



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRA-AD-417-2023 (O&M)
Date of Decision:-8.1.2025

Manpal @ Manipal

... Appellant

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present:- Mr. Ashu Rana, Advocate for the appellant.

Mr. Ranvir Singh Arya, Addl.A.G. Haryana.

GURVINDER SINGH GILL, J.

1. The appellant/complainant assails judgment dated 15.9.2023 passed by learned Additional Sessions Judge, Narnaul vide which respondents No.2 to 5 have been acquitted of all the charges framed against them.
2. The matter arises out of FIR No.51 dated 31.1.2019 registered at Police Station Mahendergarh, under Sections 323, 302 of Indian Penal Code read with Section 34 IPC and Section 3 of SC/ST Act, which was lodged at the instance of the appellant/complainant Manpal @ Manipal (father of the deceased).
3. As per the appellant/complainant Manpal @ Manipal (father of the deceased) his son Sukhvinder (deceased) had entered into a contract to guard mustard crop of Village Chamhera. On 18.1.2019 at about 11:00 P.M. when complainant's son Sukhvinder alongwith Raj Kumar was present at Chamhera Road, Bundibaj Chowk while guarding the mustard crop, then Sudesh, Manoj, Parveen and



Vikram, who were all carrying sticks came there and inflicted injuries to Sukhvinder on his head, chest and abdomen and also gave fist and kick blows. Later when Sukhvinder was taken to hospital by the complainant and his daughter Jyoti, the complainant's son Sukhvinder was referred to PGI, Rohtak, where he succumbed to his injuries on 30.1.2019. The matter was investigated by the police and challan was presented against aforesaid four accused. The accused were tried by the Court of learned Additional Sessions Judge, Narnaul and vide judgment dated 15.9.2023, they were acquitted of all the charges framed against them.

4. Learned counsel representing the appellant/complainant vehemently argued that the Trial Court fell in error in acquitting the accused despite the fact that the medical evidence clearly shows that it is a case of culpable homicide which is fully in tune with the statement of PW-9 Manpal @ Manipal (complainant).
5. This Court has considered the aforesaid submissions and has also perused the impugned judgment.
6. It is not in dispute that the complainant, who is father of the deceased, was infact not present at the spot and the names of the accused were admittedly disclosed to him by Raj Kumar, who was present near the place of occurrence. However, when aforesaid Raj Kumar stepped into the witness box as PW – 18, he did not support the case of the prosecution at all and consequently the Trial Court upon finding that the prime eye-witness has not supported the case of the prosecution, acquitted the accused.
7. Since it is a case based on the eye-witness account and the said eye-witness namely Raj Kumar (PW-18) did not support the case of the prosecution at all and there is no other evidence to establish the allegations levelled against the



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accused, this Court finds that the findings as regards acquittal of the accused as have been recorded by the Trial Court do not suffer from any infirmity and are hereby affirmed. Consequently, finding no merit in the appeal, the same is hereby dismissed.

(GURVINDER SINGH GILL)
JUDGE

8.1.2025
Pankaj

(VIKRAM AGGARWAL)
JUDGE

Whether speaking /reasoned	Yes/No
Whether Reportable	Yes/No