



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

**CRA-S No.84 of 2020 (O&M)**

**Reserved on: 26.08.2025**

**Pronounced on: 17.09.2025**

**Pardeep and another**

**.....Appellants**

**Versus**

**State of Haryana**

**..... Respondents**

**CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

Present : Ms. Monika Jalota, Amicus Curiae for the appellants.

Ms. Deepali Verma, AAG, Haryana.

**SURYA PARTAP SINGH, J. (Oral):**

1. For the commission of offence punishable under Sections 379-A read with Section 34 IPC the Appellant No.1 along with his co-accused namely Parveen has been held guilty by the learned Additional Sessions Judge, Karnal, and both of them sentenced to undergo rigorous imprisonment for a period of 5 years and pay a fine of Rs. 25,000/-. Aggrieved of the above mentioned judgment of conviction and order of sentence the present appeal had been preferred by both the convicts. However, with regard to one of the appellant, namely Parveen, the appeal stands abated due to his death, in view of order dated 01.04.2024.

2. The above mentioned verdict against the appellant-accused, hereinafter being referred to as appellant only, pertains to the FIR No.216 dated 18.06.2018, Police Station Nissing, Karnal.

3. The instant appeal has been preferred by the appellant alleging



that the impugned judgment is against the facts as well as law, and that without proper appreciation of facts as well as law a wrong conclusion has been drawn by the learned trial Court. According to appellant the learned trial Court has committed an error of Judgment, when it failed to take note of the discrepancy and defects in the prosecution evidence and erroneously concluded that evidence adduced by the prosecution was good enough to prove charge beyond the shadow of reasonable doubt. According to appellant the learned trial Court ignored the basic principles of criminal jurisprudence which requires that the prosecution case is supposed to prove its case beyond the shadow of all reasonable doubts. It has been alleged by the appellant that unreliable and doubtful evidence, led by the prosecution, has been believed by the learned trial Court and, therefore, there is need for indulgence and interference of appellate jurisdiction of this Court in the impugned judgment.

4. Shorn off unnecessary details, the facts emerging from record are that the above mentioned FIR came into being in response to a complaint submitted by Chotu son of Bahadur, hereinafter being referred to as complainant only. In the above mentioned complaint it was stated by the above named complainant that on 18.06.2018, he was going to market and Ram Kumar was following him. According to complainant, while walking he was talking on his phone and there two young boys came on motorcycle, blocked his way, snatched his motorcycle, attempted an attack with axe like weapon, took away Rs.500/- currency note from his pocket and fled from the spot. It is the case of the prosecution that in response to above mentioned complaint formal FIR in this case was lodged and the investigation taken up.



The investigation of this case was assigned to Sub Inspector Krishan kumar. According to prosecution on receipt of direction for investigation of this case, the above named Sub Inspector arrested the accused Parveen and Pardeep. They were interrogated on 19.06.2018 their disclosure statements were recorded. As per prosecution story, pursuant to their disclosure statements that accused got recovered the stolen mobile phone and the motorcycle used in the commission of crime. The Investigating Officer thereafter completed other usual formalities of investigation.

5. Once the investigation in this case was completed both the accused were sent to trial and the learned Addl. Sessions Judge conducted the trial and passed a judgment of conviction, i.e. impugned judgment.

6. Heard.

7. It has been contended on behalf of the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime and that learned trial Court erroneously observed that the allegations contained in the final report, submitted by the police under Section 173 Cr.P.C. has been proved. According to learned counsel for the appellant, in fact, the evidence adduced by the prosecution was too deficient, to prove allegations against the appellant beyond the shadow of all reasonable doubts.

8. While assailing the impugned order, it has also been argued by learned counsel for the appellant that the learned trial Court even ignored the fact that the story set up by the prosecution was improbable and the witnesses examined by the prosecution were either interested witnesses or police official. While claiming that appellant has no role to play with the commission of crime, and has been wrongly held guilty and convicted by the



learned trial Court, the learned counsel for the appellant has craved for invoking the appellate jurisdiction vested in this Court and prayed for setting aside the impugned judgment of conviction and order of sentence, by accepting the instant appeal.

9. Per contra, the learned State counsel has argued that in the present case there is thoroughly consistent evidence to prove the involvement of appellant in the commission of offence. According to learned State counsel the recovery of stolen mobile phone from the possession of co-accused Parveen and the recovery of motorcycle used at the time of commission of offence from the possession of appellant proves beyond the shadow of reasonable doubt that both the appellants were involved in the commission of offence. The learned State counsel has pointed out that in the present case, if the statement of prosecution witnesses are appreciated, it transpires that in the complaint itself the registration number of the motorcycle used by the appellant at the time of commission of crime, had been mentioned by the complainant. While defending the impugned judgment it has been argued by learned State counsel that there is no scope for interference and indulgence in the findings recorded by the learned trial Court.

10. The record has been perused carefully.

11. In the present case, at the very outset, it is relevant to mention here that the sentence awarded to the appellant was a sentence for a period of 5 years and the custody certificate available on record shows that out of 5 years, the appellant has already served a sentence for a period of 4 years, 4 months and 28 days. It shows that a major part of sentence has already been



under gone by the appellant.

12. In the present case, at the very outset, it is pertinent to mention here that it is the settled principle of law that in every criminal trial it is the burden on prosecution to prove its case beyond the shadow of all reasonable doubts. The same principle is applicable to the instant case also. The evidence adduced by the prosecution before the trial Court has to be appreciated in the light of above mentioned settled principle of law.

13. As far as, the evidence with regard to case set out by the prosecution, before the learned trial Court, is concerned, with regard to that it is significant that in the present case the FIR was lodged on 18.06.2018 at about 9.15-9.20 P.M. and as per complaint submitted by the complainant the incident had taken place at about 4.00 P.M. It shows that there was delay of almost more than 5 and ½ hours in reporting the matter to the police. The abovesaid delay has not been explained in any manner, whatsoever. Admittedly, the incident had taken place in the same township where the police station is situated and, therefore, it was necessary for the prosecution to explain under what circumstances, the above mentioned crime was not reported to the police within a time. This the one of the doubtful circumstance to be taken into consideration in the instant case.

14. The another fact to be taken into consideration is that as per impugned judgment the accused Parveen was arrested on 18.06.2018 and Pardeep on 19.06.2018. If the testimony of Investigating Officer of the case Sub Inspector Krishan Kumar, examined by the learned trial Court as PW-4 is examined, it shows that both the accused were arrested on 18.06.2018 near bus stand Nissing and they were lodged in police lock up on the same day.



The above mentioned part of the testimony of PW-4 makes it abundantly clear that when the appellant and his co-accused were arrested, neither the complainant nor another eye-witness had accompanied the police party. In such circumstances, it was necessary for the PW-4 to explain how, without any details and description of the accused, he was able to lay hand to the accused. Here this fact cannot be ignored that in the FIR, itself, it was specifically and categorical mentioned by the complainant that at the time of incident both the accused were muffled faces. Since the appellant and his co-accused were muffled faces the possibility of their recognition, by faces, was impossible.

15. Another unnatural fact in the story set up by the prosecution is that after 5 and ½ hours of the offence, when FIR was lodged, it was specifically mentioned in the FIR that at the time of incident, the accused were calling each other with their respective names. This part of the story set up by the prosecution is unable to convince a prudent finding, because at one place the appellant and his co-accused had taken a precaution that they had covered their faces so that their identify is not disclosed, but on the other hand they revealed their identity by calling them with each other's names. Otherwise also, it is no where mentioned, either in the complaint or in the testimony of eye-witnesses examined as PW-5 and PW-6, what was the occasion for the assailants to call each other with their names at the time of commission of offence. This part of the prosecution story leads to a definite conclusion that the narration of incident by the complainant before the police, while lodging the FIR was not natural narration, rather it makes this fact abundantly clear that the 5 ½ hours, consumed in recording the FIR, were



used for cooking up a false story.

16. Another significant factor with regard to story set up by the prosecution is the concealment of one material fact from the Court. In the entire prosecution story the stand of the prosecution is that the Sub Inspector Krishan Kumar, the Investigating Officer of this case, had arrested the accused at Bus Stand Nissing, but both PW-5 and PW-6, in their, respective, depositions had come forward with a specific averments that both the accused, i.e. appellant and his co-accused, were apprehended by the public on the spot itself. If the above mentioned part of the deposition of PW-5 and PW-6 is taken into consideration it transpires that the entire prosecution story with regard to arrest of the accused and recovery of stolen mobile etc., pursuant to their disclosure statement, is false.

17. If the accused were apprehended by the public on the spot itself, the motorcycle and the mobile would have been recovered on the spot itself, and in such circumstances there could not have been any occasion for the accused to keep the weapon of offence in hiding at the place. Rather the chains of events depicted by the PW-5 and PW-6 shows that after the incident the appellant and his co-accused had no such opportunity. But the deposition of PW-4 narrates an altogether different story. It has been stated by the PW-4 the Investigating Officer of this case, that both the accused had suffered disclosure statements and pursuant to disclosure statement, suffered by the appellant Pardeep, motorcycle was recovered from his house and pursuant to disclosure statement suffered by the co-accused of appellant, namely Parveen, mobile phone and Spud, used for the commission of offence, were recovered. The above mentioned story set up by the



prosecution shows that the prosecution stand with regard to recovery of weapon of offence and the motorcycle used at the time of commission of offence and the stolen property is in contrast to the narration of incident by the eye-witnesses PW-5 and PW-6. Since this material contradictions had cropped up in the evidence led by the prosecution, it was incumbent upon the prosecution to explain the same, but no such explanation had been forthcoming in the instant case.

18. Taking into consideration the contradictions that cropped up in the prosecution evidence, the materiel discrepancy with regard to story set up by the proscription and the deficiency of evidence, it is hereby held that a grave error of judgment has been committed by the learned trial Court while believing the evidence led by the prosecution. In fact, the evidence led by the prosecution was not good enough to inspire any confidence, and therefore, instead of believing it, the learned trial Court should have discarded it.

19. Since due to wrong appreciation of evidence a wrong view has been taken by the learned trial Court, it is hereby held that there is need and requirement of interference and indulgence of appellate jurisdiction of this Court in the impugned judgment. Hence, by accepting the present appeal the impugned judgment of conviction and order of sentence are hereby set aside and the appellant is hereby acquitted of the charges framed against him.

20. However, before parting ways with this judgment, it shall be appropriate to record that in the present case, the testimony of victim and eye-witnesses makes it abundantly clear that the culprits were apprehended on the spot itself. In the above mentioned circumstances, if the true facts



would have been projected by the Investigating Officer, the instant case would have been a full proof case. But without any justified reason the Investigating Officer of this case instead of recording the true facts twisted the facts and projected another story by creating false documents, i.e. disclosure statements of the accused dated 19.06.2018 and the recovery memos, showing recoveries, pursuant to those disclosure statements. Since the investigation has not been conducted in a fair and impartial manner and there appears to be a deliberate attempt on the part of Investigating Officer sabotage the prosecution case by twisting the facts, creating false documents and projecting a different story before the Court, there is need for an inquiry into the conduct of an Investigating Officer. Hence, the copy of this order judgment of this order be forwarded to the Superintendent of Police, Karnal, with a direction to appoint a senior officer and get the matter inquired with regard to the circumstances in which by creation of false documents wrong story has been projected before the Court. A copy of inquiry report be forwarded to this Court by 31.12.2025. The report, so received be listed before the Court.

21. The appeal stands allowed, accordingly.

**(SURYA PARTAP SINGH)**  
**JUDGE**

**Pronounced on:17.09.2025**

*Manoj Bhutani*

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