

Om Prakash & Anr. ...Appellants

Versus

State of Haryana ...Respondent

ORDER

1. Mr. R.N. Kush, learned counsel for the appellants submits that appellant No.1 - Om Parkash has died. Therefore, the appeal qua appellant no.1 stands abated. We are now restricted only to appellant no.2 - Chetu @ Chet Ram.

2. This criminal appeal has been filed against the impugned judgment and order dated 21.8.2007 passed by the High Court of Punjab and Haryana at Chandigarh in Criminal Appeal No. 298-SB of 1996, by which the High Court has affirmed the judgment and order dated 8.4.1996/9.4.1996 of the learned Additional Sessions Judge, Hisar, in Sessions Case No. 129 of 1994 convicting the appellant and other co-accused under Section 306 of Indian Penal Code, 1860 (hereinafter referred to as the "IPC") and awarded the sentence of five years with a fine of Rs.1000/- each, in default of payment of fine to undergo further RI for two months each.

3. Facts and circumstances giving rise to this appeal are that:

1

A. Neelam alias Minto, daughter of Hukam Singh, complainant, was married to Dalbir, son of Surat Singh, on 12.4.1994 and she died an unnatural death at 2.00 p.m. on 13.5.1994, i.e., just after one month of her marriage. Hukam Singh, complainant, was called by the accused persons, who ultimately informed the police on 14.5.1994 and on the basis of the same, a criminal case was registered against the appellant Om Parkash (now dead) and Dalbir.

B. After completing the investigation, a chargesheet was filed against all of them and the trial commenced. It is during the trial that Dalbir expired.

C. After conclusion of the trial, the trial court convicted the appellant as well as Om Parkash and sentenced them as referred to hereinabove and the

said judgment had been affirmed by the High Court vide impugned judgment and order.

Hence, this appeal.

4. We have heard Shri R.N. Kush, learned counsel appearing on behalf of the appellants and Ms. Nupur Choudhary, learned counsel appearing on behalf of the State and perused the record.

5. Admittedly, Neelam died unnaturally just after the expiry of one month of her marriage and there is ample evidence on record that there had been an attempt by family members of her husband, particularly, the brothers of her

husband, to have an illicit relationship with her. The husband did not afford her protection. The courts below have placed reliance on the evidence of Hukum Singh (PW.2) and Raj Kumar (PW.3), father and brother of the deceased respectively to record the conviction of the appellants.

2

6. We do not see any cogent reason to interfere with the impugned judgment and order. The appeal lacks merit and is, accordingly, dismissed.

7. This Court vide order dated 6.4.2009 has enlarged the appellant on bail. As the appeal is dismissed, the appellant no.2 must surrender to serve out the remaining part of the sentence forthwith, failing which, the learned Additional Sessions Judge, Hissar, would secure his custody and sending to jail to serve out the remaining part of the sentence. A copy of the order be sent to the learned Additional Sessions Judge, Hissar for information and compliance.

.....J.  
(Dr. B.S. CHAUHAN)

.....J.  
(A.K. SIKRI)

New Delhi,  
May 16, 2014

OM PRAKASH & ANR.

Appellant (s)

VERSUS

STATE OF HARYANA

Respondent(s)

(With office report )

Date: 16/05/2014 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE A.K. SIKRI

[VACATION BENCH]

For Appellant(s) Mr. R.N. Kush, Adv. for  
Mr. S.K. Sabharwal, Adv.

For Respondent(s) Ms. Nupur Choudhary, Adv. for  
Mr. Kamal Mohan Gupta, Adv.

UPON hearing counsel the Court made the following

O R D E R

Criminal Appeal is dismissed in terms of signed  
order.

(Pardeep Kumar)

AR-cum-PS

[SIGNED ORDER IS PLACED ON THE FILE]

(M.S. Negi)

Assistant Registrar