

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.690 OF 2011

(ARISING OUT OF SPECIAL LEAVE PETITION(CRL.)NO.3249 OF 2010)

STATE OF HARYANA

... APPELLANT

VERSUS

SURESH @ PAPPU

... RESPONDENT

O R D E R

Leave granted.

We have heard the learned counsel for the parties.

2. The High Court of Punjab & Haryana by the impugned judgment and order dated 20.08.2009 in Criminal Revision No.2217 of 2008, has quashed the application of the Prosecution under Section 319 of the Code of Criminal Procedure.

3. The State of Haryana, aggrieved by the impugned judgment and order, has approached this Court by filing this Special Leave Petition.

4. Learned counsel appearing for the State has drawn our attention to the statement of Prosecution Witness No.3-Dharambir, S/o.Tarkha Ram. In that statement it is clearly stated that "my brother was murdered by Suresh and Sombir". In the statement it is also indicated that "Suresh got 7.5 acres of land of Sombir sold by misguiding him and serving liquor. Whenever Sombir used to ask him to pay money, he used to promise to give next day or thereafter. Thereafter, we insisted upon Suresh to give money". This clearly reflect the motive for committing the crime.

5. In view of this clear and categoric statement of P.W.NO.3-Dharambir, the High Court was not justified in quashing the Prosecution Application under Section 319 of the Code of Criminal Procedure for summoning Suresh @ Pappu.

6. Consequently, we are constrained to set aside the impugned judgment and order of the High Court passed in Criminal Revision No.2217 of 2008. Whatever has been observed by us in this order is only confined to adjudication of this petition which should not prejudice the accused in any manner in the trial.

The appeal is disposed of accordingly.

.....J.
(DALVEER BHANDARI)

.....J.
(DEEPAK VERMA)

NEW DELHI;
9TH MARCH, 2011

JUDGMENT