

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

Criminal Appeal No.D-470-DB of 2015

Date of Decision : May 18, 2015

Bhupinder Singh

.....Appellant

Versus

State of Punjab and another

.....Respondents

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

HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : K.B.S. Mann, Advocate

T.P.S. MANN, J.

The appellant, who is brother of deceased Lakhvir Singh, has filed the present appeal for challenging the judgment dated 4.7.2014 passed by the learned Sessions Judge, Sri Muktsar Sahib whereby respondent No.2-Kuldip Singh was acquitted of the charges against him.

The case relates to the murder of Lakhvir Singh, brother of the appellant. In the occurrence, which had taken place outside the Dhani of Balraj Singh @ Raja, said Balraj Singh @ Raja, was stated to be abusing the complainant party. Kuldip Singh and Bunty @ Rattan Lal accused went inside the Dhani of Balraj Singh @ Raja and brought .12 bore gun and belt of cartridges, respectively. Kuldip Singh handed over the gun to Balraj Singh @ Raja accused. When Lakhvir Singh reached the end of fields, Balraj Singh @ Raja accused, while aiming the gun towards Lakhvir Singh, raised a *lalkara* that he should not go ahead. At this, Rattan Lal @ Bunty exhorted Balraj Singh @ Raja to fire in case Lakhvir Singh did not stop. The shot fired by Balraj Singh @ Raja hit on the chest of Lakhvir Singh. One more shot was fired by Balraj Singh @ Raja which hit Lakhvir Singh, who collapsed on the seat of the tractor. The accused went on the roof of their Dhani and fired shots in the air. Lakhvir Singh was then taken to Civil Hospital, Malout, where he was declared brought dead.

Having heard learned counsel for the appellant and on going through the impugned judgment, this Court finds that complainant Bhupinder Singh while appearing before the trial Court as PW2 deposed that respondent Kuldeep Singh had exhorted Balraj Singh @ Raja to fire a shot at Lakhvir Singh if he did not stop. However, he was successfully confronted with his statement made before the police wherein no mention was made about Kuldeep Singh respondent exhorting Balraj Singh @ Raja to fire the shot. Moreover, the distance between the complainant and the accused at the time of the occurrence was 30/35 karms and from such a long distance it is highly improbable that the complainant would have seen Kuldeep Singh respondent handing over the gun to Balraj Singh @ Raja. The gun in question did not belong to Kuldeep Singh. Rather, it was owned by Balraj Singh @ Raja and, therefore, it cannot be believed that Kuldeep Singh accused had brought the gun from inside the Dhani and handed over the same to Balraj Singh @ Raja.

In view of the above, no case is made out for any interference in the impugned judgment whereby respondent Kuldeep Singh stands acquitted of the charges against him.

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

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

May 18, 2015
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