

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

CRA-S-1075-SB-2004

Date of decision: 23.12.2015

Sadha Singh and others

..... Appellants

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes
2. To be referred to the Reporters or not ? Yes
3. Whether the judgment should be reported in the Digest ? Yes

Present: Mr. D.S. Pheruman, Advocate for the appellants.

Mr. P.S. Bajwa, Deputy Advocate General
for the State of Punjab- respondent.

DARSHAN SINGH, J.

The present appeal has been preferred by appellants Sadha Singh, Sukhwinder Singh, Madha Singh and Sucha Singh against the judgment of conviction dated 04.05.2004, passed by learned Additional Sessions Judge (*Ad hoc*), Fast Track Court, Gurdaspur, vide which they have been held guilty and convicted for the offences punishable under sections 148, 307/149, 324 and 323 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') and the order on the quantum of

sentence of the even dated, vide which they have been sentenced as under:-

Offence under sections	Rigorous imprisonment	Fine	In default of payment of fine further imprisonment
307/149 IPC	03 years, each	₹ 1000/-, each	R.I. for one month, each
148 IPC	06 months, each	-	-
324 IPC	06 months, each	-	-
323 IPC	03 months, each	-	-

2- The facts giving rise to this prosecution are that PW-3 Gurpal Singh injured-complainant made a statement Ex.PC to PW-9 ASI Chanan Singh alleging therein that on the night of 8th June, 2001, at about 12:00/12:30 A.M. (mid night), he went to his fields for starting the electric motor. When he reached near electric motor, he noticed that his tube-well was not working. He found that appellants Sadha Singh and Madha Singh were running their motor by illegally connecting the wires with electric connection of the complainant and they were irrigating their Chari fields. He asked Madha Singh and Sadha Singh to remove those wires as he was to irrigate his own fields. At this, Sadha Singh and Madha Singh, who were sitting on a cot, armed with Kirpan and Toka, got annoyed and started abusing him. An altercation took place between both the parties, hearing which, Charanjit Singh (proclaimed offender in the case) armed with a Kirpan, appellant Sukhwinder Singh armed with Toki and appellant Sucha Singh armed with Dang came there. Sucha Singh raised Lalkara that complainant should be caught hold and he should not be spared. At this Charanjit Singh gave a Kirpan blow on the

backside of his head, then Sukhwinder Singh inflicted a Toki blow on the right side of his chest. Sadha Singh gave a Kirpan blow on the right shoulder of the complainant. Madha Singh gave a Toki blow on the backside of the head of the complainant and this blow further caused injury on the right shoulder of the complainant. Sucha Singh gave Dang blow on the back of the complainant. Thereafter, they caused other injuries on the body of the complainant with their respective weapons. The complainant became unconscious. Shangara Singh, the father of the complainant, rushed to the spot and raised alarm "Na Maro - Na Maro". Charanjit Singh also caused injuries to Shangara Singh and, thereafter, they fled away from the spot. Injured-complainant was removed to Civil Hospital, Gurdaspur. He regained his conscious on 13.06.2001 in the hospital and found that the accused have also snatched away his golden chain weighing about two tolas. The motive behind the occurrence was the litigation between both the parties with regard to the partition of their land. It was alleged that accused had caused injuries to the complainant with intention to kill him in connivance with each other. On the statement of complainant Gurpal Singh Ex.PC, the FIR Ex.PW9/B was registered and investigation was started.

3- The Investigating Officer visited the place of occurrence and prepared the site plan of the scene of crime. The accused were arrested. During the investigation, co-accused Charanjit Singh was declared proclaimed offender. On receipt of the X-ray report and the medical opinion, the offences under sections 307/325 IPC were also

added. On completion of the formalities of the investigation, the report under Section 173 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.') was presented in the Court.

4- On commitment of the case to the Court of Sessions for trial, the appellants were charge sheeted for the offences punishable under sections 148, 307/149, 324/149 and 323 IPC, to which they pleaded not guilty and claimed trial.

5- In order to substantiate its case, prosecution examined as many as nine witnesses.

6- When examined under Section 313 Cr.P.C., the accused-appellants pleaded that they were irrigating their fields from their tube-well. Complainant Gurpal Singh armed with a Datar, Shangara armed with Toki and Bawa Singh armed with a Dang came there and started quarreling with them. They raised objection as to why they were irrigating their fields with the help of their tube-well. Bawa Singh raised Lalkara that Madha Singh be taught a lesson for irrigating his field from his tube-well. Gurpal Singh, Shangara Singh and Bawa Singh caused injuries to Madha Singh and Sadha Singh with their respective weapons. Hearing the noise, Shangara Singh son of Dalip Singh was attracted to the spot and on seeing him, they fled away from the spot with their respective weapons. They pleaded that they have been falsely implicated and are innocent.

7- In the defence evidence the accused examined Dr. Vipan Sambria as DW-1, who has proved medico legal report of accused Madha

Singh. They further examined Ashwani Kumar, Ahlmad, Court of the Chief Judicial Magistrate, Gurdaspur as DW-2, Sarwan Singh, Reader as DW-3 and also tendered copy of the documents.

8- On appreciating the evidence on record and contentions raised by learned counsel for the parties, the learned trial Court held guilty and convicted the appellants for the offences punishable under sections 148, 307/149, 324 and 323 IPC and were awarded the sentence as mentioned in the upper part of the judgment.

9- Aggrieved with the aforesaid judgment of conviction and order of sentence, the present appeal has been preferred.

10- During the pendency of the appeal, appellant No.3 Madha Singh died and the appeal qua him stands abated vide order dated 13.10.2015.

11- I have heard Mr. D.S. Pheruman, Advocate, learned counsel for the appellants, Mr. P.S. Bajwa, learned Deputy Advocate General for the respondent-State of Punjab and have meticulously examined the record of the case.

12- Mr. D.S. Pheruman, Advocate, learned counsel for the appellants initiating the arguments contended that the parties are closely related. Appellants Sadha Singh, Madha Singh and injured Shangara Singh are the real brothers. It is also an admitted fact that they have civil litigation for the last 20 years with respect to the partition of the land and the said litigation was pending in the Court. The parties had family dispute with respect to the property. He contended that this dispute is the

cause for the false implication of the appellants.

13- He further contended that Dr. Harjinder Singh is the son of Balkar Singh the brother of Shangara Singh and they were jointly pursuing the civil litigation against appellant Sadha Singh and Madha Singh and were enimical to them. Dr. Harjinder Singh the son of Balkar Singh was also posted in Civil Hospital, Gurdaspur where complainant Gurpal Singh and his father Shangara Singh have been medico legally examined. He contended that the medical evidence has been fabricated by using influence of Dr. Harjinder Singh, posted in that very Civil Hospital. He contended that village Lalowal, where the occurrence had taken place, falls in the area of Community Health Center, Kalanaur. Instead of taking the injured to CHC, Kalanaur, they had taken the injured to Civil Hospital, Gurdaspur purposely to procure the false medical reports and by using this very influence, they have got the opinion that injury No.1 on the person of Gurpal Singh was dangerous to life. He contended that this fabricated medical evidence should not be relied upon.

14- He further contended that the offence punishable under Section 307 IPC is not made out. Injury No.1 has been declared as dangerous to life. Meaning thereby it endangers life. He contended that Section 307 IPC can only be applicable if the acts falls within clause thirdly of Section 300 IPC and the injuries should be sufficient to cause death in the ordinary course of nature. But in the instant case, there is no medical opinion that injury No.1 on the person of Gurpal Singh was sufficient to cause death in the ordinary course of nature. So, Section 307

IPC is not attracted. To support his contentions, he relied upon cases *Atma Singh Vs. The State of Punjab 1982(2) C.L.R. 496*, *Bali Ram Sharma Vs. S.H.O. Police Station, Defence Colony, New Delhi and others 1982 (2) C.L.R. 505* and case *Pashora Singh Vs. State of Punjab 1993(1) R.C.R. (Criminal) 188*.

15- He further contended that there is no explanation of the injuries on the person of Madha Singh, which shows that the genesis and origin of the occurrence has been suppressed.

16- He further stated that the cross case was also registered out of this very occurrence against the complainant party. He further contended that the sentence awarded to the appellant is also harsh. Appellant Sadha Singh is 92 years old. Only a simple injury has been attributed to him. He has pleaded that in view of the facts and circumstances of the case as even a cross case was registered out of this very occurrence, the sentence should be reduced to that of already undergone.

17- On the other hand, learned State counsel contended that from the statements of PW3 Gurpal Singh injured-complainant and PW4 Shangara Singh it is established that appellants armed with deadly weapons had caused 13 injures on the person of complainant Gurpal Singh with intention to kill him. He contended that in order to attract Section 307 IPC, the nature of injuries is immaterial. It is intention of the appellants which is the determining factor. In the instant case, three injuries have been caused on the head of Gurpal Singh, which shows that

the intention of the appellants to kill him. The ocular evidence is fully corroborated from the medical evidence. Even no suggestion has been put to PW-1 Dr. Sudhir Kumar that he has prepared the false medical report under the influence of Dr. Harjinder Singh. He contended that the litigation pending between the parties was the motive for the occurrence. The injuries on the person of Madha Singh was superficial and simple in nature. The cross case registered against the complainant party has resulted in acquittal. Thus, he pleaded that there is no infirmity in conviction of the appellants recorded by the learned trial Court.

18- I have duly considered the aforesaid contentions.

19- In the instant case, the occurrence is not even disputed by the appellants. As per the suggestions put to the prosecution witnesses in the cross-examination and the statements of the appellants under Section 313 Cr.P.C., the date, time and place of occurrence has been categorically admitted. The appellants have simply raised the plea that in fact injured complainant Gurapal Singh, his father Shangara Singh and one Bawa Singh, while armed with Datar, Toki and Lathi respectively, caused injuries to Madha Singh. It is not disputed that on the version of accused party, a cross case was registered for this occurrence against the complainant party. Learned counsel for the appellants has not refuted the contentions of learned State counsel that the cross case got registered by Madha Singh and others had resulted in acquittal and the appellants have been convicted in the present case. Meaning thereby, the plea put forward by them that complainant party was aggressor has not been accepted.

20- Complainant Gurpal Singh has stepped into the witness box as PW-3 and categorically deposed that on 08.06.2001 at about 12:00/12:30 midnight he went to the fields for starting electric motor. When he reached near the electric motor, he noticed that his tube-well was stopped. He found that Sadha Singh and Madha Singh were present at their tube-well. He further deposed that they had illegally got connection from the electric installation of their electric motor and were running their electric motor. Due to this reason, their motor was stopped. He asked Sadha Singh and Madha Singh to move the wires from their connection so that he may start his tube-well. At that time, they were sitting on a cot near the electric motor. Sadha Singh was armed with Kirpan and Madha Singh was having a Toki. They abused him when he asked them to remove the wires. He again made request to them and in the meantime his father also came there. On the other hand Charanjit Singh armed with Kirpan, Sukhwinder Singh having Toki and Sucha Singh armed with a Dang also appeared there. Sucha Singh raised Lalkara that Gurpal Singh be not spared today and he be done to death, then Charanjit Singh gave a Kirpan blow, Sukhwinder Singh gave a Toki blow on his back, Sadha Singh gave a Kirpan blow on his right shoulder, Madha Singh gave Toki blow on his head, Sucha Singh gave a Dang blow on his back. When they were grappling with him Sucha Singh removed the golden ring from his finger. On receiving the injuries he fell down on the ground and became unconscious. Even thereafter accused caused more injuries to his body. The testimonies of PW-3 Gurpal Singh

injured-complainant has been fully corroborated by PW-4 Shangara Singh, his father. He also deposed in detail about the occurrence. He further stated that Charanjit Singh gave a Kirpan blow from the reverse side on the right leg and Sucha Singh gave a Dang blow on his left leg.

21- Both the aforesaid witnesses are the injured witnesses. It is settled principle of law that the testimonies of the injured witnesses carry great evidentiary value as they are stamped witnesses and their presence at the spot cannot be doubted. They being the victim will not spare the real culprit. Moreover, in the instant case as already mentioned the occurrence is not disputed even by the appellants. They have also admitted the presence of both PW-3 Gural Singh and PW-4 Shangara Singh at the spot.

22- The aforesaid ocular evidence is further corroborated from the medical evidence. PW-1 Dr. Sudhir Kumar Medical Officer Civil Hospital, Gurdaspur has medico legally examined injured complainant Gural Singh on 9th June, 2001 at 02:35 A.M. and found the following injuries on his person:-

- 1) An incised wound of 7 X 1 cm on the mid of head on the upper side in the coronal plane, the underline structure and bone were felt cut, the clotted blood was present on the wound and whole of head and this injury was kept under X-ray observation and surgical opinion.
- 2) An incised wound of 7 X 1.5 cm on the back of right side of back, 10 cm from the outer side of right shoulder joint and 4 cms below the upper side of right shoulder joint and it was kept under X-ray observation.
- 3) An incised wound 3 cm diameter on the back of head on the occipital region with the tissue cut attached with the small tag.
- 4) An incised wound 2.5 X 0.5 cm on the back of head 4 cms from the injury No.3 and was kept for X-ray observation.

- 5) An incised wound of 9X 1 cm on the back and upper of right chest 7 cm inner to the injury No.2.
- 6) An abrasion 12X 2 cms on the upper and outer part of right arm.
- 7) An abrasion of 5 X 0.5 cm on just above and back of right wrist joint.
- 8) An abrasion 7 X 1.5 cm on outer and mid of right thigh.
- 9) An abrasion 12 X 0.5 cm on the inner of left calf.
- 10) An abrasion 8 X 0.5 cm just above and inner to left knee joint.
- 11) An abrasion of 3X 1 cm on the contusion of 5 cm diameter on the back and lower part of left side of chest. The injury was kept under X-ray observation.
- 12) A 'Y' shaped abrasion of 23 X 0.5 cm and 5 X 0.5 cm on the left shoulder and left arm.
- 13) Complain of pain on the inner and back of left thigh.

23- This witness has proved the medico legal report of Gurpal Singh Ex.PA and his opinion Ex.PA/2 vide which injury No.1 on the person of Gurpal Singh was declared as dangerous to life. The remaining injuries on the person of Gurpal Singh were declared as simple.

24- PW-2 Dr. Vijay Kumar, Medical Officer, Civil Hospital Gurdaspur has medico legally examined Shangara Singh, the father of complainant Gurpal Singh and found the following injuries on his person:-

- 1) Abrasion 2 cm X .8 cm on right interior side of the lower leg in mid one third reddish brown in colour.
- 2) Complaint of pain on left side of thigh.

25- He proved the medico legal report of Shangara Singh Ex.PB. Dr. Jagjiwan Lal, Radiologist, Civil Hospital, Gurdaspur appeared

as PW-8, who has radio-logically examined Gurpal Singh. He proved the X-ray report Ex.PW8/A, which reads as under : -

X-ray skull AP and lateral view, a bone cut in outer table of parietal bone of skull was seen in mid line of skull in mid portion.

X-ray back right side, X-ray right scapula and X-ray chest left side shown no abnormality.

26- The aforesaid medical evidence shows that injured complainant Gurpal Singh has suffered 13 injuries on his body. Out of those, three incised wound were on his head. As per the X-ray report, he has suffered the bone cut in the outer table of parietal bone of skull. Thus, the medical evidence fully corroborates the ocular evidence.

27- Injured Gurpal Singh was having multiple serious injuries on his body. It is always the concern of the family members of the injured to make all possible efforts to save the life of the victim. Every prudent man prefers to the bigger medical institution for a seriously injured person for better treatment and management. Thus, mere this fact that instead of taking the injured to CHC Kalanaur, he was taken to Civil Hospital, Gurdaspur, is no ground to render the prosecution case suspicious. Moreover, even as per the suggestions put to the complainant in the cross-examination CHC Kalanaur and Civil Hospital, Gurdaspur, are situated at almost the similar distance from village Lalowal, as it has been suggested to him that Kalanaur is at a distance of 17 kilometers and Gurdaspur was at a distance of 22 kilometers from their village. So, there was difference of only 5 kilometers, which is immaterial if the intention is to seek the better treatment.

28- Mere this fact that Dr. Harjinder Singh son of Balkar Singh, the brother of injured Shangara Singh was posted in Civil Hospital, Gurdaspur is itself not a ground to draw a conclusion that medical evidence has been fabricated. No suggestion has been put in the cross-examination of PW-1 Dr. Sudhir Kumar, who has medico legally examined injured Gurpal Singh and gave the opinion Ex.PA/2 that injury No.1 on his person was dangerous to life, that he has given wrong medical reports/opinion under the influence of Dr. Harjinder Singh Kaler. Similarly, no such suggestion has been put to PW-2 Dr. Vijay Kumar who has medico legally examined Shangara Singh and PW-8 Dr. Jagjiwan Lal who had radio-logically examined injured Gurpal Singh. In the absence of any evidence that Dr. Harjinder Singh Kaler exercised any influence over PW-1 Dr. Sudhir Kumar, PW-2 Dr. Vijay Kumar and PW-8 Dr. Jagjiwan Lal, the plea raised by learned counsel for the appellants that the medical evidence is fabricated, is without any substance.

29- From the statement of DW1 Dr. Vipin Sambaria, who has medico legally examined deceased appellant Madha Singh, it comes out that he had suffered the following injuries on his person : -

- 1) Incised wound 11 cm X 1 cm over the right palm starting from base of index finger extending towards medial side of palm (wound was kept under X-ray).
- 2) Incised wound 3.5 cm .5 cm over the front of left arm with swelling over wound 8 cm X 6 cm around the wound 7 belong it. Wound is 8 cm above elbow joint. It was kept under X-ray.
- 3) Lacerated wound 4.5 cm X .5 cm over the head 12 cm above the left tragus.

Injuries No.1 & 2 were declared as simple.

30- DW-1 deposed that fracture of outer table of parietal bone was found in the X-ray for injury No.3 but no such X-ray report has been brought on record. In the absence of the X-ray report, it is not proved that injured Madha Singh had suffered any grievous injury in this occurrence.

31- As already mentioned, a cross case was also registered against the complainant party arising out of this very occurrence. The contention of learned State counsel has not been rebutted by learned counsel for the appellant that the said cross case has resulted in acquittal. So, it cannot be started that no cognizance was taken by the investigating agency qua the injuries suffered by the accused party. Consequently, there is no question of the concealment of the injuries on the person of Madha Singh rather the police has put forward the version of both the parties before the Court with respect to the occurrence for the judicial verdict.

32- Moreover, it is well settled principle of law that mere non explanation of the injuries on the person of accused is itself not a ground to discard the prosecution version.

33- Way back, the Hon'ble Apex Court in case ***Vijayee Singh Vs. State of U.P 1990(2) R.C.R (Criminal) 304*** has laid down that the failure of the prosecution to explain the injuries on the person of accused can not be held to be a ground in each and every case to reject the case of prosecution without any further probe as much depends upon the facts and circumstances of each case. In case ***Rajendra Singh and others Vs.***

State of Bihar 2000(2) R.C.R (Criminal) 537, the Hon'ble Supreme Court has laid down that if the prosecution evidence is clear, cogent and creditworthy, mere this fact that injuries on the accused were not explained cannot be itself by a sole basis to reject the prosecution evidence. Again in case *Anil Kumar Vs. State of U.P 2004(4) R.C.R (Criminal) 358*, the Hon'ble Apex Court reiterated the legal position that it can not be held that accused should be acquitted in each and every case where injuries on the accused are not explained. In the instant case also the evidence of prosecution is clear, cogent, creditworthy and supported by the medical evidence. So, mere non explanation of the injuries suffered by the prosecution witnesses is itself not a ground to reject the prosecution case.

34- I also do not find any substance in the contentions raised by learned counsel for the appellants that Section 307 IPC is not attracted. Section 307 IPC reads as under:-

“307. Attempt to murder.—Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to [imprisonment for life], or to such punishment as is hereinbefore mentioned.

Attempts by life convicts.—[When any person offending under this section is under sentence of [imprisonment for life], he may, if hurt is caused, be punished with death.]”

35- In order to justify the conviction under Section 307 IPC, it should be established that accused did an act with such intention or

knowledge and under such circumstances that if by that act, he caused the death, he would be guilty of murder. It is sufficient to attract Section 307 IPC if there is present an intent to kill, coupled with some overt act in execution thereof. It is not essential that bodily injury capable of causing death should have been inflicted. Although the nature of injury actually caused may often give considerable assistance in coming to a finding as to the intention of the accused. Such intention may also be deduced from other circumstances. The Court has to see whether the act irrespective of its result was done with intention or knowledge and under the circumstances mentioned in Section 307 IPC. To support this view, reference can be made to cases *Lachman Singh Vs. State of Haryana AIR 2006 SC 2763*, *Prakash Chandra Yadav Vs. State of Bihar and Ors. 2007(4) RCR (Criminal) 860 (SC)* and *State of M.P. Vs. Kashiram and Ors. 2009(1) RCR (Criminal) 956*.

36- The nature of injury is immaterial to attract Section 307 IPC if assailants had intention to cause death of the victim. In case *Vasant Vithu Jadhav Vs. State of Maharashtra 2004(2) RCR (Criminal) 200*, the injuries inflicted to the victim were simple in nature. The Hon'ble Apex Court laid down that accused would be liable under Section 307 IPC if he had intention to cause death of the victim irrespective of the simple injuries. The Court is to see the knowledge or intention of the accused. Similar ratio of law has been reiterated by the Hon'ble Apex Court in case *Girija Shankar Vs. State of U.P. AIR 2004 (SC) 1808*.

37- In view of the aforesaid ratio of law, the nature of injuries is not determining factor to attract Section 307 IPC. It is only the intention or the knowledge, with which an act is committed by the accused. In the instant case, the appellants were armed with deadly weapons like Kirpan and Toki. They had ruthlessly caused injuries on the body of complainant Gurpal Singh, total 13 in number. Out of those three injuries were on the head. He also had a bone cut in the parietal region. Thus, the weapon with which the appellants were armed, the manner of their causing the injuries and causing three injuries on the most delicate part of the body i.e. head, clearly indicate the intention of the appellants to cause death of injured Gurpal Singh. They also had a motive for the commission of this offence due to long standing civil litigation. In view of the latter and consistent view of the Hon'ble Apex Court in the cases referred above, cases relied upon by learned counsel for the appellants are of no help to them. Thus, the facts and circumstances of the case clearly attract Section 307 IPC.

38- It is the admitted case of the appellants themselves that they had the land dispute with the complainant party. Though appellant Sadha Singh and deceased appellant Madha Singh were originally present at the spot but on hearing the altercation, Charanjit Singh armed with Kirpan, Sukhwinder Singh armed with Toki and Sucha Singh armed with a Lathi also arrived at the spot and joined appellant Sadha Singh and deceased appellant Madha Singh. Sucha Singh gave Lalkara that complainant Gurpal Singh should not be spared. Thereafter, the attack

started, wherein all the appellants participated. All the appellants were armed with the weapons like sword (Kirpan), Toki and Lathi. "Common object" does not require a prior concert and common meeting of mind before the attack. "Common object" could develop *eo instanti*. It may be formed at any stage by all or a few members of the assembly and other members may join and adopted. In the instant case also, accused-appellants were having the property dispute with the victims. They were five in number. They constituted an unlawful assembly and in prosecution of their common object, they caused injuries to complainant Gurpal Singh and his father Shangara Singh. Thus, it is established that the appellants were acting in prosecution of their common object. Thus, there is no illegality in the conviction of the appellants as recorded by the learned trial Court.

39- The plea raised by learned counsel for the appellants for reduction of sentence also carries no substance as the learned trial Court has already taken the lenient view and the maximum sentence awarded to them for the offence punishable under Section 307/149 IPC is rigorous imprisonment for a period of three years. No doubt appellant Sadha Singh is an extremely old person but he is the main accused in this case, as it was he who had initiated the occurrence by starting altercation with complainant Gurpal Singh. He was armed with a Kirpan and also caused injury with Kirpan on the person of complainant Gurpal Singh. Thus, his old age is no ground for this Court to further reduce the sentence.

40- Thus, keeping in view my aforesaid discussion, the

conviction of the appellants recorded by learned trial Court for the offences punishable under sections 148, 307/149, 324 and 323 is well founded and is hereby maintained. Consequently, the present appeal is devoid of merits and the same is hereby dismissed.

41- The accused-appellants are on bail. Their bail stands cancelled. They shall surrender within 15 days from the date of this judgment before the learned Chief Judicial Magistrate, Gurdaspur, who shall send them to jail to undergo the remaining part of their sentence. If, they fails to surrender, the learned Chief Judicial Magistrate, Gurdaspur, shall take coercive steps to secure their presence and send them to jail to undergo the remaining part of the sentence.

Dated: 23.12.2015
sunil yadav

(DARSHAN SINGH)
JUDGE