



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

CRR-877-2024

Date of decision: 13.02.2025

AKBAR ALI ALIAS AKBAR ALI TANDU

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Himanshu Puri, Advocate for
 Mr. Sunny Singla, Advocate
 for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been filed against the impugned judgment dated 16.02.2024 passed by learned Principal Magistrate, Juvenile Justice Board at Sangrur, whereby respondent No.2 has been acquitted.

2. Prosecution case, in brief is that on 17.12.2021, complainant Akbar Ali came present before ASI Parveen Kumar and informed him that his son, namely, Aftab @ Avi has gone from the house without informing anyone on 15.12.2021 and complainant tried to find him but could not find him and rapat No.33 dated 17.12.2021 was entered and report was published. On 24.12.2021, the complainant contacted ASI Parveen Kumar and told him that dead body of his son was recovered near the Sirhind Canal, on which, the investigating officer along-with other police officials, reached at the spot where, he recorded the statement of complainant to the effect that on 24.12.2021, he get to know that dead body of his son struck in the bushes in



the canal, on which, he along-with other persons went at the spot and identified the dead body. The complainant with the help of other persons took out the dead body of his son Aftab @ Avi. The juvenile i.e. fiancée of son of complainant along-with her parents harassed the deceased, due to which, he committed suicide.

3. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the dead body of son of the complainant was found after 10 days of missing of his son and was found rotten. Further, no Adhar Card, Identity Card, Voter Card or any other document was recovered from the dead body, where it could have been ascertained that it was surely the son of the complainant and the mobile phone that was recovered from the dead body, was never subjected to any test, from which it could be found that it was the same phone, from which, the conversation between the complainant and his son has taken place before the alleged act of suicide. Furthermore, no suicide note was found from the clothes of the dead body. The complainant never got to know about the person, who has given intimation from mobile No.6280881281, pertaining to the death of his son. Moreover, the dead body of son of the complainant was not carrying any cash despite the admission of the fact that his son mandatorily used to carry Rs.5,000/- to Rs.7,000/- in cash being a business man. The dead body so recovered was rotten and it was believed to be the dead body of son of the complainant as appeared from the clothes over the same. Moreover, the necessary link evidence in the present case qua the causing of alleged harassment by the accused juvenile/her family members is found apparently missing in the testimony of witnesses so examined. As such, only vague allegations have been levelled against the respondent No.2 and the



prosecution has failed to prove its case beyond the reasonable shadow of doubt.

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. (*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 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 discussion above, this Court finds that learned counsel for the petitioner has failed to point out any perversity or illegality in findings recorded by the learned Juvenile Justice Board, which warrants any interference. Accordingly, the present revision petition is dismissed.

February 13, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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