

**CRA-S-267-SB of 2004 and**  
**CRA-S-1546-SB of 2004**

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

**CRA-S-267-SB of 2004**

**DATE OF DECISION :- January 13, 2016**

**Lakhbir Singh @ Lakhi**

**...Appellant**

**Versus**

**State of Punjab and others**

**...Respondents**

**CRA-S-1546-SB of 2004**

**Sonu**

**...Appellant**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL**

**Present:-** Mr. J.S. Jaidka, Advocate for the appellant.

Mr. Premjit Singh Hundal, Assistant Advocate General,  
Punjab.

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1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

**M.JEYAPPAUL, J.**

1. Accused Lakhbir Singh and Sonu who were convicted under Sections 307 read with 34 and Section 324 read with Section 34 of the Indian Penal Code, have preferred the present appeals.

2. PW1 Rama Shankar is the father of PW3 Ajay Kumar and PW2 Ramesh Lal is the brother of PW1. PW1, PW2 and PW3 who are the eyewitnesses have deposed that on 7.9.2000 at about 9.30 P.M., when PW1 was present at his shop, the accused-appellants who were neighbours came along with another accused Rinku and asked PW1 to admonish PW3 Ajay Kumar for his misbehaviour. Thereafter, all the three accused started abusing PW1. Accused Lakhbir Singh, Sonu and Rinku who were armed with knife started attacking PW1 to PW3. Accused Lakhbir Singh attacked PW1 Rama Shankar on his right upper arm with knife and caused injuries. Accused Sonu attacked PW2 Ramesh Lal with knife and caused injury on the right side of his chest. Accused Rinku gave a knife blow to PW3 Ajay Kumar on the heart. All the injured were admitted to hospital for treatment.

3. PW6 Dr. Sushil Kumar Jindal had medically examined PW2 Ramesh Lal. He has deposed that PW2 Ramesh Lal had sustained an incised wound measuring 2 cm x 0.5 cm on his chest. The said injury was declared by PW6 as simple in nature.

4. PW10 Dr. Shalin Lyall examined PW3 Ajay Kumar and found a penetrating injury on the left side of his chest measuring 4x3 cm. The said injury was certified as dangerous to life. He also found another simple injury on the person of PW3.

5. The trial Court having relied upon the above ocular testimony from the injured witnesses supported by medical testimony

recorded conviction as stated supra.

6. As per the case of the prosecution, Rinku had caused lethal injury to PW3 Ajay Kumar on his chest. The injury caused by Rinku was certified as dangerous to life by PW10 Dr. Shalin Lyall. It is to be noted that Rinku had not preferred any appeal against the judgment of conviction and sentence passed against him.

7. PW1 to PW3 have deposed that accused Lakhbir Singh attacked PW1 Rama Shankar with a knife and caused two injuries on his left arm. PW9 ASI Balwinder Singh had also recovered a blood stained knife on the basis of the disclosure statement suffered by accused Lakhbir Singh but quite unfortunately, there was no medical evidence to establish the injuries allegedly sustained by PW1 Rama Shankar. At any rate, it is found that all the accused had come prepared to attack the complainant party armed with knives. Therefore, Lakhbir Singh had also acted in furtherance of the common intention of all the accused.

8. The evidence of PW1 to PW3 would go to establish that accused Lakhbir Singh and Sonu were very much present armed with knives and attacked them whereas accused Rinku attacked Ajay Kumar and caused life threatening injury to him. The manner in which the attack was launched and the nature of weapons wielded by them would go to show that they had acted in furtherance of common intention.

9. The prosecution has also established through the

evidence of PW1 and PW3, the injured eye witnesses and the medical evidence on record that accused Sonu attacked PW2 Ramesh Lal with knife and caused simple injury. In my considered view, the trial court has rightly convicted accused Lakhbir Singh under Section 307 read with Section 34 and Section 324 read with Section 34 and Sonu was convicted under Section 307 read with Section 34 and Section 324 of the Indian Penal Code.

10. Coming to the quantum of sentence awarded by the trial Court, in my considered view, it was not accused Lakhbir and Sonu who had caused lethal injury to PW3 Ajay Kumar but it was only accused Rinku who caused life threatening injury to PW3 Ajay Kumar. They are, of course, answerable for the attack launched by Rinku on PW3 Ajay Kumar. The above attack had been launched only in furtherance of the common intention shared by all the accused.

11. It is found that accused Lakhbir Singh has already undergone 1 year, 4 months and 25 days and accused Sonu has already undergone 1 year, 1 month and 18 days. In my considered view, the above sentence already undergone by them would be an adequate sentence for the role played by them.

12. In the result, the judgment of conviction passed by the trial Court as against both the accused stands confirmed, but the sentence imposed on the accused Lakhbir Singh and Sonu is reduced to the period already undergone by them. They shall pay the

fine imposed by the trial Court, if not paid within 15 days from the date of this judgment, failing which they shall undergo the default sentence imposed by the trial Court.

13. Both the appeals are disposed of accordingly.

**(M. JEYAPPAUL)**  
**JUDGE**

**January 13, 2016**

*p. singh*