IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-1958-2019
Date of decision: 23rd July, 2025

Mintu

… Appellant

Versus

State of Haryana

… Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Gurpal Kaur Dulat, Advocate for the appellant.

Mr. Shiva Khurmi, Dy. Advocate General, Haryana for the respondent/State.

MANJARI NEHRU KAUL, J.

1. This criminal appeal has been preferred by the appellant/ accused challenging the judgment of conviction dated 01.05.2019 and order of sentence dated 02.05.2019, passed by the Court of learned Additional Sessions Judge, Gurugram, whereby the appellant along with co-accused, was held guilty and convicted for the offence punishable under Section 379A of IPC and sentenced to undergo rigorous imprisonment for a period of five years and to pay a fine of ₹ 25,000/- each and in default of payment of fine to further undergo rigorous imprisonment for six months.

2. The case of the prosecution, in brief, is that on 21.08.2017, ASI Sajjan Kumar, while present at the Police Post, received information from the police control room about a chain-snatching

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incident involving complainant Barkha Kansal. Upon receiving the information, ASI Sajjan Kumar, accompanied by Constable Vikas, reached the spot, where the complainant furnished a written complaint (Ex.P5) narrating the incident. According to the complaint, Barkha Kansal was returning home after picking up her son from school on her Scooty bearing registration number HR-26CG-5839. At around 1:00 PM, while she was passing through Railway Road towards Laxman Vihar, two unknown boys came on a Pulsar motorcycle (No. DL-9SAC-1486). The pillion rider suddenly snatched her gold chain, weighing about 12 grams, from her neck and fled towards the Railway Station. The complainant gave chase on her Scooty, shouting *"chor chor"*. As the accused were speeding away, their motorcycle hit the road-divider while turning towards the Railway Station, causing both riders to fall. While they managed to flee on foot, the complainant was able to note the registration number of the motorcycle. She further stated that the motorcyclist was wearing a helmet. While the pillion rider (appellant-Mintu) had his face partially covered with a handkerchief. On the basis of her complaint, an FIR under Section 379A read with Section 34 of the IPC (Ex.P25) was registered. ASI Sajjan Kumar took up the investigation, prepared the site plan (Ex.P1), recorded the statements of the witnesses, and seized the motorcycle used in commission of the crime through a recovery memo (Ex.P4). During further investigation conducted by ASI Anil Kumar, the registered owner of the motorcycle, Kundan Singh Rathore, and one Neeraj Parashar were interrogated, and

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documents such as the RC and an affidavit relating to the motorcycle were taken into possession vide Memo (Ex.P2).

3. On 10.09.2017, co-accused Himanshu Rishi was arrested and remanded to police custody. During interrogation, he made a disclosure statement (Ex.P11) and demarcated the scene of the crime. Subsequently, on 13.09.2017, co-accused Mintu (appellant herein) was arrested from Najafgarh, Delhi on the basis of secret information. Pursuant to their disclosure statements, the snatched gold chain was recovered in 2 parts – one part recovered by appellant Mintu from behind the wall of Shamshan Ghat and the other by co-accused Himanshu Rishi from his residence at Najafgarh. Both pieces of the chain were taken into police possession (Ex.MO/1) and identified by the complainant. After the completion of investigation, a chargesheet was filed against both the accused. The learned JMIC committed the case to the Court of Sessions. On 18.04.2018, the learned Additional Sessions Judge framed charges against the accused for the offence under Section 379A-34 IPC, to which they pleaded not guilty and claimed trial.

4. The prosecution, in support of their case, examined as many as 9 prosecution witnesses, including PW-4 Barkha Datt (complainant), PW-6 ASI Sajjan Kumar and PW-7 ASI Anil Kumar.

5. After completion of prosecution evidence, all incriminating circumstances were put to the accused under Section 313 Cr.P.C. The accused denied the allegations and claimed innocence, but they did not lead any evidence in their defence.

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6. Upon a careful appraisal of the evidence, the learned trial Court found that the testimony of the complainant, PW-4, Barkha Kansal was clear, cogent, and trustworthy. She categorically identified the appellant as one of the chain snatchers. Her testimony was further corroborated by the recovery of the stolen chain pursuant to the disclosure statements of the accused. The learned trial Court concluded that the prosecution had proved the case beyond all reasonable doubt and convicted both accused accordingly and sentenced them, as already observed in the earlier part of this order.

7. The learned counsel for the appellant contended that the impugned judgement is against law, arbitrary, and not based on a correct appreciation of evidence; there is no direct evidence against the appellant and he has been falsely implicated; the conviction is solely based on disclosure statements and recovery, which lack evidentiary value. The learned counsel further contended that the testimony of the complainant, PW-4 Barkha Kansal suffered from discrepancies between her initial complaint and deposition in Court. Furthermore, it was asserted that the delay of 23 days in the arrest of the appellant casts doubt on the investigation.

8. Per contra, learned State counsel argued that the complainant, PW-4 Barkha Kansal unequivocally identified the accused during trial. She had a clear opportunity to see the accused when they fell from the motorcycle, her testimony remained unshaken during cross-examination and is further supported by the recovery of the stolen

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chain. Learned State counsel therefore asserted that the prosecution has successfully proved the guilt of the appellant beyond the shadow of doubt, and therefore the impugned judgment does not warrant any interference.

9. I have heard learned counsel for the parties and perused the relevant material on record.

10. The testimony of the complainant, PW-4 Barkha Kansal, is of sterling quality. While deposing before the trial Court, she reiterated the allegations leveled in the FIR and stood firm during the lengthy cross-examination that she was subjected to. Her account is corroborated by :

(i) the immediate lodging of the FIR;

(ii) the recovery of the stolen chain in 2 parts at the instance of both accused;

(iii) the identification of the appellant as one of the culprits, which was possible when the motorcycle fell on the road divider.

11. There is no reason for the complainant, a woman returning home with her child, to falsely implicate the appellant. No prior enmity or motive for false implication has been suggested by the defence.

12. The argument that the conviction is based solely on disclosure statements is unfounded. The recovery of the gold chain pursuant to the disclosure statements provides strong corroboration to the case of the prosecution.

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13. The alleged minor discrepancies in the statements of PW-4 complainant Barkha Kansal are insignificant and do not affect the core of the case of the prosecution. It is well settled law that minor contradictions are natural and do not render the testimony unreliable, especially when the witness is consistent on material facts.

14. The findings recorded by the learned trial Court are well reasoned and based on a thorough appreciation of evidence. This Court finds no illegality, infirmity, or perversity in the impugned judgement warranting interference in appeal. Accordingly the appeal is dismissed.

(MANJARI NEHRU KAUL)
JUDGE

July 23, 2025
rps

Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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