

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

**Criminal Appeal D-778-DB of 2003
Decided on : February 16, 2017**

Kuldip Singh and others

....Appellants

Versus

State of Punjab

....Respondent

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

Present : Mr. P.S. Hundal, Advocate
for the appellants.

Mr. S.S. Dhaliwal, Addl. A.G., Punjab.

H.S. MADAAN, J.

This appeal has been filed against judgment dated 19.08.2003 passed by the Court of Additional Sessions Judge (Adhoc), Amritsar vide which he had convicted and sentenced accused Kuldip Singh, Jagtar Singh @ Dass and Jaswant Singh @ Seetu as under:-

Name of Convict	Offence under Sections	Sentence Awarded
Kuldip Singh	302 IPC	Imprisonment for life and to pay a fine of Rs.5,000/, in default of payment of fine, to further undergo rigorous imprisonment for six months.

	307 IPC	Rigorous imprisonment for three years and to pay a fine of Rs.1000/-, in default of payment of fine, to further undergo rigorous imprisonment for one month.
	324 IPC	Rigorous imprisonment for one year.
Jagtar Singh @ Dass	302/34 IPC	Imprisonment for life and to pay a fine of Rs.5,000/-, in default of payment of fine, to further undergo rigorous imprisonment for six months.
	307/34 IPC	Rigorous imprisonment for three years and to pay a fine of Rs.1000/-, in default of payment of fine, to further undergo rigorous imprisonment for one month.
	324/34 IPC	Rigorous imprisonment for one year.
Jaswant Singh @ Seetu	302/34 IPC	Imprisonment for life and to pay a fine of Rs.5,000/-, in default of payment of fine, to further undergo rigorous imprisonment for six months.
	307/34 IPC	Rigorous imprisonment for three years and to pay a fine of Rs.1000/-, in default of payment of fine, to further undergo rigorous imprisonment for one month.
	324/34 IPC	Rigorous imprisonment for one year.
All the substantive sentences to run concurrently.		

Whereas accused Rajbir Singh @ Raju was acquitted of the charge framed against him. The accused-convicts, who are appellants before this Court pray that the appeal filled by them be accepted, the impugned judgment of their conviction and sentence be

set aside and they be acquitted of the charge framed against them.

Briefly stated facts of the case as per prosecution story are that on 06.05.2001, complainant-Atamjit Singh son of Milkha Singh, aged about 27-28 years belonging to Jat community, resident of village Bhandal along with his elder brother Paramjit Singh @ Pamma and servant Satnam Singh son of Sardara of Majbi community, resident of village Asal Autar but at that time, residing at Bhandal, riding a Hero Honda motor cycle, were going from Bhandal towards Amarkot in connection with selling wheat in the grain market. When their motorcycle was about 10 yards behind Amarkot Chowk and time was about 9.00 P.M., then accused Jagtar Singh @ Dass son of Gurbachan Singh of *Suniara* community, resident of Amarkot signalled the motorcycle to stop by waving his hand. Thereafter, he raised a '*lalkara*' (exhortation) that complainant party should not be spared on that day and should be taught a lesson for rebuking them. Hearing that, Jaswant Singh @ Seetu son of Ajit Singh of *Suniara* community resident of Amarkot pushed their motorcycle, which fell down whereas Kuldip Singh son of Jagtar Singh @ Dass of *Suniara* Community resident of Amarkot armed with a knife gave two blows of knife to Paramjit Singh, hitting him on the chest on left side below the nipple. Resultantly, Paramjit Singh fell down on the ground. When complainant-Atamjit Singh and Satnam Singh tried to intervene so as to save Paramjit Singh from the assailants, then Kuldip Singh gave knife blows to Satnam Singh, hitting him below left arm pit. Jaswant Singh @ Seetu gave two blows of knife to Paramjit Singh @ Pamma

while he was lying on the ground, such blows found their target above his umbilicus and neck below the left ear. At the same time, Rajbir Singh @ Raju fired a shot from his double barrel gun. Complainant and Satnam Singh raised alarm '*Mar Ditta – Mar Ditta*' at which the accused ran away from the spot along with their respective weapons. At that time, electric bulbs were glowing outside the shops situated in the bazar. The motive for the incident, as suggested by the prosecution is that Paramjit Singh @ Pamma had a quarrel with Jagtar Singh @ Dass earlier and for that reason, all the four accused sharing a common intention had attacked Paramjit Singh @ Pamma causing injuries to him, to which he had succumbed. The complainant had left Satnam Singh near the dead body of Paramjit Singh @ Pamma and was himself going to Police Station Valtoha to lodge report regarding the incident. On the way at Bus Stand Valtoha, the complainant came across a police party headed by SI/SHO Piara Singh, SHO, P.S. Valtoha (*hereinafter referred to as Investigating Officer/I.O.*). The complainant got his statement Ex.PN recorded with SI/SHO Piara Singh. The statement was signed by complainant-Atamjit Singh in Punjabi, his signatures were attested by SI Piara Singh. The Investigating Officer appended his endorsement Ex.PN/1 below said statement and sent *Ruqa* to police station through Constable Surjit Singh on the basis of which formal FIR Ex.PN/2 for offences under Sections 302, 336, 324, 34 IPC and 25, 27, 54, 59 Arms Act was recorded at Police Station Valtoha by ASI Mohinder Singh. ASI Mohinder Singh had made an endorsement on the original *Ruqa* and

returned it to Constable Satnam Singh for taking it back to the Investigating Officer.

Thereafter, the police party accompanied by complainant-Atamjit Singh went to the spot. The Investigating Officer carried out the spot inspection. He scraped blood stained earth from place of incident placing it into a container and prepared a parcel thereof sealing it with his seal having inscription 'PS' and the said parcel was taken into possession vide memo Ex.PB. He prepared rough site plan of place of incident as Ex.PX. He inspected the dead body and prepared injury statement Ex.PD. Since, it was a case of unnatural death, he carried out inquest proceedings and prepared a report Ex.PH attested by Charanjit Singh and Major Singh.

On 07.05.2001, Investigating Officer prepared a request Ex.PF for conducting postmortem examination on dead body of Paramjit Singh @ Pamma and deputed HC Baljinder Singh to get the postmortem examination conducted on the dead body. HC Baljinder Singh accordingly got the needful done and thereafter produced clothes of deceased which were in the form of a blood stained shirt and blood stained *pyjama*. The Investigating Officer prepared a sealed parcel of such clothes with a seal having impression 'PS' and that parcel was taken into possession vide memo Ex.PY. Accused-Kuldip Singh was arrested on 07.05.2001 and a blood stained knife was recovered from his possession. The Investigating Officer prepared rough sketch of the knife as Ex.PZ. He converted that knife into the parcel, sealing it with a seal and then it was seized vide memo

Ex.PZ/1. Grounds of arrests were furnished upon the accused and a memo in that regard Ex.PZ/2 was prepared. On return to the Police Station, the Investigating Officer deposited the case property with MHC Sukhraj Singh and put the accused in lock-up.

On 08.05.2001, accused-Jaswant Singh was produced before the Investigating Officer near petrol pump, Amarkot. He was arrested in this case and was interrogated. During the course of his interrogation, he had suffered a disclosure statement that he had kept concealed a knife under the pillow of the bed lying in the room and he could get the same recovered. On the basis of such disclosure statement Ex.PAA, the accused, while in police custody led the police party to the disclosed place and got knife recovered therefrom (knife was blood stained). The Investigating Officer prepared rough sketch of the recovered knife Ex.PAA/1 and converted it into a parcel, sealing it with a seal having impression 'PS'. The said parcel was taken into possession vide memo Ex.PAA/2. The Investigating Officer prepared rough site plan of place of recovery as Ex. PAA/3. On reaching the Police Station, he deposited the case property with MHC and put accused-Jaswant Singh @ Seetu in lock-up.

On 10.05.2001, as Jagtar Singh-accused had surrendered in the Court, the Investigating Officer sought permission of the Court to arrest him which was accordingly granted and Jagtar Singh-accused was arrested in this case. Accused-Rajbir Singh @ Raju also surrendered in the Court and he was arrested on 18.05.2001. Rajbir Singh @ Raju was remanded to police custody on 19.05.2001, while

accused-Rajbir Singh was in police custody, he was interrogated. During the course of such interrogation he suffered a disclosure statement that he had kept concealed .12 bore DBBL gun along with three live cartridges and one empty shell of the same bore in the iron trunk in his residential house, which he could get recovered. The disclosure statement Ex.PR was thumb marked by accused-Rajbir Singh @ Raju. Thereafter, such accused, while in police custody, got .12 bore DBBL gun Ex.P1 along with three live cartridges Ex.P2 to P4 and one empty shell Ex.P5 recovered. The Investigating Officer prepared rough sketch of the recovered DDBL gun Ex.PR/1 and prepared a sealed parcel thereof which was then taken into possession vide recovery memo Ex.PR/2. Rough site plan of place of recovery was prepared as Ex.PR/3. During the course of investigation, the Investigating Officer recorded statements of witnesses. Offence under Section 307 was added on 12.05.2001. Since gun recovered from accused-Rajbir Singh @ Raju was found to be licensed one in the name of Jagtar Singh @ Dass-accused, Rajbir Singh @ Raju was challaned for offence under Section 25 of the Arms Act. Sanction for prosecution Ex.P3 was obtained from District Magistrate, Amritsar. After completion of investigation and other formalities, challan against the accused was prepared and filed in the Court of Illaqa Magistrate, Patti.

On presentation of challan in the Court of Illaqa Magistrate, Patti, copies of documents relied upon therein were supplied to accused, free of cost, as provided under Section 207

Cr.P.C. Then finding that offences under Section 302 and 307 of the Indian Penal Code are exclusively triable by Court of Sessions. Learned Magistrate committed the case to the Court of Sessions. When the case was received in the Court of Sessions Judge, Amritsar it was entrusted to Court of Additional Sessions Judge (Adhoc), Amritsar. After making consideration, formal charge for offences under Sections 302, 307, 324 read with Section 34 of the Indian Penal Code was framed against the accused. In addition to that charge for offence under Section 336 IPC was framed against accused-Rajbir Singh. All the accused pleaded not guilty to the charge and case was fixed for evidence of prosecution.

During the course of evidence of prosecution, it examined in as much as 16 PWs.

PW1 - HC Sukhraj Singh, who on 06.05.2001 was posted as MHC at P.S. Valtoha tendered in evidence his affidavit Ex.PA.

PW2 - Paramjit Singh, Senior Assistant, O/o Deputy Commissioner, Amritsar had brought the summoned record with respect to licence No.7513/CD/DM/ASR 230 Patti in the name of Jagtar Singh son of Gurcharan Singh resident of village Amarkot, P.S. Valtoha, Tehsil Patti, District Amritsar stating that a .12 bore gun bearing No.6531/82 is entered on this licence and licence is valid upto 10.08.2002. He stated that on police application Ex.PB, endorsement in this regard Ex.PB/1 was made, which is correct as per record.

PW3 - Mohinderpal, Reader to District Magistrate, Amritsar proved the sanction order Ex.PC passed by Shri Narinderjit

Singh, the then District Magistrate, Amritsar.

PW4 - LC Kabul Singh, who on 06.05.2001 was posted at PS Valtaha submitted his affidavit Ex.PD.

PW5 - Dr. Jaswant Singh, Medical Officer, Civil Hospital, Patti, who on 07.05.2001 at 9.10 am had conducted postmortem examination on dead body of Paramjit Singh @ Pamma son of Milkha Singh, aged about 22/23 years, resident of village Bhandal, who had allegedly died due to sharp edged weapon injuries stated that rigor mortis was present all over the body and he had observed following injuries on the dead body:-

1. An incised punctured wound 2.75 x 1.5 cm oval in shape present on the left side of the chest, 4.5 cm medial to the nipple.
2. An incised punctured wound 3.5 x .7 cm on the left side of the chest, 7.5 cm below the nipple.

On dissection, the skin subcutaneous tissue was cut.

The right atrium bore a cut corresponding to injury No.1. The right ventricle bore a cut corresponding of injury No.2. The left hemi thorax contained blood.

3. An incised punctured wound 4.5 x 1 cm on the right side of the abdomen, 9 cm above the umbilicus.

On dissection skin subcutaneous tissue, peritoneum was cut. The stomach bore a cut on its anterior surface. Abdomen cavity contained blood and undigested food.

4. An incised wound 1 x .5 cm on the right side of the neck, 4.5 cm below the ear.

He opined that death in this case was due to shock and haemorrhage as a result of injuries No.1 and 2, which were sufficient to cause death in ordinary course of nature and that all the injuries were ante mortem caused by sharp pointed weapon. He further stated that the death had occurred immediately after the injuries and postmortem was conducted within 24 hours after the death. He proved copy of the postmortem report as Ex.PE. He further stated that on 08.05.2001, at 7.50 A.M., he had conducted medico legal examination of Satnam Singh son of Sardara Singh, aged 20 years, resident of village Asal Autar, who had been brought to the hospital by Mehnga Singh son of Udham Singh and had observed following injuries on his person:-

1. A stitched wound 5 cm on the posterior lateral aspect of left arm, 5 cm above the elbow, margins were incised. X-ray was advised.
2. A stitched wound 3 cm on the lateral aspect of left side of chest. Margins were incised. There was no history of haemoptysis. X-ray was advised.
3. An incised wound 3 x .2 cm present on the back of the chest, 3 cm below the angle of scapula. Margins were swollen. The wound was whitish.
4. An incised wound 5 x 2.5 cm on the back of right side of the chest lower part.

The witness stated that injuries No.1 and 2 were kept under observation, whereas injuries No.3 and 4 were simple in nature, the probable time that had elapsed between injuries and medico legal examination was from 24 to 48 hours and all the injuries were caused by a sharp edged weapon. He proved copy of the medico legal report Ex.PH. Further stated that he had sent the patient for X-ray examination and on receipt of report of Radiologist, he had declared injury No.1 as simple and injury No.2 as dangerous to life vide report Ex.PJ/1.

PW6 - Rishi Ram, Draughtsman, District Courts, Amritsar stated that on 25.05.2001, he had gone to place of occurrence and prepared scaled site plan Ex.PM using the scale 1" = 12 ft. at instance of Atamjit Singh-complainant.

PW7 - Atamjit Singh-complainant, gave eye witness account of the incident, deposing in consonance with the prosecution story.

PW8 - Milkha Singh, father of Paramjit Singh @ Pamma-deceased and Atamjit Singh-complainant stated that two days prior to the occurrence, a quarrel had taken place between Paramjit Singh @ Pamma on one side and Kuldip Singh, Jagtar Singh and Bhutto on the other and the said matter was compromised. He stated that the occurrence had taken place due to that quarrel.

PW9 - Satnam Singh-injured did not toe the prosecution line and rather stated that he does not know Paramjit Singh @ Pamma-deceased or Atamjit Singh, PW and has not remained servant with

them; that he never went on motor cycle with Paramjit Singh @ Pamma and Atamjit Singh and that Paramjit Singh @ Pamma was not given injury by any of the accused in his presence. The witness stated that he had sustained injuries in his arm pit and back, when it was dark about 7/8 months ago. (The statement of this witness was recorded on 21.03.2002). He stated that accused had not caused any injury to him and had not murdered Paramjit Singh @ Pamma in his presence. He was declared a hostile witness at the instance of Public Prosecutor and Public Prosecutor was permitted to put questions to him in the form of cross-examination.

PW10 - Constable Chaman Lal, a formal witness tendered in evidence his affidavit Ex.PG.

PW11 - Dr. Sarabjit Singh, Jr. Assistant, Civil Hospital, Patti had brought the original bed head ticket of Satnam Singh-injured, who was admitted in the hospital on 07.05.2001 and was discharged on 18.05.2001. He proved attested photocopy of the bed head ticket Ex.PL.

PW12 - Paramjit Singh, Radiographer, Civil Hospital, Patti, Amritsar stated that on 11.05.2001, while he was posted as Radiographer at Civil Hospital, Patti, he conducted x-ray examination of Satnam Singh on request of the doctor Ex.PJ and observed as follows:-

X-ray left Arm AP.

No abnormality detected.

X-ray left side of Chest AP view.

Surgical emphysema was found on the left side of Chest wall.

He proved his opinion in that regard as Ex.PQ and copies of skiagrams Ex.PQ/1 and PQ/2.

PW 13 - ASI Daljit Singh, who on 19.05.2001, was posted at PS Valtaha and in presence of ASI Pritam Singh had interrogated accused Rajbir-Singh @ Raju deposed regarding Rajbir Singh @ Raju suffering a disclosure statement regarding having kept concealed .12 bore gun alongwith three live cartridges and one empty shell in the iron box of his room near the kitchen and thereafter in pursuance of his disclosure statement Ex.PR, getting the gun, live cartridges and empty shell recovered, which were taken into possession. He further stated that on 10.05.2001, he had got Jagtar Singh @ Dass-accused medico legally examined by moving application Ex.PS.

PW 14 - Constable Amrik Singh, again a formal witness submitted his affidavit Ex.PT.

PW 15 - Constable Satnam Singh, another formal witness tendered in evidence his affidavit Ex.PU.

PW 16 - SI Piara Singh, the Investigation Officer in this case, deposed regarding the investigation conducted by him proving various documents.

Learned Public Prosecutor tendered in evidence reports of Forensic Science Laboratory Ex.PDD and PEE and closed the prosecution evidence.

Statements of accused were recorded under Section 313 Cr.P.C., in which all the incriminating circumstances appearing against the accused were put to them but they denied the allegations

contending that they are innocent and have been falsely involved in this case. All of them have stated that they would file written statements, but actually they did not do so.

During their defence evidence, accused examined in as much as two DWs:-

DW1 – Darshan Singh stated that he is running shop at Adda Amarkot near the chowk and his residential house is also located there;, shop of Jaswant Singh adjoined his shop. That about four years earlier, there were security proceedings between Jaswant Singh accused on one side and Jagtar Singh @ Dass-accused on other side. That he and brother-in-law of Jaswant Singh @ Seetu went to Patti for standing surety and thereafter Jaswant Singh @ Seetu and Jagtar Singh @ Dass-accused are not on speaking terms with each other.

DW-2 Ajit Singh stated that he has got two sons namely Jaswant Singh @ Seetu-accused and Sawinder Singh, that Sawinder Singh is married at village Khemkaran, which is at a distance of 10 kms; that his daughter-in-law, that is wife of Sawinder Singh is not having good relations and she used to live at her parental house for most of the time; her parental house is situated just near the house of Paramjit Singh @ Pamma at Khemkaran and Paramjit Singh @ Pamma is having close relation with Jagir Singh, MLA of the said Constituency. The witness further deposed that at the instance of Paramjit Singh @ Pamma and Jagir Singh, MLA, his daughter-in-law wanted to take forcible possession of their plot, for which he gave telegrams to the higher authorities on 30.12.2000, copy of which being

Ex.DW2/A. This witness further added that his son Jaswant Singh-accused was falsely implicated in the present case and at the instance of Jagir Singh, MLA and Paramjit Singh @ Pamma above said and thereafter his plots were forcibly occupied by his said daughter-in-law and plots are in her possession presently also. Going further the witness stated that there were security proceedings between his son Jaswant Singh @ Seetu-accused and Jagtar Singh @ Dass besides other accused and after that Jaswant Singh @ Seetu does not have relations with Jagtar Singh @ Dass and they are not on speaking terms.

After hearing arguments, trial Court convicted and sentenced accused Kuldip Singh, Jagtar Singh @ Dass and Jaswant Singh @ Seetu as mentioned above, whereas acquitted accused-Rajbir Singh @ Raju of the charge framed against him.

Feeling aggrieved by said judgment of conviction and sentence, accused-convicts-Kuldip Singh, Jagtar Singh @ Dass and Jaswant Singh @ Seetu have filed the present appeal.

We have heard learned counsel for the accused-convicts-appellants, learned Additional Advocate General for State of Punjab, besides going through the record.

As far as participation of accused-Jagtar Singh in the incident is concerned, we find the same to be doubtful. As per prosecution story itself, he was not armed with any weapon at the relevant time and he did not cause any injury to either Paramjit Singh @ Pamma or Sawinder Singh. The only role attributed to him is that he had signalled the motorcycle on which Atamjit Singh along with his

brother-Paramjit Singh @ Pamma-deceased and servant-Satnam Singh-injured were travelling to stop and raising of '*lalkara*' only. The fact has to be taken into view that there exists a tendency amongst people of this region to throw the net wide and rope in as many persons as possible of the opposite camp, in case of any incident in which injuries/death are caused.

The trial Court by giving cogent and convincing reasons has found participation of Rajbir Singh @ Raju to be doubtful. As per prosecution version, he was armed with .12 bore DBBL gun at the relevant time but had not caused any injury to Paramjit Singh @ Pamma or Satnam Singh. On appraisal of facts and evidence, the trial Court had acquitted Rajbir Singh @ Raju of the charge framed against him. Neither the State nor the complainant has challenged the judgment of the trial Court in that regard. Therefore, we find presence at spot of Jagtar Singh @ Dass at relevant time to be doubtful. His participation in the incident is suspect and prosecution has been unable to prove its charge against him conclusively and affirmatively. Therefore, giving benefit of doubt to him, he deserved to be acquitted of the charge framed against him.

However, as far as participation of accused-Kuldip Singh and Jaswant Singh @ Seetu in the incident is concerned, the same is clearly established on the file and the prosecution has been successful in its endeavour to bring home guilt to them. PW7 – Atamjit Singh-complainant categorically deposed regarding their role in the incident toeing the prosecution line fully. He was cross-examined at length on

behalf of the accused but his credibility could not be shakened on material points. Rather he stood his cross-examination well. We find his presence at the spot at relevant time to be natural and probable and account given by him to be trustworthy. He having lost his real brother in the incident would have been the last person, to attempt to screen the actual culprit and involve accused-Kuldip Singh and Jaswant Singh @ Seetu in this case wrongly. Though, his testimony qua Rajbir Singh @ Raju has been disbelieved by the trial Court and qua Jagtar Singh @ Dass, we also find his deposition not safe to accept, but then that does not mean that his entire evidence is to be discarded. We find this account of the incident given by him with regard to accused-Kuldip Singh and Jaswant Singh @ Dass deserves to be accepted. The maxim 'falsus in Uno, falsus in Omni bus' i.e. false in part, false in whole is not made applicable by Courts in India rather Courts are required to separate grain from the chaff i.e. truth from falsehood. Here applying that maxim, we find his evidence qua Kuldip Singh and Jaswant Singh @ Dass to be cogent, convincing and reliable. As per prosecution story, the incident had taken place on 06.05.2001 at about 9.00 P.M. i.e. in the summer season. The report regarding the incident was lodged by Atamjit Singh-complainant. His statement was completed by 10.30 P.M. as per endorsement of Investigating Officer below *ruqa* Ex.PN. The complainant must have taken some time to travel the distance between place of incident and Bus Stand, Valtoha where he had come across police party. Recording of his statement would definitely have taken sufficient time. The

complainant would have been in the state of shock, seeing his brother-Paramjit Singh brutally killed and servant-Satnam Singh grievously wounded.

Keeping in view all facts and circumstances, *ruqa* having been sent within 1 ½ hours of the incident rules out possibility of complainant-Atamjit Singh being imported to the place of incident and his having given the details of the occurrence, after due deliberations and consultations within such a short time. Keeping in view the fact that FIR contains detailed version of the incident that would not have been possible if complainant was not present at the spot and had in fact not seen the incident. Though, Satnam Singh injured appearing as PW9 did not support the prosecution story, as regards, accused having assaulted him and Paramjit Singh @ Pamma on the fateful day and he was declared a hostile witness but then he admits that he had sustained injuries on his person. Keeping in view the replies given by him, in the cross-examination and totality of circumstances, it comes out that Satnam Singh had also received injuries in the incident, one of the injury being declared dangerous to life and he resiled from his statement made to the police, having been won over by the accused party.

Then the medical evidence in this case duly corroborates ocular evidence. Involvement of the accused in the incident is further corroborated from the fact that on 07.05.2001 when accused Kuldeep Singh was arrested, from his personal search, blood stained knife was recovered which had been taken into possession. SI Piara Singh has

testified in that regard and on 08.05.2001, accused-Jaswant Singh @ Seetu, while in police custody, had suffered a disclosure statement and got recovered a blood stained knife from his possession, which was seized by the Investigating Officer. Both the knives had been sent to Forensic Science Laboratory, Punjab, Chandigarh and as per report received from there Ex.PDD, the knives were found to be stained with human blood. That further points towards involvement of accused-Kuldip Singh and Jaswant Singh @ Seetu in the incident. Ocular evidence brought by the prosecution also corroborates the prosecution version. Motive for incident was also there and stood established from statement of PW7-Atamjit Singh and PW8 – Milkha Singh i.e. a prior quarrel between Paramjit Singh @ Pamma on one side and Kuldip Singh, Jagbir Singh @ Dass and Bhutto on other side. Even otherwise, direct evidence of the incident being available, the motive in this case is not of much significance. The very fact that Kuldip Singh and Jaswant Singh @ Seetu having knives had attacked Paramjit Singh @ Pamma and Satnam Singh causing them injuries on the vital parts of the body goes to show that their intention was to cause their murder. Unfortunately, Paramjit Singh @ Pamma succumbed to the injuries suffered by him in the incident, whereas Satnam Singh had a miraculous escape.

Thus, as a result of detailed discussion (supra), the appeal filed by Jagtar Singh @ Dass-accused is accepted and judgment of conviction and sentence qua him is set aside. Resultantly, he is acquitted of the charge framed against him, whereas with respect to

Kuldip Singh and Jaswant Singh @ Seetu-accused, the impugned judgment of their conviction and sentence is upheld and appeal filed by them stands dismissed.

(T.P.S. MANN)
JUDGE

(H.S. MADAAN)
JUDGE

February 16, 2017

rajneesh

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No