

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-A-2373-MA-2016

Date of Decision: 22.08.2022

Sheela Devi

... Appellant

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Vikram Singh, Advocate for the appellant

Sandeep Moudgil, J. (Oral)

This appeal under Section 378(4) CrPC has been filed by the appellant against acquittal of the private respondents from the charges framed under Section 328/343/347/420/506/120-B IPC vide judgment dated 28.09.2016 passed by the Sessions Judge, Panipat.

The brief facts of the present case are that Angrej Singh accused on 08.09.2011 at about 4.00 P.M. came to the house of complainant Bijender and took him to the house of his brother, Ishwar accused, on the pretext of having a party. There, he was made to drink liquor in the company of other accused. It was alleged that some stupefying substance was added to the liquor served to the complainant. So, he got inebriated. Thereafter, the accused took him to the house of Ashish accused and he was illegally detained there. Ashish accused after pointing a country made pistol on his head gave out a threat that he should either do things as per his directions or else he would be killed. Three or four other persons armed with country made pistols were also surrounding the complainant at that time. They forced him to consume more liquor and as a result, he lost Consciousness. The complainant found him in a village on the next day and he was able to judge

from the conversation which the accused were making that the name of said village was Behold situated in Tehsil Samalkha, District Panipat. There, the complainant was made to consume more intoxicant which made him unconscious. He regained consciousness on 13.09.2011 when he found himself in the company of his family members at Civil Hospital, Panipat. His wife Sheela (the appellant) told him that she had lodged a report at Police Station Israna about his missing on 09.09.2011 and the police after rescuing him from the clutches of the accused had restored him to his family members in the morning of 11.09.2011 at about 6.00 A.M. She had then brought him to Civil Hospital, Panipat for treatment and the doctors had discharged him on 13.09.2011.

The prosecution examined 12 witnesses who have fully supported the prosecution case.

The learned trial court rightly held that PW6 Ram Kumar SI and PW5 Dharambir ASI deposed that photocopies of the recovered from Angrej and originals were recovered from Ashish of those documents which the accused had procured after making the complainant unconscious by administering liquor though it was specifically denied by the accused persons and it was not the case of the prosecution that the witnesses and notary were privy to the crime and as such were important piece of evidence to establish that the accused had procured the documents in illegal manner. It was also held that there was previous tussle between the parties which were not normal in any case. It was therefore held that the prosecution did not prove its case beyond reasonable doubt and while the accused have succeeded in probalizing their defence about false implication.

In my view, the findings returned by the trial court cannot be faulted with in view of the fact that there was previous relationship between the parties in relation to construction of shops on the land which the complainant party had given to Jagdish.

I do not find any merit in this appeal which is accordingly dismissed.

22.08.2022

V.Vishal

- 1. *Whether speaking/reasoned?*
- 2. *Whether reportable?*

(Sandeep Moudgil)
Judge

Yes/No
Yes/No