

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

**205**

**CRA-AD-161-2020**

**Decided on : 19.09.2022**

Pushpa Devi

...Appellants

Versus

State of Punjab and others

... Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA  
HON'BLE MR.JUSTICE JAGMOHAN BANSAL**

Present: Mr.SPS Sidhu, Advocate, for the appellant.

Mr.Arjun Sheoran, DAG, Punjab.

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**G.S. Sandhawalia, J. (Oral)**

The present appeal is directed against the judgment of acquittal dated 27.11.2019 in FIR No.29 dated 07.02.2015 lodged under Sections 302, 120-B IPC & Section 25 of the Arms Act, by the complainant/appellant, Pushpa Devi who was examined as PW-1 and is mother of the deceased-Rajinder Singh.

The case was that information was received of the medical ruqa regarding the dead body of Rajinder Singh at the Medical College and Hospital, Faridkot wherein the statement of the complainant was recorded that on 06.02.2015 her son Rajinder Singh who had two mobile phone numbers had gone to Bathinda with Sukhwinder Singh @ Bhola in connection with some work. He had not responded to her calls made and she waited for him as he usually remained busy in his transport business. She cooked food for him and went to sleep after closing the door. At about 11.30 PM she heard noise of the vehicle of her son Rajinder Singh and she heard him while whispering with someone. She thought that he might be talking with someone on the mobile phone. At about 12.30 night, when she woke up to attend the call of nature, she saw the door of her house

open and when she was about to close the door. She looked towards the street and found her son lying in the street and there was fire shot on the left side of his temporal region and blood was profusely oozing out from it. On raising noise, the neighbours Malkit Singh and Nirmal Singh came and they brought her son to GGS Medical Hospital, Faridkot where he was declared 'brought dead'. The statement recorded was that her son was murdered by some unknown person due to some grudge and request was to take action against the culprits.

The Trial Court, vide the detailed judgment, noticed that the brother of the deceased, Sukhwinder Singh, in the statement made before the police on 21.02.2015, had stated that he had enquired about the murder himself and had implicated Devinder Singh on the ground that he had seen the 4 accused persons (respondents No.3 to 6) coming out of the house of Devinder Singh @ Tintu, respondent No.2 on the eve of day of murder i.e. 06.02.2015 and identified them. It was his case that these persons had come to the house of Rajinder Singh and on the basis of his enquiry he came to know that the said persons in connivance with Devinder Singh had ensued the murder, on account of the brother wanting to contest the Municipal elections at any cost which the accused Devinder Singh did not want him to.

The Trial Court noticed that a day prior to murder, the location of Sukhwinder Singh was at Jalandhar and that he was not present at Faridkot. The other evidence on the basis of which the accused were brought within the ambit of investigation and arrayed as accused was that the complainant Pushpa Devi had stated that on 23.02.2015 (Ex.DA) Devinder Singh, accused No.1, had come to her and suffered extra judicial confession but it was disbelieved by the Trial Court on the ground that the

complainant did not disclose the said fact to anyone else and it was a weak type of evidence and appeared to be created lateron which was ante dated. It was also noticed that the others had not been named and Devinder Singh had also stood for elections on the said date.

It was also noticed that the revolver which was recovered from Ajay Kumar did not match with the bullet which was fired and recovered from the body of the deceased and that recoveries were effected and a purse containing Rs.2000/-, PAN card and Aadhar card of Rajinder Singh @ Simpy were recovered from Ashish Brar. Therefore it was held that it was planted to connect him with the murder case. It was also noticed that Jagmit Singh, one of the accused was bed ridden at the time of the alleged occurrence as he had suffered multiple tibia fracture and other fractures on his body in pursuance to a FIR No.237 dated 13.10.2014 under various provisions against accused, Gurkanwal Singh. Thus, he had suffered multiple fractures on both his legs and remained admitted in Guru Gobind Medical College & Hospital, Faridkot from 13.10.2014 to 06.11.2014 and his right tibia plating was done on 21.10.2014. It was further noticed that he remained admitted at the said hospital from 25.03.2015 to 06.05.2015 and again on 07.08.2017 and was operated on 08.08.2017.

It was thus held that evidence was circumstantial in nature leading to conclusion of the case which was not fully established and the circumstances were not conclusive in nature and the chain of events was not complete that the act had been committed by the accused and that the shot had been fired from the revolver which was recovered.

Keeping in view the above facts and circumstances, we are of

as nobody was named in the initial FIR. It is also to be noticed that Parampal Singh and Chander Kumar had also been implicated as accused and thus, a roving kind of enquiry had been conducted by the family of the deceased to implicate persons on whom they had suspicion. In the absence of any categorical eye-witness account and the circumstantial evidence collected by the investigating agencies did not complete the chain of events. Accordingly, the benefit of doubt had rightly been granted by the Trial Court acquitting the accused and the same does not suffer from any infirmity which would warrant interference.

The Trial Court has discussed the evidence in detail and counsel for the appellant could not point out that the same is perverse and would warrant interference in the well reasoned order of acquittal. It is settled principle that there is double presumption of innocence in favour of the accused and the benefit of acquittal which has been granted is not lightly to be interfered with. It is not for this Court to upset the said findings keeping in view the above facts. We have also gone through the record and found that reasons which have been recorded by the Trial Court are justified in the facts and the judgment does not suffer from any vice of perversity which would warrant interference by this Court.

Accordingly, in view of the above discussion, the present appeal is hereby dismissed.

**(G.S. SANDHAWALIA)**  
**JUDGE**

**(JAGMOHAN BANSAL)**  
**JUDGE**

**19.09.2022**  
*sailesh*

Whether speaking/reasoned :  
Whether Reportable :

Yes/No  
Yes/No