

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

Crl. Appeal-D No. 290-DB of 2010

Date of Decision: August 6, 2015.

Narinder Kumar and others

..... APPELLANT (s)

Versus

State of Punjab

..... RESPONDENT (s)

**CORAM:- HON'BLE MR.JUSTICE HEMANT GUPTA
HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Deepinder Singh, Advocate
for appellant No.1 – Narinder Kumar.

Mr. R.S.Cheema, Senior Advocate with
Mr. Arshdeep Cheema, Advocate
for appellants No.2 and 4.

Mr. K.S.Dhaliwal, Advocate
for appellant No.3 – Karnail Singh.

Ms. Manjari Nehru Kaul, Addl.AG, Punjab.

Mr. Vinod Ghai, Senior Advocate with
Mr. Simrandeep Sandhu, Advocate
for the complainant.

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

LISA GILL, J.

Present appeal has been preferred by Narinder Kumar @ Nindi,
Mahesh Inder @ Happy, Karnail Singh and Jai Kishan @ Bhola impugning
judgment and order dated 20.02.2010 passed by learned Additional Sessions

Judge, Patiala who has convicted them for offences punishable under Sections 302/307 read with Section 34 IPC and sentenced them to undergo rigorous imprisonment for life for the offence punishable under Section 302 read with Section 34 IPC, besides, pay a fine of ₹10,000/- each and in default thereof, to further undergo imprisonment for one year and to undergo rigorous imprisonment for five years each for offence punishable under Section 307 read with Section 34 IPC, besides, pay a fine of ₹2,000/- each and in default thereof, to further undergo imprisonment for five months. Appellants Narinder Kumar and Mahesh Inder @ Happy have additionally been convicted of the offences punishable under Sections 25 and 27, respectively, of the Arms Act and sentenced to undergo rigorous imprisonment for three years each, besides, pay a fine of ₹2,000/- each and in default thereof, to further undergo imprisonment for five months. All the sentences were however ordered to run concurrently.

Prosecution was set in motion pursuant to death of Amandeep Kumar due to fire-arm injury on the intervening night of 27/28.11.2005. Complainant Jai Krishan PW3, father of deceased Amandeep Kumar recorded his statement, Ex.PD before PW16 Inspector Gurinder Singh on 28.11.2005 at 12.15 a.m. (midnight) to the effect that he alongwith his elder son Amandeep Kumar and younger son Raman Kumar as well as his brothers Raj Krishan and Bhushan Lal had come to attend the marriage of younger son of Om Parkash at Sangam Marriage Palace in the area of village Guthmara in the evening of 27.11.2005. It was about 9.30 p.m. when they were taking meals that appellants Narinder Kumar @ Nindi, Mahesh Inder @ Happy and Karnail Singh arrived there. On spotting the complainant party, Karnail Singh exhorted Narinder

Kumar @ Nindi to avail the opportunity which presented itself and to finish the entire controversy once and for all rather than endure the problem everyday. On this Mahesh Inder @ Happy handed over his revolver to Narinder Kumar @ Nindi who shot at him with an intention to kill the complainant. Complainant however ducked and saved himself. In the meantime, Narinder Kumar @ Nindi fired upon his son Amandeep Kumar which hit him on his chest. Amandeep Kumar fell on the ground. Complainant and his companions raised alarm. Accused alongwith their revolver fled from the marriage palace, boarded a Maruti car kept in a running state by accused Jai Kishan @ Bhola son of Nikka Ram outside the gate of the marriage palace. The car belonged to Jai Kishan @ Bhola. They fled towards Devigarh. Amandeep was taken in an injured condition to Amar Hospital, Patiala where the doctor declared him dead. Motive was revealed to be a grudge held against the complainant who had remained Sarpanch of village Masighan twice consecutively. Appellant Narinder Kumar @ Nindi had lost one election in the year 2003. Narinder Kumar @ Nindi's uncle Sat Pal had won the election by margin of seven votes statedly through unlawful means and cheating. Said election was challenged before the Deputy Commissioner by the complainant which was still pending. Proceedings under Sections 107/151 Cr.P.C. had also been initiated amongst them. Complainant party had given an application against the accused side. Due to the said reason, all the accused in connivance with each other had murdered his son Amandeep Kumar. He prayed for legal action to be taken.

On the basis of this statement, FIR Ex.PD/3 was registered.

Special report was received at 4.00 a.m. on 28.11.2005. Inquest report Ex.PC

was prepared. Dead body was sent for post-mortem examination through PW9 ASI Sucha Singh vide application Ex.PA. Rough site-plan Ex.PEE was prepared. One blood stained piece of mat was taken in possession vide Ex.PE.

PW16 Inspector Gurinder Singh was transferred on 28.11.2005 and further investigation was carried out by PW17 Inspector Harpreet Singh who joined as SHO Police Station Julkan on 28.11.2005 itself. On receipt of secret information regarding whereabouts of the accused, he alongwith police party and complainant Jai Krishan apprehended Narinder Kumar @ Nindi, Mahesh Inder @ Happy and Karnail Singh in a Tavera vehicle bearing registration No. PB11-AC-0116 and appellant Jai Kishan @ Bhola in Maruti car bearing registration No. HR-01D-4283. All the accused were arrested. Revolver .32 bore was recovered from the search of appellant Narinder Kumar @ Nindi. Three empty cases of .32 cartridges as well as three live cartridges were unloaded from the revolver. Ten live cartridges of .32 bore were recovered from the right pocket of Narinder Kumar @ Nindi. Said articles were recovered and taken in possession vide Ex.PO attested by ASI Nirmal Singh and Jai Krishan. Maruti car recovered from accused Jai Kishan @ Bhola was taken in possession and Tavera vehicle alongwith documents, namely, Bills from Dada motors in the name of Narinder Kumar, Form 20, Delivery slip, Challan slip showing deposit of tax and a wedding card addressed to Narinder Kumar for attending the marriage on 27.11.2005 at Sangam Palace, Patiala Road, Devigarh was recovered from appellant Narinder Kumar @ Nindi and taken in possession vide memo Ex.PP.

Post-mortem was conducted by a Board of Doctors consisting of

PW1 Dr. Harpreet Singh, Dr. Parminder Singh and Dr. S.S.Oberoi. Post-mortem report, Ex.PB was received. Following injuries were found on the person of deceased:-

- “1. Wound of entrance caused by fire-arm measuring 0.8x0.7 cm with abrasion collar, blackening present on the left side of chest in anterior axillary line 7 cms from the left nipple on its level. The margins are inverted.
2. Bluish reddish contusion. 7x4 cms on the right side of chest. 1 cm above the right nipple on dissection Injury No.1 and 2 communicating and perforating the left lung, left ventricle, right lung and bullet is found lodged just under the skin at the side of Injury No.2. It was taken out, sealed and handed over to police. Both the plural cavities and pericardial cavities contained blood.
3. Wound of entrance caused by fire-arm measuring 0.8x0.7 cm present on the left side of chest in posterior axillary line and 6 cm above the level of nipple. The margins of the wounds are marked showing abrasion collar and blackening.
4. Wound of exit caused by fire-arm measuring 2cmx1cm on the lateral aspect of right side of chest. It is present 18cm lateral to nipple and 1cm above the level of nipple on dissection. On dissection Injury No.3 and Injury No.4 communicate with each other and perforating left lung, heart and right lung and left and right chest wall. Margins of the wounds are averted.”

Cause of death in the opinion of the Board of Doctors was hemorrhagic shock due to injuries which were ante-mortem in nature and sufficient to cause death in the ordinary course of nature. Belongings of the deceased as well as the sealed bullet recovered from the body were handed over to the police in a sealed parcel as proved by PW1 Dr. Harpreet Singh.

On completion of investigation, report under Section 173 Cr.P.C.

was presented. During investigation appellant No.4 – Jai Kishan @ Bhola was found innocent and placed in column No.2 of the challan. He was subsequently summoned on an application under Section 319 Cr.P.C. and proceeded against. Charge was framed against all the accused on 28.04.2008 to which they claimed trial.

Prosecution examined as many as seventeen witnesses to prove its case against the accused. All the accused while denying the incriminating evidence put to them, pleaded innocence and false implication in their statements recorded under Section 313 Cr.P.C. Four witnesses were examined in defence.

Appellant No.1 – Narinder Kumar @ Nindi took a stand that he was falsely implicated in the case. He alongwith his Tavera car was lifted from his house by the police on 27.11.2005 in the morning in the presence of Sukhdev Singh and Gurnam Singh. No incriminating material was recovered from him and anything allegedly recovered, was planted for extraneous reasons.

Appellant No.2 – Mahesh Inder @ Happy took a stand that he alongwith his licensed revolver of .32 bore was taken from his residence in the morning of 27.11.2005 by the police of Police Station Julkan in the presence of Karamjit Singh and Janak Raj, residents of village Masinghan. He was falsely shown to have been arrested on the next day. No incriminating material was recovered from him.

Appellant No.3 – Karnail Singh also stated that he was picked up from his residence in the morning of 27.11.2005 in the presence of Swaran Singh and Sudershan Lal.

Appellant No.4 – Jai Kishan @ Bhola while pleading false implication has set up a case that he had gone to village Asgarpur, District Yamuna Nagar on 27.11.2005 alongwith his brother Bhagwan Dass and his wife Gurnam Kaur in order to find a suitable matrimonial match for daughter of his sister Nirmala Devi. He remained there in connection with the same. He started his journey from Yamuna Nagar at about 8.00 p.m. and reached his residence at 10.30 p.m. He was never present at the time of alleged occurrence and neither his car was used in the said crime. His name has been introduced only on account of party faction.

Learned trial court on appreciation of evidence on record concluded that prosecution has proved its case beyond reasonable doubt thereby, convicting and sentencing all the appellants-accused as detailed above. Hence, the present appeal.

Learned counsel for the appellants have attacked the impugned judgment on various grounds. It is submitted that false implication of the appellants is apparent from a calculated exclusion of independent witnesses by the prosecution. Despite a large gathering being present at the marriage ceremony, no independent witness has been examined by the prosecution clearly reflecting false implication of the accused. Even the host of marriage celebrations, Om Parkash has not been examined by the prosecution. He is a material witness and would have shed light upon the persons invited by him. PW3 Jai Krishan, complainant is the father of deceased, PW4 Raj Kishan is the brother of complainant Jai Krishan, admittedly a close relative and PW2 Ram Chander whose testimony has been relied on to prove the common concert between the appellants is nephew (brother's son) of complainant Jai Krishan.

All these witnesses are clearly interested witnesses being related to the deceased. Their presence especially that of PW2 Ram Chander on the spot has not been proved on record. It would be unsafe to rely upon their testimony to convict the appellants-accused.

It is further argued that all the three bullets allegedly fired are not accounted for. One bullet recovered from the body of the deceased has not been sent for forensic examination. Furthermore, alleged motive set up by the prosecution could only be qua complainant Jai Krishan and not his son Amandeep Kumar. It is also contended that documents have been prepared while sitting in the police station. Statements are revealed to have been scribed by one HC Baljit Singh but there is no mention of HC Baljit Singh being joined in the police party on 28.11.2005 as per Ex.PD/1. HC Baljit Singh was on leave from 26.11.2005 to 28.11.2005 as per testimony of PW16 Inspector Gurinder Singh.

In respect of appellant No.4, Jai Kishan @ Bhola, learned senior counsel argues that he is attributed only with a Lalkara/exhortation. He has not been attributed any overt act. There can be no reliance on the statement of PW2 Ram Chander who attributes meeting of minds between the accused persons. It is strenuously argued that apart from the fact that it was impossible to have identified him sitting in a car at the gate of marriage palace by the complainant, it is not the case of the prosecution that the complainant was apprised of the said fact by Ram Chander PW2 at any point prior to recording of his statement. He has been falsely roped in by the complainant. Appellant No.4 – Jai Kishan @ Bhola had, in fact, gone to Yamuna Nagar in order to find a suitable matrimonial match for the daughter of his sister Nirmala Devi. His car was

never used in the said crime. In the facts and circumstances as above, it is prayed that the conviction and sentence imposed upon the appellants be set aside being unsustainable.

Learned counsel for the State as well as the complainant however refute the abovesaid arguments while submitting that there is overwhelming, sufficient and cogent evidence on record to prove the culpability of all the accused in commission of the offence as charged. They pray for upholding the impugned judgment and order passed by learned Additional Sessions Judge, Patiala.

We have heard learned counsel for the parties and minutely scrutinized the record with their able assistance.

Complainant Jai Krishan, father of the deceased has given a faithful and detailed account of the events as they unfolded on the night of 27/28.11.2005. All the accused persons were duly identified by him. Appellant No.3 – Karnail Singh exhorted appellant No.1 – Narinder Kumar @ Nindi to commit the crime. Appellant No.2 – Mahesh Inder @ Happy carried a revolver and handed it over to Narinder Kumar @ Nindi who first fired towards the complainant, who ducked and was fortunately saved, however, his son Amandeep Kumar was not so lucky. Narinder Kumar @ Nindi fired two shots from the said revolver which hit on the left side of the chest of Amandeep Kumar resulting in his death. Said three appellants-accused were seen fleeing towards the gate of the marriage palace where appellant No.4 – Jai Kishan @ Bhola was waiting in his Maruti car. Reason/motive for the commission of this offence has also been clearly delineated and proved on record. Election petition Ex.PZ has been placed on record. It is not denied that complainant Jai Krishan

had contested elections and won the election of Sarpanch twice. PW4 Raj Krishan has fully supported the version as given by his brother Jai Krishan, complainant.

Medical evidence on record corroborates the ocular version. Argument raised on behalf of the appellants that receipt of injuries on the person of deceased does not corroborate the ocular version of direct shot being fired by appellant No.1 – Narinder Kumar @ Nindi, is devoid of any merit. It is specifically testified that Narinder Kumar fired on the left side of Amandeep Kumar's chest. It would be hair-splitting to contend that such an injury would not be possible if the accused had fired from exactly in front of the deceased. As per PW1 Dr. Harpreet Singh cause of death was hemorrhagic shock due to injuries which were ante-mortem in nature and sufficient to cause death in the ordinary course of nature. Time which elapsed between the injuries and death was immediate and between death and post-mortem was 12 to 24 hours. Ocular version is fully fortified by the medical evidence on record. Non-accounting of all the three bullets fired as alleged by the eye-witnesses cannot be a reason to disbelieve their version in the peculiar facts and circumstances of this case.

An effort has been made to suggest that there is delay in the lodging of FIR as well as certain cuttings in the documents Ex.PA, Ex.PC, Ex.PD/2 and Ex.PD/3 which show that the entire case has been manipulated against the accused by the complainant party in connivance with the police. This argument is equally devoid of merit for the reason that the occurrence took place at 9.30 p.m. on 27.11.2005. FIR has been lodged at 12.30 a.m. (midnight) on 28.11.2005 i.e., the intervening night of 27/28.11.2005 itself. As per the post-mortem report Ex.PB, Amandeep Kumar died at 11.15 p.m. on 27.11.2005.

Statement of the complainant was recorded at 12.15 a.m. In a situation where the complainant's son had been shot at, the first and foremost anxiety would naturally be to provide immediate medical aid. It would indeed be unnatural and abnormal for a father to rush to the police station rather than take his son to the hospital in such a situation. Statement has been recorded at 12.15 a.m. (midnight) on 27/28.11.2005 which reflects the promptness in lodging of the report rather than any delay as suggested which may have led to embellishment or concoction.

Reference is made to cuttings in the time and date of the receiving of the FIR by the Illaqa Magistrate. We have perused the original record and do not find any such material cuttings which would be fatal to the prosecution version. Time of the registration of FIR is duly mentioned as 12.15 a.m. In respect to special report Mark 'Y', it is stated to be received from Constable Budhgir No.1288 at 4.00 a.m. Change/cutting in date from 27.11.2005 to 28.11.2005 is in the same hand and ink. It is possible that it still being midnight, date 27.11.2005 may have been appended by the Illaqa Magistrate first and then changed to 28th. Testimony of DW2 Navdeep Gupta, Handwriting Expert in the present circumstances is of no avail to the defence. Similarly, the other cuttings referred to in the documents do not dent the prosecution version and are immaterial. A perusal thereof reflects them to be bonafide corrections which do not change the tone, tenor or complexion of the facts presented. Thus said cuttings/corrections are irrelevant and immaterial in the facts and circumstances of the case.

It is vehemently argued that motive set-forth by the prosecution is

firstly not sufficient to lead to murder of a person and further motive if any could be against complainant Jai Krishan only and not qua his son Amandeep Kumar. It is a matter of record that dispute on account of election rivalry has been proved on record. There is no doubt about acrimony between the parties. Even otherwise in the light of direct evidence available on record presence of motive or otherwise loses significance and is irrelevant.

It has also been urged that the appellants-accused cannot be connected with the offence in question because the bullet recovered from the body of deceased has not been subjected to forensic examination. Not sending the said bullet for examination which was admittedly handed over by the doctor after the post-mortem is not a circumstance which can be fatal to the prosecution version in the present case. This is so for the reason that there is direct ocular evidence to prove the commission of the offence. For any lapse on the part of the investigating agency or shoddy investigation, no benefit can accrue to the accused.

A valiant attempt has been made on behalf of the appellants to suggest that it is highly improbable for so many members of one family to be present together at a marriage function. This is indeed a specious argument hence, unacceptable. There is nothing to prevent all the family members for being present at the same time on a marriage function. Their presence is natural and normal.

Similarly, argument that a false case has been set up because HC Baljit Singh who has scribed the statements of some of the witnesses was, in fact, on leave at the relevant time, is not borne out from the record. PW16 DSP

Gurinder Singh has explained in his cross-examination that HC Baljit Singh was on leave from 26.11.2005 to 28.11.2005. He had not accompanied the police party to the spot but was called from his quarter telephonically to the spot. It is for this reason that his name does not figure in Ex.PD/1. Thus it cannot be concluded that documents have been falsely drawn up.

It is also pleaded that material improvements have been made by the alleged eye-witnesses rendering their testimony unworthy of credence. A perusal of the testimonies of PW3 Jai Krishan and PW4 Raj Krishan do not reveal any such improvements which strike at the root of prosecution case. Both the witnesses have been subjected to lengthy cross-examination but defence is unable to elicit anything in their favour.

Submission in the case of appellant Jai Kishan @ Bhola and Karnail Singh that meeting of minds has not been proved, is not acceptable in the face of cogent evidence available on record. Attack is mounted on the testimony of PW2 Ram Chander on the ground that he is an interested witness being a relative of the deceased and that his presence is not corroborated with the evidence on record. PW2 Ram Chander has specifically deposed that he had gone for attending marriage of the son of Om Parkash, who is his neighbour at Sangam Palace, Guthmara on 27.11.2005 at about 9.00 p.m. As he was urinating at about 9.15 p.m. behind the cars parked there, he saw appellant Jai Kishan @ Bhola sitting in his white Maruti car No. HR-01D-4283. Other three appellants came there on which Jai Kishan @ Bhola came out of the car and exhorted all of them that they should eliminate Jai Krishan, former Sarpanch and his family members. Said accused retorted that they knew where the

complainant etc. were standing and they would be back in no time. Appellants Narinder Kumar @ Nindi, Mahesh Inder @ Happy and Karnail Singh went inside the marriage palace. Ram Chander also proceeded inside to search for the complainant and his family members and due to rush he could not locate them. PW2 Ram Chander heard gun shots on which he came to know that Amandeep Kumar had been shot at. Statement of this witness was recorded on 28.11.2005 itself. His testimony inspires confidence and is trustworthy. Presence of PW2 Ram Chander is natural and normal in the circumstances and there is nothing to doubt it.

Likewise, plea that non-examination of independent witness casts a palpable doubt on the prosecution version is not acceptable. Witnesses have rendered a faithful account of the events as they unfolded. Defence is unable to impeach their credibility. Their testimonies inspire confidence. Simply because they are related to the deceased cannot be a reason to discredit them. On the contrary, they would be interested in bringing the true culprits to book rather than letting them go scot free by incriminating someone else.

Appellant Jai Kishan @ Bhola having been found innocent during investigation can be of no avail to him at this stage. He has to be tried on the basis of evidence available on record. Equally untenable is the plea that the complainant Jai Krishan could not have seen appellant Jai Kishan @ Bhola sitting in the car which is stated to be parked at the gate of the marriage palace which as per the site plan was at a considerable distance thus he is entitled to acquittal, his presence being doubtful. It is also submitted that PW2 Ram Chander never met the complainant before recording of complainant's statement

therefore, there was no way complainant could be aware of accused Jai Kishan @ Bhola keeping the car in readiness in which all the accused escaped. Acceptance of such a plea would be in derogation of the evidence on record. Reference is also made to the statement of PW2 Ram Chander where he states that the car belonging to appellant Jai Kishan @ Bhola was parked towards the right side of the gate whereas, PW3 Jai Krishan has stated that the car was parked on the left side of the gate. Apart from the fact that such is an insignificant discrepancy if at all, PW2 Ram Chander has clarified the same to be the direction if one was facing towards the gate. Be that as it may, such discrepancy, if any, is otherwise immaterial and not fatal to the prosecution case.

Alibi sought to be set-up on behalf of appellant No.4 – Jai Kishan @ Bhola is not substantiated by the evidence on record. It was pleaded that accused Jai Kishan @ Bhola had gone to Yamuna Nagar in order to finalize the marriage of the daughter of his sister Nirmala Devi. DW1 Mukandi Lal, father-in-law of Nirmala Devi has been examined in defence. However, it is admitted that engagement ceremony of the daughter of Nirmala Devi and grand-daughter Mukandi Lal had already been solemnized in May 2005 i.e., much before the occurrence in November, 2005. Thus, it cannot be said that it is proved that Jai Kishan @ Bhola was not present at the time of occurrence on the basis of the abovesaid evidence.

It is also urged that the complainant-party was inimical towards accused while referring to complaint Ex.DW3/A and FIR, Ex.DW4/A. However, it cannot be denied that the complaint has been filed after the occurrence and FIR No.129 dated 30.09.2005, Ex.DW4/A was found to be

without substance. Complaint dated 05.06.2007 Ex.DW3/A filed by accused Jai Kishan @ Bhola against Om Parkash, Jai Krishan complainant, Raj Krishan PW4 and six other persons do not reflect sufficient reason for false implication of the said accused. Jai Kishan @ Bhola, accused was found innocent during investigation as per report Ex.PD7 on the ground that he was stated to be present at village Asgarpur, District Yamuna Nagar till 8.00 p.m. and had returned to village Masighan at 10.30 p.m. Statements of DW1 Mukandi Lal, Smt. Nirmala Devi and others of village Asgarpur, District Yamuna Nagar were recorded to reach this conclusion. No reliance can be placed on such a report at this stage. Evidence on record has to be considered to determine his culpability. It is to be noted that the official who found the said accused to be innocent has not been examined. Enmity and acrimony are double-edged swords, which should be pressed into service with great circumspection.

A perusal of the record without demure shows that all the accused were present at Sangam Marriage Palace on 27.11.2005. Even if it is accepted that all of them had not come together and Jai Kishan @ Bhola was not aware of the plans, if any, which the others had, it is easily reflected to have been formed there and then amongst them from the statement of PW2 Ram Chander. Common concert and intention was very much present as apparent from the conversation amongst all four of them which was overheard by PW2 Ram Chander who has supported the prosecution on all fours. Prosecution has also taken in possession Ex.P27 wedding invitation card addressed to appellant No.1 – Narinder Kumar @ Nindi. Accused Karnail Singh was an active participant in the commission of the offence as is borne out from the evidence on record. He

cannot be exonerated on the ground that he had merely exhorted the co-accused and has not shot Amandeep Kumar himself. His presence and role is proved on record. He was arrested while travelling alongwith other accused. It cannot be concluded that his presence at the spot or his active participation in the crime is suspect.

Another relevant fact to be noted in this matter is that all the accused in their statements under Section 313 Cr.P.C. have taken a plea that they were, in fact, apprehended in the morning of 27.11.2005. On the face of it, it is not believable that the complainant would be aware in the morning of 27.11.2005 that his son would be shot on that very night and he had connived with the police authorities to apprehend the accused much prior to the incident in question. Would he not rather have averted the death of his son if it were so! All the accused persons were arrested on 28.11.2005 by PW17 Inspector Harpreet Singh while they were together. Three of the accused were travelling in the Tavera car and accused Jai Kishan @ Bhola was travelling in his Maruti car. It has been proved on record that Tavera car belonged to appellant No.1 – Narinder Kumar @ Nindi and Maruti car was owned by Jai Kishan @ Bhola

Evidence on record i.e., ocular version as put forth by the eye-witnesses PW3 Jai Krishan and PW4 Raj Kishan as well as evidence of PW2 Ram Chander, medical evidence and evidence of the official witnesses seals the fate of the appellants. Prosecution has proved beyond reasonable doubt the culpability of all the appellants-accused in the commission of the offence as charged on the basis of clear, cogent and sufficient evidence on record. No other argument was raised.

We do not find any justifiable ground to interfere in the conviction and the consequent sentence imposed upon the appellants. Accordingly, this appeal is dismissed.

(HEMANT GUPTA)
JUDGE

(LISA GILL)
JUDGE

August 6 , 2015.
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