

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

Crl. Appeal -D No. 1207-DB of 2012(O&M)

Date of Decision: September 16, 2016.

Harwinder Singh @ Bitta APPELLANT (s)

Versus

State of Punjab RESPONDENT (s)

**CORAM:- HON'BLE MR.JUSTICE S.S.SARON
HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Manoj Kumar, Advocate
for the appellant.

Mrs. Ritu Punj, Addl.AG, Punjab.

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

LISA GILL, J.

The appellant, Harwinder Singh @ Bitta son of Dilawar Singh has preferred this appeal challenging the judgment and order dated 09.08.2012 passed by the learned Sessions Judge, Ludhiana whereby the appellant has been convicted of the offences punishable under Sections 302 and 307 Indian Penal Code ('IPC' - for short) and has been sentenced to undergo imprisonment for life for the commission of the offence punishable under Section 302 IPC, besides, pay a fine of Rs.10,000/- and in default thereof, undergo further rigorous imprisonment for one year. He has also

been sentenced to undergo rigorous imprisonment for ten years for the commission of the offence punishable under Section 307 IPC, besides, pay a fine of Rs.10,000/- and in default thereof, undergo further rigorous imprisonment for one year. Both the sentences have been ordered to run concurrently. In terms of the said order, the appellant has been acquitted of the offence under Section 27 of the Arms Act, 1959.

FIR No.125 dated 22.11.2008 (Ex.PA/3) under Sections 302 and 307 IPC and Section 27 of the Arms Act, 1959 was registered at Police Station Dehlon, District Ludhiana on the basis of the statement (Ex.PA) made by Daljit Singh (PW1) son of Malkiat Singh, resident of Mullapur aged 43 years on 22.11.2008.

Daljit Singh, complainant stated that the marriage of Harmandeep Singh, the son of Harjinder Kaur - his father's elder brother ('taya') Surjit Singh's daughter and Surinder Singh son of Randhir Singh resident of Halwara, was to be solemnized. For attending the ceremonies of the marriage from the maternal side of the bridegroom (Harmandeep Singh), the complainant Daljit Singh along with his family which included his son Jatinder Singh (injured in the case), the family of his father's elder brother's ('taya's') son Darshan Singh and apart from him his other father's elder brother's son Sakander Singh son of Surjit Singh and from their village Prithpal Singh son of Darshan Singh and other families had come for the 'shagan' ceremony a day earlier, i.e. on 21.11.2008 and for the marriage ceremony on the day of making his statement, i.e. on 22.11.2008. The 'barat' (marriage party) left Halwara for Milan Palace, Dehlon at about 11.30 a.m.

In the marriage Harwinder Singh Bitta (appellant) resident of Sangatpura, Police Station Morinda then resident of Rattipur, Police Station Samrala, who is the son in law of the father's sister ('bhua') of the complainant's sister's husband ('bhainoi') Surinder Singh, was also present. He was carrying a pistol with him and during the marriage he was firing with it. Harwinder Singh alias Bitta at about 3.30 p.m. inside the Palace fired a shot towards the floor. On this the complainant and Sakander Singh tried to make him understand and stopped him from firing.

When the 'doli' (palanquin in which the bride is carried to her in laws' house) was to leave at about 4.15 p.m., then the complainant along with his sister's husband ('bhainoi') Surinder Singh, his father's elder brother's ('taya's') son Sakander Singh and Pritpal Singh were standing behind the car in which the 'doli' was to leave for tossing money. Besides, Jatinder Singh, the son of the complainant and his nephew Rakhjiwan Singh (deceased in the case) son of Darshan Singh as also other relatives in festivity were performing 'bhangra' in front of the car. Then all of a sudden Harwinder Singh alias Bitta at once took out his pistol from the waist band of his pant and fired it, which fire after piercing through the left arm muscles of Jatinder Singh, the son of the complainant, hit Rakhjiwan Singh, the nephew of the complainant, who was standing behind Jatinder Singh. The fire arm shot hit Rakhjiwan Singh on the right side of his chest. They all raised an alarm and stopped him from firing. As a result of the firing by Harwinder Singh alias Bitta, the complainant's son and nephew were injured. The complainant's nephew Rakhjiwan Singh was lifted by the complainant's brother Mohan Singh son of Surjit Singh and Pritpal Singh

son of Darshan Singh and taken to Apollo Hospital, Ludhiana. Jatinder Singh, the son of the complainant was picked up by the complainant himself and Sakander Singh son of Surjit Singh and taken to Dayanand Medical College and Hospital, Ludhiana. Rakhjiwan Singh on being taken to Apollo Hospital, it was learnt had died due to the fire arm shot. The son of the complainant in an injured condition was under treatment at Dayanand Medical College and Hospital. This incident had occurred as despite stopping Harwinder Singh alias Bitta from firing inside the Palace, he came out and fired.

The complainant after getting his son admitted in Dayanand Medical College and Hospital along with Jaswant Singh son of Gurbaksh Singh resident of Dakha was going to inform about the incident that SI/SHO Gurmit Singh met him. He asked for proceedings to be initiated.

The police proceedings (Ex.PA/2) were recorded by SI/SHO Gurmit Singh to the effect that he on 22.11.2008 along with SI Hari Mittar, HC Baljinder Singh No.76, HC Jagdish Singh No.206 on an official 'Gypsy' vehicle No.PB-10-BT-1167, whose driver was Constable Albel Singh No.653 in connection with patrolling were present at Main Chowk, Dehlon. Then the above said Daljit Singh came and got his statement recorded, which was written word by word and he signed in English after admitting it to be correct. The SI/SHO attested the same. As per the statement of the complainant the offence under Section 304 and 308 IPC, besides, Section 27 of the Arms Act was found to be made out. The statement was sent to the Police Station through Head Constable Jagdish Singh No.206 for registration of a case. After registration of the case, its number was asked to be

intimated. The DCR was asked to be informed through wireless. Besides, the special reports were asked to be sent to the higher officers. The SI/SHO along with other police officials and the complainant proceeded for conducting investigation and proceedings left for Apollo Hospital Ludhiana. Gurmit Singh SI/SHO signed the police proceedings at Main Chowk Dehlon on 22.11.2008 at 10.15 p.m.

At the police station MHC Tarsem Lal in pursuance of DDR No.28 at 10.20 p.m. and DDR No.29 at 11.50 p.m. dated 22.11.2008 registered FIR No.125 dated 22.11.2008 (Ex.PA/3) under Sections 304 and 308 IPC, besides, Section 27 of the Arms Act.

Inspector Gurmit Singh (PW10), the Investigating Officer proceeded to the place of occurrence. As it was dark there, PW10 Inspector Gurmit Singh instructed HC Baljinder Singh (PW9) to remain present at the place of occurrence while he along with the complainant and rest of the police party proceeded to Apollo Hospital, Ludhiana. Inquest report, Ex.PC was prepared. PW10, Inspector Gurmit Singh thereafter proceeded to DMC Hospital, Ludhiana where he was advised by the concerned doctor not to disturb the injured Jatinder Singh (PW2). The police party again proceeded to the place of occurrence on 23.11.2008 and prepared a rough site plan, Ex.PU. Blood stained earth was lifted and was taken in possession by the police vide memo Ex.PO. The post-mortem was conducted on the dead body of Rakhjiwan Singh. As per the post-mortem report (Ex.PK) an entry exit wound was found present on the chest of Rakhjiwan Singh. Cause of death was due to haemorrhage and shock due to the injury caused by the firearm. The bullet extricated from the dead body was handed over by the

doctor which was taken in possession vide memo, Ex.PW and deposited with the MHC.

As per the evidence of Dr. Kuljyot Bajaj (PW5) posted in the Emergency Ward of Dayanand Medical College and Hospital, Ludhiana, the injured Jatinder Singh was brought in the Emergency Ward on 22.11.2008 at about 5.15 p.m. An entry exit wound was found present on the left arm of Jatinder Singh. The injury was found to be simple in nature.

DW2 Sukhwinder Singh produced the appellant before PW10 Inspector Gurmit Singh on 02.12.2008 at the police station. A disclosure statement Ex.PR, was suffered by the appellant. Pursuant thereto, recovery of the licensed revolver used in the commission of the offence, its licence and six live cartridges were recovered. When the revolver was unloaded, four live cartridges and two empty cartridges were recovered. The above said articles were taken in possession vide Ex.PT and were deposited with the MHC. Statement of the injured, Jatinder Singh (PW2) was recorded by PW10 Inspector Gurmit Singh on 28.12.2008. On completion of the investigation, report under Section 173 Cr.P.C. was presented. Charge for the offences punishable under Sections 302 and 307 IPC as well as Section 27 of the Arms Act, 1959 was framed against the appellant on 22.08.2009. Trial was claimed by the appellant while pleading innocence.

The prosecution examined 12 witnesses to prove its case against the appellant. The appellant in his statement under Section 313 of the Code of Criminal Procedure ('Cr.P.C.' – for short) denied all the incriminating circumstances and evidence put to him. It was stated by the appellant that he along with his wife, Smt. Ranjit Kaur attended the marriage ceremony of

Harmandeep Singh at Milan Marriage Palace, Dehlon on 21.11.2008 on the invitation of Surinder Singh. There was a big gathering. Sukhwinder Singh son of Nahar Singh, Karamjit Singh son of Gurcharan Singh, Avtar Singh son of Jagir Singh and Rajvir Singh @ Ravi, nephew of Surinder Singh were among those present in the marriage. Surinder Singh son of Randhir Singh i.e. the father of Harmandeep Singh was carrying his licensed 12 bore gun with 25 cartridges at the time of marriage. There were 7/8 other members of the marriage party on the boy's side who were carrying their respective weapons and fired from their weapons as a mark of jubilation. Liquor was being served to the guests. The appellant stated that he was dancing (performing 'Bhangra') with Rajvir Singh @ Ravi in front of the stage in the hall of the Marriage Palace. Harmandeep Singh's father, Surinder Singh had imbibed a lot of liquor while celebrating the marriage of his son. Surinder Singh fired from his 12 bore MP licensed gun as a mark of jubilation. The bullet hit Rajvir Singh @ Ravi. However, the appellant was fortunately saved. It was further stated that hot words were exchanged between the appellant and Surinder Singh. The appellant intended to get a case registered against Surinder Singh but was persuaded by the relatives not to take action as the appellant had been invited by Surinder Singh in the marriage party. The complainant Daljit Singh was taking Surinder Singh's side on this issue. The appellant and his wife Ranjit Kaur left the marriage palace at about 3.00 p.m. They took Rajvir Singh @ Ravi along with them in order to provide medical aid to him. They took him to a private doctor in the appellant's Indigo car in the presence of Sukhwinder Singh, Karamjit Singh and others. The appellant denied carrying his licensed .32 bore revolver to the marriage

ceremony. After the appellant, his wife and Rajvir Singh @ Ravi had left the premises of marriage palace, Jatinder Singh and Rakhjiwan Singh suffered firearm injuries from unknown persons from different weapons while enjoying the marriage ceremony. The appellant came to know later. He was falsely involved in this case due to the dispute which had earlier arisen between the appellant and Surinder Singh over firing on Rajvir Singh @ Ravi. The licensed revolver was stated to be planted and the appellant was kept in an illegal confinement from 23.11.2008 to 02.12.2008.

The learned trial court considered the facts and circumstances of the case as well as the evidence on record and found sufficient evidence to convict the appellant for the offences punishable under Sections 302 and 307 IPC. It was concluded that the prosecution had succeeded in proving its case against the appellant beyond any reasonable doubt. The appellant was accordingly convicted and sentenced as detailed above.

The learned counsel for the appellant submits that the prosecution case against the appellant is extremely doubtful. This is so for the reason that the case was initially registered under Section 304 IPC. Furthermore, it is stated that there is truth in the defence version inasmuch the gun shot injuries suffered by Jatinder Singh and Rakhjiwan Singh were caused by unknown persons and from different weapons. Reference is made to the Statement of PW5, Dr. Kuljyot Bajaj and the bed head tickets, Ex.DA and Ex.DC of the injured, Jatinder Singh wherein it is recorded that an unknown person had caused gunshot injuries.

It is also contended that in the FIR pistol is stated to have been used by the appellant in the commission of the offence whereas, it was a

revolver which was recovered from him. No bullet has been recovered from the spot to prove that the appellant had fired at an earlier point of time at about 3.30 p.m.

Furthermore, there is no blackening found around the injuries suffered by Jatinder Singh but blackening was found around the injuries suffered by Rakhjiwan Singh. In case the prosecution version is correct, it was not possible that there would be blackening around the wound on the person of Rakhjiwan Singh and not on the person of Jatinder Singh who had received the initial injury from the same bullet. The clothes of the deceased were not sent to forensic examination. There is no mentioning of any corresponding tear/hole in the clothes. It is seriously contended that the time of death in the post-mortem report as well as in the inquest report is 10.15 p.m. This also shows that the appellant has been falsely implicated.

Learned counsel also submits that there is a delay in the lodging of the FIR which indicates an afterthought and concoction on the part of the complainant side. The first version was, in fact, given by the injured, Jatinder Singh on 5.15 p.m. where it was stated that some unknown person had caused a gunshot injury. Ex.PA, the statement of the complainant Daljit Singh was recorded at 10.15 p.m. There is no explanation for the delay especially when the police station was only 15 kilometers from the marriage palace and 20 kilometers from the hospital. The falsity of the prosecution case is also evident that the statement of injured, Jatinder Singh was recorded on 28.12.2008.

Learned counsel for the State while refuting the above said arguments submits that there is clear and cogent evidence on record to prove

the culpability of the appellant beyond any reasonable doubt. It is, thus, prayed that the impugned judgment and order be upheld and the appeal be dismissed.

We have heard learned counsel for the parties and have carefully gone through the record.

It is not in dispute that the appellant as well as the deceased and the injured are relatives. The complainant's cousin sister, Harjinder Kaur was married with Surinder Singh. It was the marriage ceremony of Harmandeep Singh son of Surinder Singh which took place on 22.11.2008. The appellant, Harwinder Singh @ Bitta is the son-in-law of father's sister aunt ('bhua') of Surinder Singh. It was Surinder Singh's son who was getting married on the fateful date. The complainant Daljit Singh (PW1) as well as the injured witness, Jatinder Singh (PW2) have consistently deposed that the accused fired on the floor inside the marriage palace at about 3.30 p.m. Sakander Singh (PW4) and Rakhjiwan Singh (deceased) restrained him from firing the shots. PW1 Daljit Singh has specifically deposed that they tried to make him understand that firing is not allowed inside the marriage palace. However, the appellant retorted that if anybody had a problem, he would see him outside the marriage palace. When the 'doli' was to leave at about 4.15 p.m., the complainant alongwith Sakander Singh, Pritpal Singh and the bridegroom's father Surinder Singh were standing behind the car carrying the bride and bridegroom for performing ceremony of tossing the coins. Rakhjiwan Singh (deceased) and Jatinder Singh (PW2) were dancing (performing 'bhangra') in front of the car. It is at this time that the appellant, Harwinder Singh @ Bitta fired a gun shot towards Jatinder Singh and

Rakhjiwan Singh. The bullet while cutting across the upper portion of the left arm of Jatinder Singh, struck the right side of Rakhjiwan Singh's chest. Harwinder Singh @ Bitta (appellant) is stated to have fled from the place of occurrence alongwith his revolver. Rakhjiwan Singh was taken to Apollo Hospital by Sohan Singh and Pritpal Singh whereas, Jatinder Singh was taken to DMC Hospital by Sakander Singh and Daljit Singh. Rakhjiwan Singh unfortunately succumbed to his injuries.

The post-mortem on the dead body of Rakhjiwan Singh was conducted by PW6, Dr. Ravneet Kaur and Dr. Sandeep Kaur at 11.45 a.m. on 23.11.2008 and the following injuries were found on the dead body of Rakhjiwan Singh:-

1. Round wound measuring 0.8 cm x 0.6 cm with blackened margins with clear cut margins at level of right nipple towards lateral side 1.5 cm. lateral to right areolar margin. Inverted margins. On probing, probe enter the wound entered right lung, left lung and track ends at posterio lateral chest wall at 5th I.C space, approximately 1.5 cm from the skin.

On exploration, pleural cavity was full of blood. Right lung was punctured. Left lung was also punctured. Wound where track ended in posterior lateral chest wall, on left side was oval in shape, measuring 2.5cm x 1.5cm.

The cause of death was because of haemorrhage and shock which was sufficient to cause death in the ordinary course of the nature. The injury was ante-mortem in nature. A parcel containing the bullet extracted from the body was also handed over to the police. The time that elapsed

between the injury and death was immediate and between the death and post-mortem examination was within 24 hours. The injury was stated to be caused by firearm.

PW5, Dr. Kuljyot Bajaj examined the injured, Jatinder Singh on 22.11.2008. As per the medico-legal report, Ex.PG, the following injuries were found on the person of Jatinder Singh:-

1. Wound of about 2x1 cm was present at proximal 1/3rd of left arm on anterior aspect. No active bleeding from the wound site.
2. Wound of about 2x1 cm was present at proximal 1/3rd of arm on posterior aspect. No active bleeding from the wound site.

Thus, it is apparent that the injuries caused to Jatinder Singh and Rakhjiwan Singh were due to a firearm. We do not find any merit in the contention of learned counsel for the appellant that as the injuries were not caused by the same bullet or the same firearm as there was no blackening on the injuries found on the body of the deceased, Rakhjiwan Singh.

Learned counsel is unable to refer to any material to sustain such a hypothesis except the statement of the doctor in her cross-examination to the effect that when a bullet strikes the body of one person and thereafter strikes a second person, the blackening/tattooing would be found on the first person and not on the second. At this stage, it is relevant to note that PW6 Dr. Ravneet Kaur who had made this statement is M.D. in Paediatrics. It was admitted by her that she was never deputed in the Forensic Science Laboratory for study of arms and ammunition relating to post-mortem examination. She was unable to tell the number of postmortems conducted by her involving firearm injuries. The averment that

the clothes of the deceased Rakhjiwan Singh were not handed over by the doctor to be sent for forensic examination is misplaced for the reason that PW6 Dr. Ravneet Kaur has stated that the dead body of Rakhjiwan Singh was wrapped in white cloth and had no clothes.

Similarly, the averment that there is a delay in the lodging of the FIR is not correct. The incident took place at about 4.15 p.m. Once there are two persons who are injured, the first anxiety of a father and other relatives would be to procure the best medical facility at the earliest. The FIR in this case was recorded at 10.15 p.m. Special report was received by the learned Judicial Magistrate 1st Class in the morning at 7.00 a.m. on 23.11.2008. The complainant took his son Jatinder Singh to the hospital which was about 20 kilometers away. After ensuring the safety of his son and on coming to know about the death of Rakhjiwan Singh, he went to lodge the FIR at the police station, which was 15 kilometers away. Therefore, six hours were consumed in this process. It cannot be said by any stretch of imagination that there is delay in the lodging of the FIR. It was done promptly in the factual matrix of the case. Even otherwise it is well known that prompt lodging of an FIR is not an unmistakable guarantee of the truthful version of the FIR and neither is delay always fatal. In the present case there is eye witnesses account of the manner in which the incident had occurred and there is no reason for the eye witnesses to falsely implicate the appellant in the commission of the crime.

The contention on behalf of the appellant that the time of death in the post-mortem report as well as in the inquest report is 10.15 p.m. is of no avail to the appellant for the simple reason that the statement of the

complainant, Ex.PA was recorded on 10.15 p.m. It is obviously an error which has occurred. The benefit of the same cannot be given to the appellant. It is the settled position that even in the case of defective investigation no benefit can accrue to an accused i.e. the appellant.

There is the testimony of four eye-witnesses i.e., Daljit Singh (PW1), Jatinder Singh (PW2), Pritpal Singh (PW3) and Sakander Singh (PW4). All these witnesses are close relatives not only of the deceased but of the accused as well. At the cost of repetition, it is to be noted that the appellant is the uncle ('Fufar' - husband of the father's sister) of the bridegroom. Therefore, there is no question of false implication of the appellant in such a situation while allowing the actual culprits to go scot-free. There was no previous enmity between the parties neither has any been pleaded or proved on record. Besides, there is no reason whatsoever for them to falsely name the appellant as the assailant of the incident.

The defence set up by the appellant rings hollow. There is no evidence on record to show that Rajvir Singh @ Ravi suffered any bullet injury whatsoever as alleged. There is admittedly no medical opinion neither is there any prescription by any doctor. There is, in fact, no evidence to show that Rajvir Singh @ Ravi was treated by any doctor on 22.11.2008. The x-ray reports Ex.D4 and Ex.D5 admittedly do not bear any name or date. Therefore, it does not indicate that the said x-ray reports pertained to Rajvir Singh @ Ravi. DW3 Rajvir Singh @ Ravi has admitted that x-ray films do not bear any date and number. The cover/envelop does not bear his name or the name of any other person. There is no medical record except the above in regard to his treatment/first aid allegedly received by him on 22.11.2008.

DW2 Sukhwinder Singh has stated that he alongwith the appellant and his wife went to the Police Station Dehlon on 23.11.2008. The revolver and the cartridges were also produced. His signatures were taken on blank papers by the SHO on the pretext that since the accused was produced by him, the signatures were required. It is stated that the document, Ex.PX (on which Sukhwinder Singh has duly admitted his signatures) was misused inasmuch as the appellant was produced on 23.11.2008 and not on 02.12.2008. Admittedly, no complaint was made regarding the alleged illegal detention of the appellant from 23.11.2008 to 02.12.2008.

There is thus no reason, whatsoever, to disbelieve the clear, cogent and consistent testimony of all the four witnesses who are none other than the close relations of the appellant himself.

At this stage, learned counsel for the appellant submits that the matter be brought within the ambit of Section 304 Part I IPC there was no premeditation to kill Rakhjiwan Singh or injured, Jatinder Singh. The occurrence happened at the spur of the moment and the fire must have been done in the heat of the moment as the bullet had hit Jatinder Singh son of the complainant and only caused a simple injury. There could not have been any intention on the part of the appellant to kill Rakhjiwan Singh, who was standing behind Jatinder Singh. The offence does not fall within the ambit of Section 300 Thirdly IPC. Section 300 IPC reads as under:-

300. Murder.—Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or—

(Secondly) —If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or—

(Thirdly) —If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or—

(Fourthly) —If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

The Hon'ble Supreme Court in **Rajwant Singh v. State of Kerala**, ***AIR 1966 SC 1874*** while discussing the third clause of Section 300 IPC has held:-

“11. The third clause discards the test of subjective knowledge. It deals with acts done with the intention of causing bodily injury to a person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death. In this clause the result of the intentionally caused injury must be viewed objectively. If the injury that the offender intends causing and does cause is sufficient to cause death in the ordinary way of nature the offence is murder whether the offender intended causing death or not and whether the offender had a subjective knowledge of the consequences or not. As was

laid down in *Virsa Singh v. The State of Punjab, 1958 SCR 1495* for the application of this clause it must be first established that an injury is caused, next it must be established objectively what the nature of that injury in the ordinary course of nature is. If the injury is found to be sufficient to cause death one test is satisfied. Then it must be proved that there was an intention to inflict that very injury and not some other injury and that it was not accidental or unintentional. If this is also held against the offender the offence of murder is established.”

In the present case, the appellant has fired from his licensed revolver amidst a large gathering of persons. Apart from the same, Section 300 Fourthly IPC clearly envisages that if the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid, is guilty of murder. Illustration (d) to Section 300 IPC reads as under:-

“A without any excuse fires a loaded cannon into a crowd of persons and kills one of them. A is guilty of murder, although he may not have had a premeditated design to kill any particular individual.”

The events unfolded by the witnesses clearly show that the present is not a case of grave and sudden provocation. The appellant had been restrained earlier by the complainant and others from firing with the weapon that he was carrying about 3.30 p.m. at the first instance. It is at the time of

departure of 'doli', the appellant fired amidst the gathering at about 4.15 p.m.

Therefore, we do not find any ground to hold that the offence committed by the appellant is culpable homicide not amounting to murder and consequently, reduce the sentence imposed upon him.

Keeping in view the discussion here-in-above, we do not find any infirmity or illegality in the impugned judgment convicting the appellant for the offences punishable under Sections 302 and 307 IPC and the sentence imposed upon him.

Consequently, this appeal is dismissed.

(S.S.SARON)
JUDGE

(LISA GILL)
JUDGE

September 16 , 2016.
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No