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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRA-S-90-SB-2004
Date of Decision : July 27th , 2016

Satnam Singh alias Satta Appellant

Versus

State of Punjab Respondent

2. CRA-S-91-SB-2004

Bhim Bahadur and Mohan Appellants

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present Mr. Brij Mohan, Advocate,
for Mr. Amandeep Singh, Advocate
[Amicus curiae] for the appellants.

Mr. Yogesh Kumar Gupta, AAG, Punjab
for the respondent-State.

SHEKHER DHAWAN, J.

The above mentioned two appeals are against the common judgment of conviction and order of sentence dated 01.11.2003 passed by learned Additional Sessions Judge, Gurdaspur whereby the appellants were convicted under Section 307 of Indian Penal Code and sentenced to undergo RI for 7 years and to pay fine of Rs.3000/- and in default of payment of fine, to further undergo RI for 4 months. Appellant Satnam Singh @ Satta has filed Criminal Appeal No.90-SB of 2004, whereas the other two appellants, namely Bhim Bahadur and Mohan have filed

Criminal Appeal No.91-SB of 2004.

2. Relevant facts for the purpose of decision of these two appeals; that on 14.03.2001, all the three accused-appellants fired upon the police party with intention to kill them. Later on, all the three appellants surrendered before the police. From the place of occurrence, two empty cartridges of .12 bore, three empty cartridges of .38 bore and two empty cartridges of mouser .30 bore and one Maruti car, bearing chassis No.SB-308-628795, engine No.944638 were taken into police custody. The cartridges recovered from the spot were converted into parcels and sealed on the spot. FIR No.24 dated 15.03.2001 was registered under Sections 307 read with Section 34 IPC, Section 25 of Arms Act and Sections 4 and 5 of Explosives Act at Police Station Ghuman, District Gurdaspur.

3. After completion of investigation proceedings, challan was presented in the Court for trial.

4. Learned Court below completed various proceedings of trial including framing of charge against the accused and recording of evidence of the witnesses. During trial, SI Dilbag Singh appeared as PW-9 and narrated the entire incident of 14.03.2001. He also detailed about the recovery of cartridges. Apart from that investigation proceedings were completed. His version was corroborated by PW-1, HC Harinder Pal Singh, a witness to the recovery as well. All the accused were examined under Section 313 Cr.P.C. The plea of denial was taken by all the appellants. The Court below after considering the prosecution evidence and defence version held the appellants/accused guilty and convicted and sentenced them as mentioned in para No.1 above.

5. Aggrieved of passing of judgment of conviction and order of sentence, the appellants are before this Court by way of present appeals.

6. Learned counsel for the appellants mainly took the plea that no

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independent witness was joined. More so, no police official was injured though alleged occurrence of firing continued for 3/4 minutes. The story of the prosecution was unbelievable.

7. Learned State Counsel contended that all these pleas were earlier taken before the Court below as well and the same were rightly negated by the Court below. Referring to the custody certificates dated 26.07.2016 produced today in the Court, he submitted that all the three appellants have already undergone the actual sentence of 7 years awarded by the Court below.

8. There is no denial to the fact that testimony of police officials is as good as that of independent witnesses, if they well stand by the test of cross-examination. In the present case, the witnesses have well stood the said test. The defence version is merely a plea of denial which was rightly discarded by the Court below.

9. Taking into consideration all the above mentioned facts; the prosecution story has been duly proved. As such, there is no merit in the present appeals.

10. As the appellants have already undergone the period of sentence awarded to them while remaining in custody during investigation, trial and post-conviction period and they have already been released from jail, the present appeals have otherwise been rendered infructuous. As such, the present appeals stand dismissed as having become infructuous.

(SHEKHER DHAWAN)
JUDGE

July 27th, 2016
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Whether speaking/reasoned	:	Yes
Whether Reportable	:	Yes