

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-AD-91-2024 (O&M)

Date of Reserved: 23.02.2026

Date of Pronouncement: 10.03.2026

Anita

...Appellant.

Versus

State of Haryana and others

...Respondents.

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Edward A. George Masih, Advocate (Legal Aid Counsel)
for the apepllant.

Mr. Yuvraj Shandilya, AAG, Haryana.

Sukhvinder Kaur, J.

1. Appellant/ complainant has preferred the instant appeal against judgment dated 04.12.2023, passed by learned Additional Sessions Judge-cum-Judge, Special Court for Heinous Crime Against Women, Hisar vide which respondents have been acquitted of offences punishable under Sections 307, 323 read with Section 34 IPC and 506 IPC.

2. The factual scenario, as highlighted by the prosecution, is that on 22.01.2021, an information was received by the police with regard to referring of complainant/ injured Anita from CHC Narnaud to Government Hospital, Hisar due to receipt of injuries. Upon receiving this information, ASI Karambir along with police officials reached at CHC Narnaund on 23.01.2021 and received the MLR of the injured. Thereafter, he reached at

Government Hospital, Hisar, where the injured was not found fit to make

the statement. On 24.01.2021, ASI Karambir again went to Government Hospital, Hisar when injured made a statement to him. She stated that she got married with one Satbir nearly eleven years back and son, namely Vanshu and daughter, namely Varsha was born from their wedlock. Her husband namely Satbir Singh had expired nearly eight months earlier in a road side accident. After the death of her husband, she started residing at village Nada at her matrimonial house. However, her brother-in-law (Jeth) and sister-in-law (Jethani) started harassing her in order to grab her share in the property and due to said reason, she started residing with one Vijender at village Sisar, who was the son of maternal uncle of her husband Satbir. On 20.01.2021, she had visited village Nada to take care of her property. On 22.11.2021, she was returning back from village Nada to village Sisar and when she was waiting for a bus at bus stand village Kinnar, at nearly 3.30 p.m., her brother Ajay and brother-in-law Rajesh came there on a motor cycle. Accused Ajay put a rope in her neck and tried to strangle her and accused Rajesh hit with a Gandasa, fixed on a wooden log. However, some unknown person present there saved her from that blow. Thereafter, both the accused persons snatched an amount of Rs.50,000/-, one gold chain of 03 tola, one gold locket of 1½ tola and one gold Mangalsutra of 01 tola from her. Thereafter, both the accused persons ran away from the spot threatening to kill her if she would claim her share in the property and then she became unconscious. When she regained consciousness, she found several persons and police were at the spot and she was taken to CHC Narnaund for treatment from where she was referred to Government Hospital, Hisar. On the basis of statement of the complainant, initially DDR No. 23 dated 24.01.2021 was registered. Medical record of the injured was

collected. Further investigation was carried out by ASI Bhan Singh and after verifying the facts of the present case, the FIR under Sections 323, 506, 379B, 34 IPC was registered. Spot was inspected and statements of the witnesses were recorded. Accused Ajay and Rajesh were arrested. After completion of other formalities of investigation, report under section 173(2) of Cr.P.C. was submitted against accused persons.

3. After finding a prima facie case against the accused, they were charge-sheeted for the offence punishable under Sections 307, 323 read with Section 34 IPC and 506 IPC, to which they pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined as many as 13 witnesses.

5. A glance at the prosecution evidence reveals that in order to prove its case, prosecution examined PW1 Ct. Pritu Singh, who deposed that on 06.03.2021, accused Rajesh and Ajay were arrested by investigating officer, in his presence vide arrest memos Ex.P1 and Ex.P2 respectively. Accused Rajesh got recovered one wooden log vide recovery memo Ex.P3. Accused Ajay also produced one wooden log, used in the commission of offence, which was taken into police possession vide memo Ex.P4.

PW2 SI Bhan Singh, the Investigating Officer of this case, who carried out entire investigating proceedings since the registration of the FIR, deposed about various investigating proceedings conducted by him during the course of the investigation.

PW3 HC Badal Singh, proved on record the disclosure statement of accused Ajay Ex.P9.

PW4 ASI Karambir deposed that on 24.01.2021, he alongwith

Const. Krishan reached at Government Hospital, Hisar and recorded the statement of injured Anita Ex.P17. He wrote the tehrir Ex.P18 and recorded the DDR No.23 dated 24.01.2021 Ex.P19.

PW5 EHC Om Parkash deposed that on 24.01.2021, ASI Karambir produced a tehrir Ex.P18 to him, on the basis of which he recorded the DDR No.23 dated 24.01.2021. On 11.2.2021, he had handed over the copy of that DDR to SI Bhan Singh which is Ex.P19.

PW6, SI Surender registered the FIR Ex.P6 on the basis of the tehrir Ex.P5.

PW7 Anita complainant/ injured reiterated the version got recorded by her in her statement made to the police.

PW8 Ct. Vikram Singh, deposed that he remained associated with ASI Dharambir during the investigation in this case.

PW9 ASI Radhey Shyam prepared the scaled site plan Ex.P29.

PW10 Dr. Shivani Sharma, stated that on 22.01.2021, she had conducted the medico legal examination of complainant/ injured Anita.

PW11 Vijender deposed on the similar lines as per the version of the complainant.

PW12 Vinod Shankar DSP Hansi deposed that he verified the facts of the present case on 24.04.2021 and added Section 307 IPC in the present case. He sent his report Ex.P34.

PW13 SI Dharambir stated that accused Rajesh was joined into the investigation, who suffered disclosure statement Ex.P25 and produced a motor cycle bearing registration No. HR-21H 4942, used in the commission of the offence, which was taken into police possession vide memo Ex.P26.

The accused also got demarcated the spot vide memo Ex.P27. He further

deposed that on 09.10.2021, he obtained the inquiry report from the Superintendent of Police, Hansi, vide memo Ex.P35 and on 11.10.2021, the final report under Section 173 Cr.P.C. was prepared.

6. Statements of accused under Section 313 Cr.P.C. were recorded in which, all incriminating evidence was put to them, which they denied and pleaded innocence and false implication. However, no defence evidence was led by the accused.

7. After considering the evidence on record, learned trial Court found the same to be woefully insufficient to convict the accused who were accordingly acquitted of the offence for which they had been charge-sheeted, vide impugned judgment dated 04.12.2023.

8. Aggrieved of the said decision, present appeal has been filed by the appellant-State challenging acquittal of the accused/ respondents.

9. Learned counsel for the appellant vehemently contended that on 22.01.2021 accused made an attempt to commit murder of Anita at bus stand village Kinnar, while she was coming back from village Nada for going to village Sisar. The complainant appeared as her own witness as PW7 and reiterated the entire prosecution version that after death of her husband, she started residing with one Vijender at village Sisar, who was son of maternal uncle of her deceased husband Satbir. PW11 also corroborated the statement made by the appellant, but the trial Court erroneously ignored the statements of the aforesaid witnesses. He argued that the medical report of the appellant Ex.P30 and opinion of Dr. Shivangi Sharma Ex.P32 were also not taken into consideration by the trial Court while acquitting respondents No.2 and 3/ accused. He urged that sufficient evidence had been adduced on record by the prosecution in order to prove

the guilt of the accused, who have been illegally acquitted by giving the benefit of doubt. He thus prayed that this appeal be accepted, judgment dated 04.12.2023 be set aside and accused be convicted for the offences as charged with and be punished accordingly.

10. After having heard learned counsel for the appellant at length and having perused the impugned judgment as well as other relevant record, we are of the considered opinion that prosecution in the instant matter was unable to prove its case against the accused beyond the reasonable doubt.

11. As per prosecution story both the accused tried to murder complainant Anita at bus stand village Kinnar on 22.01.2021, when she was coming from village Nada for going to village Sisar, where she was residing with Vijender, son of maternal uncle of her deceased husband Satbir. As per the allegations, accused Ajay tried to strangle by putting a rope around her neck, whereas, accused Rajesh hit her with Gandasa, fixed on a wooden log, but luckily she was saved by someone present at the place of the occurrence. This fact is not disputed that one of the accused, namely Ajay is brother of victim Anita and other accused Rajesh is her brother-in-law (Jeth). This fact is also not disputed that husband of Anita, namely, Satbir had expired on 09.05.2020 in a road side accident and before his demise she used to reside at village Nada at her matrimonial house along with her two children. After the death of her husband, she started residing with Vijender PW-11 at village Sisar, who is cousin of her deceased husband.

12. The complainant/ victim Anita is the most material witness of the prosecution, who stepped into the witness box as PW7. While appearing as PW7, she reiterated the allegations as levelled by her in her initial statement Ex.P17 on the basis of which the criminal machinery was set into

motion and the present FIR was registered. She reiterated the allegations that accused Ajay put a rope around her neck and tried to strangle her and other accused Rajesh gave a gaddasa blow upon her, but she was saved by some persons, who were present at the bus stand. She also stated that a cash amount of Rs.50,000/- along with one gold chain, one gold mangalsutra and one gold locket were also snatched by the accused persons.

13. Trial Court has rightly observed that her testimony does not inspire confidence. She had levelled the specific allegation that accused Ajay tried to strangle her by putting a rope around her neck and said rope was got recovered by accused Ajay vide recovery memo Ex.P12, in pursuance to his disclosure statement Ex.P9. If had there being any substance in the aforesaid allegations made by the complainant and had accused Ajay made an attempt to strangle her by putting the rope around her neck, then it was but natural that then she would be having a ligature mark on her neck. Medical report of Anita Ex.P31 that has been produced on record by PW10-Dr. Shivangi Sharma reveals that there were no ligature mark on her neck. As per her MLR Ex.P31 only one injury had been shown on her person and it was only complaint of pain in the neck, which does not corroborate the ocular version as put forth by the complainant.

14. Again she had specifically levelled the allegation against accused Rajesh that he had hit her with a gaddasa fixed on a wooden log, but luckily she was saved by some person who was present at bus stand village Kinnar and said wooden log was recovered from accused Rajesh vide recovery memo Ex.P3. If accused Rajesh had given a blow with gaddasa on her person then there must be some injury on her person with sharp edged weapon, but as per her MLR Ex.P31 no such injury was visible

on her person. She tried to cover it up by stating that luckily she was saved by someone present at the bus stand village Kinnar, but name of said person, who allegedly saved her from the gandas blow was neither mentioned by her in her initial statement Ex.P17 nor she disclosed the name of any such person while appearing in the witness box as PW7. Even during the investigation, no such person was joined, who had allegedly saved her from the gandas blow and no such person was later on examined as a prosecution witness to give credence to the prosecution story. Thus, the allegations made by the prosecutrix lacks any corroboration and are rather falsified while taking into consideration her MLR Ex.P31.

15. The complainant also while appearing as PW7 categorically stated that accused had snatched from her an amount of Rs.50,000/- along with one gold Mangalsutra, gold chain and one gold locket at bus stand village Kinnar on the day of occurrence, but the accused persons were not challaned by the police for the commission of any such alleged offences and neither of the alleged snatched articles had been recovered from the accused persons. PW7 also stated that out of total amount of Rs.50,000/-, she was having already with her Rs.19000/- and the remaining Rs.31,000/- had been earned by her by way of selling the crop. No such record had been produced on record to prove that she had sold any such crops. Otherwise also, prosecution story seems quite improbable that the alleged occurrence took place on 22.01.2021 at bus stand of village Kinnar, which was a public place. Even as per the complainant several persons were present there at the time of occurrence. It belies logic that how at a public place in the presence of so many persons the alleged occurrence took place.

16. PW11 Vijender is the person with whom the complainant was

residing at village Sisar after the death of her husband on 09.05.2021, who happens to be the son of maternal uncle of her deceased husband, namely, Satbir. Though PW11 also reiterated the allegations and deposed on the similar lines as that of complainant PW7 Anita, yet when admittedly he was not present at the place of the occurrence, his testimony does not advance the case of the prosecution in any manner. His evidence is hearsay in nature and he testified only on the basis of the facts disclosed to him by Anita. He was re-examined by the prosecution when he produced the pen drive Ex.P36 and the transcripts of the conversation taken place between the victim and one of the accused Ajay on 22.01.2021, 23.04.2021 and 24.04.2021 Ex.P37 to Ex.P39 respectively. The said conversation allegedly took place between the victim and accused Ajay on mobile phone of PW11 Vijender. Trial Court has rightly observed that such conversation does not reveal that accused Ajay was having the intention to commit her murder on 22.01.2021.

17. The ocular version of the complainant in the present case is not supported by the medical evidence produced on record by the prosecution. In her affidavit Ex.PW10/A, PW10 Dr. Shivangi Sharma stated that Anita was having only one injury i.e. a complaint of pain in the neck without having any external swelling or injury mark on the neck. The perusal of medico legal report Ex.P31 as well as affidavit of Dr. Shivangi Sharma Ex.PW10/A reveal that there was no ligature mark or any other mark of injury on the person of complainant Anita, which raises a strong doubt regarding veracity of testimony of PW7 Anita.

18. As per the prosecution version, the alleged incident had taken place on 22.01.2021. PW4 ASI Karambir Singh stated that he had recorded statement of injured Anita Ex.P17 on 24.01.2021. He further stated that he

had received the ruqa Ex.P30 from CHC Narnaund and had reached at Government Hospital, Hisar on 23.01.2021, but the injured was not found fit to make the statement. Trial Court has very rightly observed that it is quite surprising that when the victim was not having any injury on her body except the complaint of pain in her neck, then how she was declared as unfit to make any statement on 23.01.2021. Thus, delay in recording of her statement has not been satisfactorily explained.

19. As per the prosecution version after the occurrence both the accused left the place of occurrence while threatening her with dire consequences, if she would claim any share in the property. It again belies logic that why accused Ajay who was brother of complainant, threatened her not to claim her share from her-in-laws property. It also creates a strong doubt regarding the entire prosecution story.

20. Thus, the trial Court has rightly reached at the conclusion that the prosecution had failed to prove the guilt of the accused persons beyond the shadow of reasonable doubt.

21. After analyzing the evidence on record it can safely be concluded that prosecution has failed to prove its case against the accused beyond reasonable doubt. Evidence on record is indeed not sufficient to convict the accused persons of the offence as charged with and they have been rightly acquitted by learned trial Court.

22. It is well settled that judgment of acquittal should not be interfered with lightly. In the case of **Sadhu Saran Singh Vs. State of U.P. and others, 2016 (2) RCR (Criminal) 319**, the Hon'ble Supreme Court reiterated that generally an appeal against acquittal has always been altogether on a different pedestal from that of an appeal against the

conviction. It was held that in an appeal against acquittal, where the presumption of innocence in favour of the accused is reinforced, the Appellate Court would interfere with the order of acquittal only when there was perversity of fact and law.

23. Learned counsel for the appellant was unable to point out any illegality, infirmity or perversity in the impugned decision dated 04.12.2023 which calls for interference.

24. In view of the above, the appeal being bereft of any merit is dismissed with impugned judgment dated 04.12.2023 passed by learned trial Court being upheld.

25. Pending applications, if any, also stand disposed of.

(SUKHVINDER KAUR)
JUDGE

(ANOOP CHITKARA)
JUDGE

10.03.2026

Komal

Whether speaking/reasoned?	:	Yes/ No
Whether reportable?	:	Yes/ No