

Criminal Misc. No.17309 of 2015 in
Criminal Appeal No.D-1791-DB of 2014

Naib Singh and others Vs. State of Punjab

Present : Mr. D.N. Ganeriwala, Advocate
for the applicant/appellant No.4-Baaj Singh @ Balraj.

Mr. P.S. Paul, Deputy Advocate General, Punjab.

Prayer made in the application is for suspension of sentence of imprisonment of applicant-Baaj Singh @ Balraj and for his release on bail during the pendency of the appeal.

The applicant stands convicted under Sections 302/307/ 324/323/149 and 148 IPC.

Learned counsel for the applicant has submitted that even according to the prosecution, the applicant was not assigned any overt act. Neither he was attributed causing of any injury to the deceased nor to the injured, though he was said to be armed with a dang. It is also submitted that the applicant has already undergone a period of more than two years and ten months.

Learned State counsel could not dispute the aforementioned facts. He has, however, submitted that the applicant was declared a proclaimed offender during the investigation of the case. He has also produced the custody certificate, as per which the applicant has already undergone an actual period of two years, ten months and twenty three days.

Without commenting on the merits, lest it may prejudice the case of either party, this Court is of the considered opinion that the applicant deserves the concession of suspension of sentence of imprisonment.

Resultantly, the application is accepted, the sentence of imprisonment of applicant-Baaj Singh @ Balraj is suspended and he is ordered to be released on bail on his furnishing adequate bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

August 06, 2015
satish

Criminal Misc. No.19790 of 2015 in
Criminal Appeal No.D-1791-DB of 2014

Naib Singh and others Vs. State of Punjab

Present : Mr. D.N. Ganeriwala, Advocate
for the applicant/appellant No.1-Naib Singh.

Mr. P.S. Paul, Deputy Advocate General, Punjab.

Prayer made in the application is for suspension of sentence of imprisonment of applicant-Naib Singh and for his release on bail during the pendency of the appeal.

The applicant stands convicted under Sections 302/307/324/323/149 and 148 IPC.

Learned counsel for the applicant has submitted that the applicant is not attributed causing of any injury to the deceased. The only role assigned to him in the occurrence is of causing of simple injury with a dang on the head of PW4 Baljinder Singh. It is also submitted that the applicant remained on bail during the trial of the case. At present he is in custody. He has already undergone a period of more than three years and seven months.

Learned State counsel could not dispute the aforementioned facts. He has, however, produced the custody certificate, as per which the applicant has already undergone an actual period of three years, seven months and six days.

Without commenting on the merits, lest it may prejudice the case of either party, this Court is of the considered opinion that the applicant deserves the concession of suspension of sentence of imprisonment.

Resultantly, the application is accepted, the sentence of imprisonment of applicant-Naib Singh is suspended and he is ordered to be released on bail on his furnishing adequate bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

August 06, 2015
satish

Criminal Misc. Nos.7059 and 25161 of 2015 in
Criminal Appeal No.D-350-DB of 2015

Tejinder Singh Vs. Puran Singh and others

Present : Mr. Sarfraj Hussain, Advocate.

Crl. Misc. No.25161 of 2015

Application is allowed. Copy of the statement of PW4-
Tejinder Singh is taken on record as Annexure A-1.

Crl. Misc. No.7059 of 2015

Heard. Sufficient cause has been shown for condoning the
delay in filing of the appeal. The application is, therefore, accepted
and the delay of 201 days in filing of the appeal is condoned.

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

August 06, 2015
satish

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No.D-350-DB of 2015

Date of Decision : August 06, 2015

Tejinder Singh

.....Appellant

VERSUS

Puran Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Sarfraj Hussain, Advocate.

T.P.S. MANN, J.

The appellant, who had received injuries at the hands of the accused in the occurrence in question and, thus, a 'victim' as defined under Section 2(wa) of the Code of Criminal Procedure, has filed the present appeal for challenging the judgment dated 6.6.2014 passed by the Sessions Judge, Moga whereby accused/ respondents Puran Singh and Gurtej Singh @ Teja stand acquitted of the charges under Sections 307 and 324 read with Section 34 IPC and Section 27 of the Arms Act.

The case of the prosecution, in nutshell, is that the land of Puran Singh and Gurtej Singh @ Teja adjoined the land of the appellant and there was a dispute between them regarding the Watt. On 3.8.2012 at about 7.30 p.m. when the appellant was returning home from his fields on a motorcycle, both Puran Singh and Gurtej Singh @ Teja blocked his passage with a barbed wire. Puran Singh was armed with a licenced gun, while Gurtej Singh @ Teja with a sword. Puran Singh fired a shot

towards the appellant. However, the latter tried to save himself and in the process, fell down after striking with the barbed wire. As a result, he received injury on his right arm. Gurtej Singh @ Teja gave a sword blow on his left arm. He also gave sword blows from its reverse side on the chest of the appellant, besides dragging him.

Having heard learned counsel for the appellant and on going through the impugned judgment, this Court finds that in between the lands of the appellant and of Puran Singh and his son Gurtej Singh @ Teja, the land of one Bhola Singh was situated. As such there could not be any dispute regarding the Watt between the appellant and the accused. Even the Investigating Officer admitted that he did not record the statement of any person during the course of investigation that there was a dispute of Watt between the appellant and the accused. In the site plans Exs.P18 and P19, the lands of the parties are not shown to be adjoining nor there depicted the Watt in question. Further, PW5 Gurjinder Singh, who was said to have witnessed the occurrence, testified that he did not see firing of shot by Puran Singh towards the appellant. He also stated that the police did not recover any empty cartridge from the place of occurrence. The gun belonging to Puran Singh was recovered by the police but the same was sent to the laboratory after about 25 days. The sword, said to have been used by Gurtej Singh @ Teja for causing injuries on the person of the

appellant, is also not recovered by the police. PW1 Dr. Munish Sagar, who had conducted medico-legal examination of the appellant, had found nine injuries on his person. Almost all the injuries were found to be simple in nature. The said doctor did not rule out the possibility of injuries No.1 to 7 being caused on account of fall on barbed wire. The evidence of the appellant, while appearing as PW4 and that of PW5 Gurjinder Singh, was also found to contain serious deficiencies and infirmities.

In view of the above, no case is made out for any interference in the impugned judgment of acquittal.

The appeal is without any merit and, therefore, dismissed.

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

August 06, 2015
satish