



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

**CRA-D No.727-DBA-2004 (O&M)
Date of decision: 29.07.2025**

STATE OF HARYANA

... Appellant

Versus

RAM NARAIN AND OTHERS

... Respondents

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
HON'BLE MR. JUSTICE H.S. GREWAL**

Present:- Mr. Karan Sharma, Deputy Advocate General, Haryana.

Mr. Dinesh Arora, Advocate with
Mr. Ashish Khatkar, Advocate,
Mr. Jatin Sehra, Advocate and
Mr. Prashant Deswal, Advocate
for the respondents.

H.S. Grewal, J.

1. The present appeal has been filed by the State in case FIR No.106 dated 30.06.2001 under Sections 302, 506, 34 IPC registered at Police Station Sahlawas, wherein 05 accused namely Ram Narain, Chander, Rajbir, Ramesh Kumar and Ranbir have been acquitted vide judgment dated 23.10.2003 passed by Additional District & Sessions Judge, Jhajjar.

2. The case of the prosecution as made out in the FIR is that the complainant Zile Singh had gone to the house of in-laws of his daughter for attending a function on 29.04.2001 and at that time, his son Balwan aged about 24 years was doing the job of electrician. In the evening of 29.04.2001 at about 10.00 pm, one Rajbir Singh @ Poni-accused came to their house and wanted to take



Balwan Singh with him for repair of a ceiling fan. When Balwan Singh was leaving, he told his mother Kitabo that he was going to the house of Rajbir Singh for repairing the fan. He also stated that he will be returning soon. It is alleged that about 20 days ago, the complainant party had a dispute with Ram Narain, the father of Rajbir, over their donkey entering the plot of the accused which led to a quarrel with Balwan and Balwan had given beatings to the brother of Rajbir. However, that matter was sorted out in the form of a compromise. After waiting for about an hour, Kitabo went to the house of Balwan, where she saw that the accused persons were giving beatings to Balwan. The accused Ram Narain had caught hold of him by the hands while his wife Chandro had caught hold of him by both the legs and the accused Rajbir and Ramesh sons of Ram Narain were giving beatings to him with rods and pipe respectively and Ranbir, the brother of Ram Narain was giving beatings with a *danda*. Thereupon, Kitabo tried to rescue Balwan, however the accused threatened her to leave the house immediately or otherwise she would be put to death. So, she came out of the house and rushed to the house of Suraj Singh and Ram Kumar, the brothers of her husband and told them about the occurrence. They all then rushed to the house of the accused and saw that Ram Narain had caught hold of Balwan by the hands and Chandro had caught hold of Balwan by his legs while the remaining accused were giving beatings with rod, pipe and *danda*. They all rescued him. While leaving the spot, the accused held out a threat while waiving their weapons that if they lodged a report, they shall be finished. Thereafter, Suraj Singh, Dinesh etc. took the injured to Civil Hospital, Jhajjar but the injured Balwan expired on the way, so they brought his dead body back to their house and was placed on a cot in the courtyard. Kitabo then informed Zile Singh, the complainant who was at Village Nimana and had gone to his daughter's house and on receiving that information, he returned to his house. On reaching his house,



Kitabo told him about the incident and thereafter he got the complaint registered Ex.PA regarding the occurrence at the Police Station.

3. It is stated that Zile Singh (PW-1) had handed over the written complaint to Ajmer Singh SI who made his endorsement Ex.PA/1 and sent the same to the Police Station for registration of FIR. Thereafter, the police carried out the investigation.

4. The prosecution in support of its case examined 13 witnesses in all. PW-1/Zile Singh, the complainant deposed that he was told about the incident on the next morning at about 8.00 am at Village Nimana where he received the message through Satish, son of Johari and then he returned to his house where his wife told him about the entire incident and thereafter he reported to the Police Station in the form of written complaint Ex.PA. However, on his way towards the Police Station, he met one Ajmer Singh, SHO and handed over the written complaint Ex.PA to him. Thereafter, the FIR was registered. He had reiterated the contents of the FIR in his statement.

5. Statement of PW-8/Kitabo was recorded and as per her version given to Zile Singh which was incorporated in the FIR, she has reiterated the role of each of the accused as described in the FIR. It is stated that they had taken Balwan Singh to Civil Hospital, Jhajjar but near the turn of the Village Subahana, Balwan Singh breathed his last, so they took his dead body back to their house. As regards the motive of the occurrence, she has given the same version as given by her husband-Zile Singh (PW-1).

6. Rajkumar appeared as PW-10 while Surje appeared as PW-11. Both of them have reiterated their versions as given in their statements under Section 161 Cr.P.C and supported their versions that on 29.06.2001 at 11 p.m., they were asleep and Kitabo came to them and told them that Balwan was being beaten at



the house of the accused-Rajbir and they all accompanied her and also took Dinesh with them. On reaching the accused Rajbir's house, they saw the incident being taken place as described in the FIR. Thereafter, they rescued Balwan and they had taken Balwan to the hospital but he expired on the way, so he brought the dead body back to their house and waited for the father of the deceased who came on the next day.

7. Ajmer Singh, SI, PW-12 is the Investigating Officer who stated that Zile Singh, the complainant appeared before him and moved a written complaint which he endorsed and sent the same for registration of the FIR. Thereafter, he visited the spot with the complainant at Village Babepur where the dead body of Balwan Singh was lying. Thereafter he prepared the inquest report Ex-PH and sent the dead body for post mortem through Constable Baljeet. He also arrested Ram Narain, Chandro the accused from the spot on the same day. He also deposed regarding the disclosure statement made by the accused and the recovery of the weapons i.e. iron rod and *lathi* from the accused. On 03.07.2001, he arrested Ranbir Singh and on his disclosure statement, he recovered a *lathi*.

8. Statement of PW-4, Dr. Kumud Sharma was recorded who conducted the post mortem examination of the dead body and noted multiple abrasions on left knee joint fracture of left knee joint, multiple abrasions on right knee joint, multiple abrasions on left eyebrow, multiple contusions on the chest, multiple contusions on the left shoulder joint and also fracture of skull in the occipital region with cerebral hematoma. The cause of death, in his opinion was shock and hemorrhage as a result of head injury and all the injuries were declared ante mortem in nature and sufficient to cause death. The time between death and post mortem was stated to be 24 hours.

9. In their examination under section 313 Cr.P.C. the accused stated that



it was a false case and prosecution witnesses had deposed falsely. Moreover, it was a blind murder which took place somewhere else and they had been falsely implicated in the present case due to party fraction in the village.

10. In defence, DW-1/Virender has deposed that on 29.06.2001 Sarpanch Rana of Village Babepur and Kitabo, the mother of the deceased and his uncle had come to him in a tractor trolley at about 12.00 am in the midnight, with an injured in the trolley and had requested him to take the injured in his taxi to Civil Hospital, Jhajjar and had told him that the injured sustained injuries by falling from the roof and the injured was wearing an underwear only. So, he took the injured in a taxi to Civil Hospital, Jhajjar and those persons accompanied the injured. On reaching the hospital, a nurse came and on checking the injured, she declared him dead. The dead body was brought back to the village.

11. DW-3/Dharambir, has deposed that on the night of 29.06.2001, he was sleeping in the house of his aunt when at 11 P.M., he heard some alarm from the outside and he came out. Some people were present there and had told him that Balwan had fallen from the roof of the house of Ashok. He further deposed that earlier also some occurrence took place between Balwan and Ashok on account of his visit to Pinki who is the wife of Ashok. So, he informed the mother and uncle of Balwan who turned up and picked the injured in a tractor trolley towards Village Subhana.

12. Based on the evidence led, the accused-respondents came to be acquitted vide order dated 23.10.2003 passed by Additional District & Sessions Judge, Jhajjar.

13. The aforementioned judgment is under challenge before this Court.

14. Learned counsel for the appellant-State submits that the judgment of acquittal is based on conjectures and surmises and the findings given therein are



not based upon the evidence before the trial Court. He further submits that it has been proved on the file that the deceased was called by accused Rajbir @ Poni at about 10.00 PM on the day of occurrence from his house to repair the ceiling fan of the accused while leaving the house deceased told his mother Kitabo Devi-PW8 that he was going to the house of the accused to repair their fan. After one hour, PW-8 his mother went to the house of the accused and saw with her own eyes that accused were beating the deceased. He further states that trial Court has erred in not relying upon the evidence of PW-10 and PW-11 Raj Karan and Surje that have fully corroborated the case of the prosecution.

15. The motive of the occurrence is stated to be a donkey of the accused-party having entered into the plot of the complainant-party. The eye-witnesses who have seen the occurrence i.e. the accused beating up the deceased have narrated the occurrence as that the injuries were given all over the body. However, the injuries sustained are mostly around the knee, eyebrow, face, nose and head of the deceased.

16. PW-8 Kitabo on seeing the incident had gone and collected PW-10 and PW-11 i.e. Raj Kumar and Surje, therefore much time was wasted in collecting them and therefore, this conduct of Kitabo is unnatural as she could have raised hue and cry at that very moment, and gather attention instead of going towards the house of Raj Kumar and Surje which was at a distance of about one and a half *killas* from the alleged place of occurrence. Moreover, the matter was not reported till the next morning, there is no explanation as to why the matter was reported only when the father of the deceased came back to the Village. Moreover, the statement of Kitabo was recorded after more than 02 months by the Investigating Officer whereas he had visited the village on the very same day when the matter was reported, whereas the death took place in the evening and was not reported



till next morning. The cause of such delay is not explained. Moreover, Raj Kumar/PW-10 in his cross examination has admitted that he attended the marriage of daughter of Krishna of Village Chandol and he had gone in the evening and returned to the village in the morning. Therefore, his presence in the village is highly doubtful which demolishes his testimony in his cross examination. Even Ramesh was not available at the Village as he had gone to Village Talao on 29.06.2001 for attending a marriage party and the party also coincided with the alleged date of occurrence. Therefore, he has been falsely named and was not available in the Village. Moreover, the FSL report also does not show any blood stained weapon. Therefore, the whole picture casts a doubt on the case of the prosecution that the injured/ deceased was first taken to the hospital and they brought the deceased back to the Village and the matter was reported in the next morning. The time line as narrated, does not coincide.

17. In view of the aforementioned discussion and the observations made above, we find no infirmity in the well-reasoned judgment dated 23.10.2003 passed by Additional District & Sessions Judge, Jhajjar whereby the respondents have been acquitted. Therefore, the present appeal stands **dismissed**.

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

(MANJARI NEHRU KAUL)
JUDGE

29th July, 2025
Sonia Puri

(H.S. GREWAL)
JUDGE