



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

**CRA-S-4517-SB-2014
Date of decision: 13.02.2025**

RAM KUMAR

...APPELLANT

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Kanika Sachdeva, Advocate for
Ms. Varuna Singh, Advocate
for the appellant.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present appeal is preferred against the judgment of acquittal dated 23.09.2014 passed by learned Additional Sessions Judge, Karnal, in a case bearing FIR No.8 dated 16.02.2011 registered under Sections 306/34 IPC at Police Station G.R.P. Karnal.

2. Briefly stated, the facts of the prosecution case are that on 16.02.2011, Ram Kumar S/o Banwari Lal stated that his younger brother, namely Krishan Kumar was married to Seema Devi in the month of November, 2009 as per Hindu rites and ceremony and they were happily married. On 13.02.2011 Jai Singh (respondent No.2 herein) along with some other persons came to their house and forcibly took Seema Devi to village Bazida Roran as they had some urgent work in the family. Krishan Kumar was not present in the house at that time. Thereafter, on the same day, nephew of Jai Singh called maternal uncle of the complainant and threatened him that either they should settle the matter or they will have to go to jail. Thereafter,



when Krishan Kumar, complainant and some other family members went to the house of Jai Singh, he humiliated Krishan Kumar and all his relatives and they also gave beatings to him. Upon which, Krishan Kumar committed suicide by jumping before the running train. Hence, the FIR (*supra*) was registered.

3. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that on the day, when Krishan Kumar committed suicide, inquest report proceedings were conducted and PW-1 Ram Kumar and PW-5 Jagdish Chand brothers of accused did not disclose the altercation between accused Jai Singh and deceased as the cause of death to the police. As such, there are noticeable improvements in the statements of the prosecution witnesses, which are material one and cannot be termed as minor deviations. Further, PW-1 stated that accused Jai Singh along with 7 other persons gave beatings to deceased by way of slap and blows and also PW-1 was having mobile phone with him, however, he did not think it proper to inform the police about the beatings. Moreover, deceased was the son-in-law of accused Jai Singh and he is not to gain anything from the death of the deceased Krishan Kumar and this circumstance makes the prosecution case improbable that accused Jai Singh had exhorted the deceased Krishan Kumar to commit suicide. Furthermore, PW-2, admitted in this cross-examination that Krishan Kumar died due to railway accident and he did not notice any motor-cycle near the spot nor any person came in his presence on the spot for identification of the dead body. As a result, the evidence led by the appellant do not inspire confidence of this Court.



4. The power of the Appellate Court to unsettle the order of acquittal on the basis of re-appreciation of the evidence is subject to the settled law that where two views are possible and out of the two, one points towards the innocence of the accused, the view which favours the accused should prevail over the other pointing towards his guilt. Furthermore, the trial Court has the additional advantage of closely observing the prosecution witnesses and their demeanour, while deciding about the reliability of the version of prosecution witnesses. (See *H.D. Sundara and others vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023; Kali Ram vs. State of H.P., 1973 (2) SCC 808 and Chandrappa and others vs. State of Karnataka, (2007) 4 SCC 415*). A Division bench of this Court in the judgment passed in *State of Haryana vs. Ankit and others* passed in *CRM-A No.3 of 2022* decided on 06.07.2023 has held that presumption of innocence further gets entrenched on the acquittal of accused by the trial Court.

5. In view of the facts and circumstances of the case, this Court finds that learned counsel for the appellant has failed to point out any perversity or illegality in findings recorded by the learned trial Court which warrants interference by this Court. As such, there is no merit in the present appeal and hence, the present appeal stands dismissed.

February 13, 2025
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |