*
- 2. Abrasion reddish brown 4.25 inch x 1.75 inch present over posterior aspect of right elbow in its middle; Meninges and brain, pleural cavities, both lungs, peritoneum, liver, spleen, both kidneys were congested.*

The viscera of the deceased, was sent for chemical analysis to the Chemical Examiner, Government of Punjab, Kharar. The viscera of deceased were also sent to the Head of the Pathology Department, Government Medical College, Patiala for histopathological examination.

10. The cause of death was due to chloro-compound group of insecticides which was sufficient to cause death in an ordinary course of nature. The probable time between injury and death was kept pending and time between death and post mortem examination was about 12 hours. The attested copy of post mortem Register is Ex.PD and pictorial diagram showing the seats of injuries is Ex.PD/1.

11. In cross examination he stated that it was correct that as per information given to them by the Police, death was due to intake of alcohol.

He did not know if any news regarding death of Pawan Pandey was published wherein it was mentioned that he had consumed excessive alcohol without water. He could not say if chloro-compound group of insecticide is usually found in food item like vegetables, pulses, fruits on which insecticides are sprayed. The possibility of injuries No.1 and 2 i.e. abrasion on dead body being caused while loading and unloading body in vehicle cannot be ruled out. The abrasions were not fatal and cause of death in this case.

12. PW3 Naveen Mitter resident of 48-F, Kitchlu Nagar Ludhiana stated that his father Hari Om Mitter runs a photography shop by the name of Mitter Movie at Tagore Nagar, Ludhiana. They used to send their employees to click photographs and prepare movies of functions. On 06.02.2013 their employee Sonu Sharma and one Prince had prepared CD of the function held at Bath Castle Marriage Palace. During investigation the police had got prepared CDs of said function from their shop which he had handed over to ASI Balbir Singh.

13. PW4 HC Sukhdev Singh brought the original complaint file of Gitika Pandey dated 10.6.2013. In cross examination, he stated that after inquiry the complaint was filed as per reasons mentioned in the report.

14. PW5 Suresh Bhardwaj stated that complainant was the daughter of his wife's brother. On 08.02.2013 he accompanied her to the Police where she got recorded her statement Ex.PB. He identified his signatures on said statement on point A.

15. PW6 HC Gurjot Singh deposed regarding deposit of two sealed parcels containing viscera and two sealed envelopes in the office of

Chemical Examiner, Kharar and Rajindra Hospital, Patiala respectively.

16. PW7 HC Rakesh Kumar stated that on 07.02.2013 he was posted as MHC P.S. Sadar Ludhiana. On that day, ASI Balbir Singh of P.P. Lalton deposited with him two sealed parcels and two sealed envelopes. On 08.02.2013 he handed over both sealed parcels and sealed envelopes alongwith sample seal to Constable Gurjot Singh for depositing one parcel and one envelope in the office of Chemical Examiner, Kharar and another parcel and envelope in the Department of Pathology, Rajindra Hospital, Patiala. Constable Gurjot Singh after depositing the parcels and envelopes in the respective offices handed over the receipts to him.

17. PW8 SI Amandeep Singh stated that on 08.02.2013 he was posted as SHO, P.S.Sadar, Ludhiana. On that day Gitika Pandey complainant got recorded her statement Ex.PB. It was read over to her and she signed it admitting it to be correct. Suresh Bhardwaj who accompanied her also signed the said statement. FIR Ex.PK/1 was recorded on the basis of her statement. He visited the place of occurrence and prepared rough site plan Ex.PL and recorded statements of witnesses. During investigation, he collected CD of marriage vide memo Ex.PM. After receipt of viscera report Ex. PF accused was arrested. After completion of investigation challan was prepared against accused. He identified the accused in Court.

18. In cross examination by learned counsel for accused he admitted that as per statement of complainant the death of Pawan Pandey had occurred when he alongwith others was present in Bath Marriage Palace in the marriage function where he developed some problem and was taken to Civil Hospital Ludhiana by the accused. He stated that in Ex.PA

nothing was alleged against anybody and no motive was assigned by complainant.

19. PW9 ASI Balbir Singh stated that on 07.02.2013 he was posted as Incharge, P.P. Lalton, Police Station Sadar, Ludhiana. On that day he received a ruqa from Civil Hospital Ludhiana about unnatural death of Pawan Pandey. He alongwith other police officials went to Civil Hospital Ludhiana where Gitika Pandey met them and got recorded her statement Ex.PA. He conducted inquest proceedings. He moved application Ex.PE to SMO, Civil Hospital, Ludhiana for conducting post mortem examination of dead body of Pawan Pandey. After post mortem, the dead body of Pawan Pandey was handed over to Gitika Pandey. The viscera of deceased was sent to hospital at Patiala and Chemical Examiner at Kharar. He had clicked photographs Ex.P1 to Ex.P6 on his mobile phone camera. He produced photographs and CD of marriage before SHO Amandeep Singh, PS Sadar Ludhiana. The photographs were taken into possession vide memo Ex.PP. CD was taken into possession vide memo Ex.PM. Later on investigation was taken over by SI Amandeep Singh.

20. PW10 Shiv Shankar stated that he was posted as Pharmacist at Helpline No.108 Ambulance Service at Ludhiana. On 07.02.2013 a phone call was received from 108 service. They were asked to reach Bath Castle Marriage Palace. He alongwith Gurbir Singh pilot of Ambulance No. 108 reached with Ambulance and took an unconscious person from Bath Castle Palace and got him admitted in Civil Hospital Ludhiana.

21. PW11 Seema stated that Gitika Pandey and her brother Pawan Pandey were staying on rent in her house for the last 4 years. Gitika Pandey

had been working on research programme in a company. Pawan Pandey was also working on same job in some other company. On 06.02.2013 at about 8.45/9.00 pm Harish alongwith two/three other persons came to their house. Pawan Pandey called her and asked her to bolt the door as he was going with Harish. Pawan Pandey did not return home on that night. Around 3.00/3.15 next morning she received a telephone call from Geetika from Amritsar who inquired about Pawan Pandey. She (PW11) informed Gitika that Pawan Pandey had gone with Harish and had not returned. Gitika informed her that Pawan Pandey had been taken to Civil Hospital Ludhiana on account of his ill health. On learning this she alongwith her husband Narinder Singh left for Civil Hospital Ludhiana. Harish was present there. The staff informed her that Pawan Pandey was inside the room. She noticed blood and injury marks on the person of Pawan Pandey, on his mouth and back. Gitika informed her that she had already left Amritsar and would reach Ludhiana. They stayed at Civil Hospital Ludhiana for the whole day. Police reached hospital at 9.00/9.30 am. Her husband identified dead body of Pawan Pandey.

22. PW12 Avtar Singh deposed that on 27.09.2013 he went to Bath Castle Marriage Palace and prepared scaled site plan Ex. PQ on the instructions and pointing out of Harmeet Singh.

23. PW13 Kamaljit Singh deposed that Pawan Pandey and his sister Gitika Pandey had been residing in house of Narinder Singh which was in his neighbourhood. He deposed that on 07.02.2013 he identified the dead body of deceased in the mortuary of Civil Hospital Ludhiana. His statement was recorded by police under Section 175 Cr.P.C.

24. PW14 Harmeet Singh stated that in year 2013 he was working as Manager at Bath Castle Marriage Palace, Pakhowal Road, Ludhiana. There was a marriage function on 06.02.2013 in the night. Liquor was being served to guests at function. About 500-600 guests were present in marriage function. He was overseeing the function from all angles as he was the manager of the marriage palace. At around 11/11.30 pm he went to take a round of the marriage palace. When he reached in the lawn of marriage place he noticed that one person was lying in lawn. 15/20 persons were standing around. He thought he might have fallen due to intake of excessive liquor. On inquiry from persons present they stated that he had fallen after taking liquor. Some of them asked him to call a doctor. He tried to contact Helpline No.108 from his mobile, but there was no response. He also tried to contact emergency number 100 but without success. Meanwhile, father of bride came and took him to arrange the ceremony of marriage. After arranging the *Vedi*, he returned to the place where said person was lying but by then he was not present. The waiters informed him that boy had been taken in Ambulance 108. The next day the police came to marriage palace and recorded his statement. He did not know the person who had fallen down or the persons who were present around him.

25. The learned PP tendered in evidence FSL report Ex.PF, contents of which read as under:

“2. The packet consisted of one sealed parcel, sealed with a seal bearing the impression on the invoice, hereunto attached, received with 16 seals entire and intact. The contents of the packet were as follows :

I) A sealed jar said to contain Preservative.

II) A sealed jar said to contain stomach and its contents,

partso of small and large intestines

III)A sealed jar said to contain parts of lungs and heart.

IV)A sealed jar said to contain parts of liver, spleen, kidneys.

V) A sealed jar said to contain Blood.

3. The above seals were opened in my presence and the contents of the packet were duly examined by me and remained under my immediate custody until examination was completed.

The poison I was led to examine for were :

On the observation of the Analyst the result was as follows :

CHLOROCOMPOUND group of insecticides detected in the contents of exhibits II, III, IV, V. No poison detected in the contents of exhibit I.”

26. The case is based on circumstantial evidence. The case was registered on the statement of PW1- Gitika Pandey who stated that her brother Pawan Pandey was working as Market Researcher and residing with her. On 06.02.2013, she had gone to Amritsar in connection with some work. She stayed there in Azad Hotel. At about 3.00 am on the night intervening 06/07.02.2013 she received a phone call from mobile of Harish Kumar alias Kaka (appellant) on her mobile phone. Harish Kumar Verma informed her that he and Pawan Pandey had gone to Bath Castle, Marriage Palace, Ludhiana to attend the marriage of their friend where Pawan Pandey became unwell. He was taken to Civil Hospital Ludhiana where the doctor declared him dead. On receipt of this call, the complainant left for Ludhiana and directly reached Civil Hospital. On her request post mortem was conducted as it was not clear how he had died. After recording her

statement ruqa was sent to Police Station. An entry was made in the Daily Diary Register. Post mortem was conducted on 07.02.2013. The viscera was sent for analysis to the office of Chemical Examiner. On 08.02.2013 complainant Gitika Pandey got recorded supplementary statement that Harish Verma had taken her brother to Bath Castle. She suspected that some poisonous substance had been mixed in his drink because of which her brother died. She also stated that Mamta Verma sister of Harish Verma had been working with complainant. About 6 months earlier she was removed from job. About two months ago Mamta Verma had come to the house of complainant protesting against her removal and also threatened the complainant with dire consequences. Harish Verma was nourishing a grudge against the complainant and that appeared to be reason why he killed her brother Pawan Pandey.

27. As per report of Chemical Examiner chloro- compound group of insecticide was found in the viscera of Pawan Pandey. Thereafter, the doctors who conducted post- mortem examination gave opinion that cause of death in this case was due to choloro- compound group of insecticides which were sufficient to cause death in the ordinary course of nature.

28. The case of the accused in his statement under Section 313 Cr.P.C. was that he along with three/four friends had gone to attend the marriage of a friend. Liquor was served in the marriage party. His friends were sitting on one table. Pawan Pandey alongwith other boys started consuming whisky neat one after the other. In spite of his asking them not to do so they did not stop consuming the whiskey neat. Pawan Pandey and other boys were also consuming something like Gutka alongwith their

drinks. After taking three/four drinks, the other boys moved out of the pandal in an inebriated state. Pawan Pandey fell down from the chair. He with the help of other persons tried to take care of him. Thereafter, Pawan Pandey was taken to Civil Hospital by calling a taxi. He informed Gitika Pandey the sister of Pawan Pandey on telephone. He had not committed any offence and had been falsely implicated in the case.

29. Thus, both according to the version of the prosecution and the defence on 06.02.2013 the accused along with Pawan Pandey deceased had gone to Bath Castle Palace to attend the marriage of their friend. At the marriage function the deceased fell ill. He was taken to Civil Hospital where the doctor declared him dead.

30. The only divergence is that whereas PW1 Geetika suspected that poisonous substance had been mixed by the appellant in the drink of the deceased but as per the appellant the deceased along with his other friends started drinking whisky neat one after the other. They were also consuming something like Gutka alongwith their drinks. After taking three/four drinks, the other boys moved out of the *pandal* in an inebriated state. Pawan Pandey fell down from the chair. He was taken to Civil Hospital but he died.

31. What is significant is that no body has seen the appellant mixing any substance in his drink. PW14 Harmeet Singh, the Manager at Bath Castle Palace deposed that there was a marriage function on 06.02.2013 in the night. Liquor was being served to guests at the function. About 500-600 guests were present in marriage function. At around 11/11.30 pm when he was taking a round of the marriage palace he noticed

that one person was lying in lawn. 15/20 persons were standing around him. On inquiry, the persons present there stated that he had fallen after taking liquor. He went to look after some other arrangements. When he came back the waiters informed him that boy had been taken in Ambulance.

32. It is clear that there were a large number of guests present in the marriage palace and liquor was freely served. It would be very difficult for anyone to mix insecticide/ poisonous substance with the drinks of the deceased in such a crowded place. Moreover, all the persons present there stated that the person had fallen due to excessive intake of liquor. No one had suspected any foul play. No container or wrapper in which the poisonous substance could be carried was recovered from the palace. The prosecution has not examined any person from amongst those present at the table where the deceased was drinking to even remotely suggest that the accused may have mixed anything in the drink of the deceased.

33. The conduct of the appellant is also not one which would arouse any suspicion. No sooner the deceased fell ill he took him to the hospital. He also informed his sister. PW11 Seema, the landlady where PW1 Geetika was staying on rent testified that at about 3.00/3.15 am on 07.02.2013 she received a telephone call from Geetika from Amritsar who informed her that Pawan Pandey had been taken to Civil Hospital Ludhiana on account of his ill health. On learning this, she alongwith her husband Narinder Singh left for Civil Hospital Ludhiana. Harish-accused was present there.

34. The motive projected by PW1 in her supplementary statement and in her deposition in Court also does not appear to be convincing.

Merely because the sister of the accused had once worked with PW1 and she had been removed from the job, would not furnish a strong enough reason for the accused to cause the death of her brother. PW1 has not explained in what capacity his sister was working with her. There is no evidence that in fact the sister of accused was working with her. Moreover, this motive appears to have been introduced by PW1 as an afterthought. No such motive had been alleged in her initial statement Ex PA.

35. PW1 has also made many material improvements over her initial statement while deposing in Court. In cross examination by learned counsel for accused, she stated that she had told the police that on 06.02.2013 at 8.30 pm her brother had spoken to her on the phone. She also stated that she had got recorded in her statement that Harish-accused had telephoned her that he alongwith her brother Pawan Pandey had gone to attend the marriage of his friend where condition of Pawan Pandey worsened. She immediately rang up her landlady who informed her that Pawan Pandey had gone with Harish Kumar and other boys at 9.00 pm. She stated that in her first statement she had stated that Harish was responsible for death of her brother as he had taken him along to the marriage. She stated in her statement that she had mentioned before the Police that when she reached Civil Hospital Ludhiana she noticed that dead body of her brother was having injuries and blood was coming out of his nostril and body had cynosis (blue colour). She was confronted with her statement EX.DA where these facts were not mentioned.

36. It appears that the accused was on friendly terms with the deceased. He even knew the mobile number of the complainant, who is

sister of the deceased. Even her landlady knew him as is clear from her deposition where she stated that the appellant along with 2-3 other persons whose names she did not know had come to the house and Pawan Pandey had gone with them.

37. Further, if as stated by the complainant PW1 the accused had threatened her that she would suffer consequences on account of removal of his sister from the job, she would certainly have disclosed this fact to the deceased who was living with her and cautioned him about associating with the deceased. In that event, it is highly doubtful that the deceased would have accompanied the accused to the marriage party.

38. The prosecution has not been able to prove the case against the accused beyond reasonable doubt.

39. Accordingly, the appeal is allowed. Appellant Harish Kumar Verma @ Kaka is acquitted of all the charges framed against him by giving him benefit of doubt. He be released forthwith, if not required in any other case.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

January 20, 2020
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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No