

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

**Crl. Appeal D-517-DB of 2003**  
Date of Decision : August 21, 2017

Samunder Singh .....Appellant

***VERSUS***

State of Haryana .....Respondent

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN**  
**HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present : Mr. Vijay Kumar Jindal, Advocate  
for the appellant.

Mr. Praveen Bhadu, Asstt. A.G., Haryana.

**T.P.S. MANN, J.**

The appellant was charged under Section 302 IPC for committing murder of his niece Madhuri on 15.7.2002 at about 10.30 p.m. in the area of village Jassia. He was also charged for the offence punishable under Section 307 for firing at PW Rohtas with such an intention and under such circumstances that if he had caused his death, he would have been guilty of murder. He was further charged for committing offence punishable under Section 27 of the Arms Act for using his licenced gun for unlawful purpose. Vide judgment and order dated 4.6.2003, learned Additional Sessions Judge, Rohtak, convicted him for the aforementioned offences and sentenced him as follows:-

- (i) rigorous imprisonment for life and to pay a fine of Rs.15,000/- under Section 302 IPC and in default of payment of fine, to further undergo rigorous imprisonment for three years;
- (ii) rigorous imprisonment for a period of ten years and to pay a fine of Rs.10,000/- under Section 307 IPC and in default of payment of fine, to further undergo rigorous imprisonment for two years; and
- (iii) rigorous imprisonment for three years and to pay a fine of Rs.3,000/- under Section 27 of the Arms Act and in default of payment of fine, to further undergo rigorous imprisonment for a period of nine months.

All the sentences were ordered to run concurrently.

Double barrel gun Ex.P19 used in the crime, was confiscated to the State.

Aggrieved of his conviction and sentence, the appellant filed the instant appeal, which was admitted on 1.7.2003. Subsequently, vide order dated 28.11.2007, a co-ordinate Bench of this Court suspended his sentence of imprisonment and ordered his release on bail.

According to the prosecution, on 16.7.2002 ASI Ram Kishan, Incharge, Police Post Ghillour Kalan received V.T. message from Incharge, Police Post P.G.I.M.S., Rohtak that

Rohtas son of Surat Singh, resident of village Jassia, was admitted due to gunshot injuries. Accordingly, he alongwith MHC Ramesh Kumar and UGC Phool Singh reached Police Post P.G.I.M.S., Rohtak, where he received ruqa about admission of Rohtas and another ruqa about the death of Madhuri, daughter of Rohtas. He made inquiries about the injured and sought opinion from the doctor as to whether Rohtas was fit to make statement or not. The doctor opined that the patient was not fit to make statement. Accordingly, ASI Ram Kishan made inquiry about the relative of the injured. Jagwanti wife of Rohtas was found present with the dead body of Madhuri. Accordingly, ASI Ram Kishan recorded statement Ex.PH of Jagwanti, which is as follows:-

“Stated that I am resident of above said address and do the work of agriculture. My husband are four brothers. My husband Rohtas is youngest of all of them. They live separately. My jeth Samunder Singh lives in Hari Singh Colony, Rohtak in his constructed house and remaining brothers live in the village. Five years ago, a feud took place between my jeth Samunder Singh and Shamsheer Singh, Dilbagh and my husband Rohtas about the partition of the plots. In that feud Shamsheer Singh, Dilbagh and my husband Rohtas were challaned. 1½/2 years ago, they were acquitted from the Court in that case. Yesterday night,

i.e. on 15.7.2002 I alongwith my son Kapil aged 8 months and my husband Rohtas with Madhuri aged 5/6 years were sleeping on two different cots on the roof. It was about 10.30 p.m. I woke up for drinking water then I saw my jeth Samunder Singh was standing at the parapet of the chaubara in the light of an electric bulb and having a double barrel gun in his hands. On seeing me, he said that 'Tumhara Naash Karna Hai' and he fired a shot at my husband, which hit on left side of his face, then he fired second shot which hit my daughter Madhuri on right side of her temple. I picked up my son Kapil and came under the Chhaja to save and raised alarm "Bachao Bachao", which attracted Dilbagh, who was sleeping downstairs in the 'Baithak' and rushed upwards. My husband Rohtas also got up from the cot. They both tried to catch hold of Samunder Singh but he came down from the roof and ran away in the street. Dilbagh immediately brought his jeep and took injured Rohtas and Madhuri to P.G.I.M.S., Rohtak where Shamsheer Singh also reached. We admitted my husband Rohtas in the hospital but doctors declared Madhuri as brought dead. We remained busy in attending injured Rohtas and I took care of the dead body of Madhuri.

Because of old enmity on account of partition of their plots Samunder Singh caused injuries to my husband and Madhuri by firing directly at them and killed my daughter Madhuri. So legal action be taken against Samunder Singh. I have got recorded my statement to you in MCH Rohtak which I have heard and is correct”.

As the statement made by Jagwanti revealed commission of offences, which were cognizable in nature, ASI Ram Kishan after attesting the statement of Jagwanti prepared ruqa at 11.30 a.m. and sent the same to the Police Station for registration of the case. Accordingly, FIR No. 204 dated 16.7.2002 under Sections 307/302 IPC and Section 25 of the Arms Act Ex. PM was recorded at Police Station Sadar, Rohtak on 16.7.2002 at 12.50 p.m. Special report was sent through Constable Baljeet Singh, which was received by Ilaqa Magistrate on the following day, i.e. 17.7.2002 at 4.45 p.m.

During investigation of the case, ASI Ram Kishan got the dead body of Madhuri photographed as well as the place of occurrence. He then prepared inquest proceedings Ex.PC on the dead body of Madhuri and sent it for postmortem.

Dr. Sunita Sharma conducted postmortem on the dead body of Madhuri on 16.7.2002 at 5.00 p.m. and found the

following injuries:-

- “1. An oval shaped entry wound of 1 cm x 1 cm over the right parietal area of scalp, situated 8 cm above and behind right ear. An abrasion collar could be visualized around the wound. No tattooing or blackening, soiling or singeing of hair was seen around the wound. Margins were inverted. Wound was situated 106 cm above right heel. The wound was directed in from posterior, anterior and medially. Skull underneath the wound showed various fissured fractures radiating from the main wound, which was 3 cm x 5 cm.
  - (i) Fracture No.1 was from skull defect going towards midline and left 7 cm.
  - (ii) 5 cm from defect going posterior and downwards.
  - (iii) 6 cm vertically downward.
  - (iv) 7 cm going anteriorly. The brain was shattered moreso of the right parietal lobe and showed cherry red colour.
2. There was an exit wound in the form of defect in right frontal area of skull measuring 7 x 6 cm in size. Scalp over the area was missing, the bone over the defect

was also missing.

3. An oval shaped entry wound of firearm over right elbow joint on the posterior part of right elbow measuring 1 cm x 1 cm situated 14 cm below the right shoulder and 15 cm above right wrist joint. Wound was situated 72 cm above the right heel. Margins of the wound were inverted. Abrasion collar could be visualized around the wound. No tattooing blackening, soiling and singeing of hair was around the entry wound.

The wound was directed postero anteriorly and downwards. Lower end of right humerus and upper end of right radius ulna were shattered. There was cherry red discoloured in the track of the wound.

4. Exit wound of 6 x 4.5 cm in the form of defect over anterior aspect of right fore-arm, 1 cm below right elbow joint and 8 cm above right wrist joint”.

The stomach contained juices. Both the intestines contained juices and faecal matter. Bladder was empty. All other organs were healthy.

The cause of death according to the doctor was shock and haemorrhage due to head injury caused by forearm, which

was antemortem and sufficient to cause death in normal course of nature.

Dr. Subhash Chander had conducted medico-legal examination of Rohtas on 16.7.2002 at 12.40 a.m. and found the following injuries on his person:-

- “1. There was a lacerated wound of size 6 x 4.5 cm x 1.5 cm over left angle of mandible. Wound was fresh and fresh bleeding was present. No blackening and tattooing was seen.
2. A lacerated wound of size 1 x 1 cm, on the back of neck. Wound was fresh and fresh bleeding was present”.

Dr. Girish of Dental College, Rohtak, treated Rohtas for his fractured mandible, inter maxillary ligation and wiring was done on 27.7.2002, whereafter, he was discharged from the hospital on 29.7.2002. He, thereafter, remained on follow up treatment for about 1 ½ months. His three teeth were broken and he lost one another tooth.

It is also the prosecution case that ASI Ram Kishan reached the place of occurrence and prepared rough site plan at the pointing of Jagwanti. From the place of occurrence, blood stained pillow of Rohtas, two plastic aircushions, wads and pieces

of cardboard wads were lifted from the cot of Rohtas. They were taken into police possession in a sealed parcel. Five deformed and mutilated lead pieces, slightly blood stained, were lifted from the place of occurrence and were taken into police possession in a sealed parcel. Some blood was also lifted from the cot of Rohtas in another sealed parcel whereas some blood was lifted from below the cot of Rohtas. Blood stained pillow having through and through hole was also taken in police possession from the cot of Rohtas in another sealed parcel. Blood stained pillow from the cot of PW Jagwanti was also lifted and taken into police possession. The accused was searched for but could not be located. Ultimately, he was arrested on 23.7.2002 at the level crossing of 'Chara Mandi', Rohtak. During his interrogation, the accused suffered disclosure statement pursuant to which he got recovered his licenced double barrel gun with two fired cartridge cases in its respective chambers from his residential house in Hari Singh Colony, Rohtak where he had kept it concealed in a box in the store. Sketch of the gun was prepared. Its licence, which was in the name of the accused, was also taken into police possession. The sealed parcels were sent through Constable Ramesh Kumar to the Forensic Science Laboratory. Vide report of the ballistic expert, double barrel gun was found in working order and was a firearm as defined in the Arms Act. Two fired cartridges found in the two chambers of the gun were also found

to have been fired from those respective barrels of the gun. The wads/wads pieces, picked up from the places, was part of a shotgun cartridge including 12 bore and five lead deformed pieces, picked up from the spot could also form part of shotgun cartridge like the one found in the chamber of the gun. The blood found on the two pillows, clothes of the deceased and the one which was lifted from the spot was found to be of human origin.

Upon completion of investigation and presentation of challan followed by commitment of case to the Court of Sessions, the accused was charged for the offences under Sections 302 and 307 IPC and Section 27 of the Arms Act. However, he pleaded not guilty and claimed trial.

In support of its case, the prosecution examined as many as 21 witnesses.

PW1 Dr. Sunita Sharma proved the postmortem report Ex.PB conducted on the dead body of Madhuri and in her opinion the cause of death was shock and haemorrhage, due to head injury, caused by firearm, which was antemortem and sufficient to cause death in normal course of nature. In her cross-examination, she deposed that that it was her first firearm postmortem examination case, so, she could not tell the exact distance, from which, the firearm shot was given but certainly it was from more than three feet away as there was no tattooing, blackening,

singeing of hair etc. The doctor also testified that fired projectile had covered distance of about 7 cm from entry wound to exit wound, on the right hand of the deceased.

PW2 Balwan Singh, Record Keeper of P.G.I.M.S., Rohtak placed on record medical treatment record of injured Rohtas showing that he was admitted in the hospital on 16.7.2002 at 2.45 a.m. and was discharged therefrom on 29.7.2002 at 10.00 a.m.

PW3 Dr. Ramender Singh proved report Ex.PD based upon X-ray films Ex.P3 to Ex.P7 for finding fracture of left side mandible of PW Rohtas.

PW4 Om Parkash, Licencing Clerk, Office of Deputy Comissioner, Rohtak, brought original Licencing Register for issuance of firearms licences and therefrom proved that Fire Arm Licence Ex.P8 was issued to accused Samunder Singh at Sr. No. 4/6/RSD. It was in respect of non-prohibited bore rifle/gun and there is also an entry regarding double barrel gun in his licence, with authorization to possess 25 cartridges.

PW5 Constable Ramesh Kumar and PW6 Constable Baljeet Singh tendered in evidence their respective affidavits Ex.PE and Ex.PF, which were regarding safe transit of the case property to FSL, Madhuban and delivery of special report, respectively.

PW7 Constable Surender proved photographs Ex.P9 to Ex.P13, which he had taken of the dead body and of the place of occurrence. He also proved their negatives Ex.P14 to Ex.P18.

PW8 Constable Sumit Kumar proved scaled site plan Ex.PG prepared by him at the instance of PW Jagwanti.

PW9 ASI Samunder Singh stated that he recorded the statements of some of the witnesses under Section 161 Cr.P.C.

PW10 Jagwanti, PW15 Rohtas and PW19 Dilbagh are the material witnesses being eye witnesses. Jagwanti is the one, who had made statement before the police on the basis of which the FIR was registered whereas Rohtas was the injured witness. Dilbagh also deposed about having witnessed the occurrence. All three of them had fully supported the prosecution case.

PW11 Dr. Girish stated that he conducted operation on the mandible fracture of Rohtas on 27.7.2002 and then discharged him from the hospital on 29.7.2002.

PW12 Dr. Subhash Chander proved medico-legal report Ex.PJ for the injuries on the person of PW Rohtas and also proved ruqa Ex.PK sent by him to the Police Station at 1.30 p.m. informing the admission of Rohtas in the hospital.

PW13 Head Constable Ajmer Singh tendered in evidence his affidavit Ex.PL regarding safe custody of the case

property with him till it was sent to FSL.

PW14 SI Jagat Singh stated that he recorded the statement of injured Rohtas under Section 161 Cr.P.C.

PW16 Dr. R.S. Bedi, Dentist, stated about the medical treatment given by him to injured Rohtas in the hospital for his mandible fracture, suturing of his wound, operation dated 27.7.2002. The injured remained in follow up medical treatment of about 1 ½ months.

PW17 SI Bijender Singh, simply stated that he had prepared the challan.

PW18 ASI Ved Singh, PW20 Head Constable Raj Singh and PW21 ASI Ram Kishan deposed about the various steps taken by them while conducting the investigation in the case.

When the accused was examined under Section 313 Cr.P.C., he denied the circumstances appearing against him in evidence and pleaded that he was innocent. He was Ex-serviceman. PW Dilbagh had illicit relations with PW Jagwanti. The complainant party wanted to usurp his share in the village property. In fact, some unknown persons had caused injuries to Rohtas and committed murder of his daughter Madhuri but on the next day, PW Dilbagh Singh in connivance with the police

concocted a false version against him and signatures of PW Jagwanti were obtained. He was apprehended by the police on 21.7.2007 from his house in Delhi but shown to have been arrested on 23.7.2002. The police had broken open his house in Hari Singh Colony, Rohtak and took his licenced double barrel gun and other papers. After firing cartridges from it, the gun was planted upon him. In defence, the accused did not lead any evidence.

Learned counsel for the appellant has submitted that the presence of PW19 Dilbagh at the time of the occurrence was highly doubtful. The investigation conducted in the case was tainted and the prosecution has failed to prove that it was the appellant, who had committed the murder of Madhuri by using his licecned gun Ex.P19. It is also submitted that the story as has been framed by the prosecution, was highly unnatural. There are contradictions, *inter se*, the testimonies of three eye witnesses. Finally, it is submitted that there was and is no ill-will between the appellant on the one hand and the complainant party on the other and all of them are living happily and participating in all common functions. Therefore, the appeal be accepted and the appellant be acquitted of the charges against him.

Learned State counsel has opposed the appeal and submitted that the prosecution has led cogent and convincing evidence to prove the commission of various offences by the

appellant. The appellant has not denied the presence of PW10 Jagwanti and PW15 Rohtas. At the same time, the presence of PW19 Dilbagh as an eye witness of the occurrence stands duly established. There were no contradictions or improvements in the prosecution case. Whatever contradictions have been pointed out, do not go to the root of the case. The prosecution story is natural and probable and it stands established that it was the appellant, who had fired from his licenced double barrel gun, as a result of which, Madhuri had died whereas PW15 Rohtas had received injuries. Finally, it has been submitted that merely because parties are now living happily is no ground to absolve the appellant of the charges against him.

PW10 Jagwanti and PW15 Rohtas had deposed about the ocular account of the occurrence. Both of them have deposed that about 5½ years ago, there was a quarrel between the brothers on account of partition of the village plot for which a criminal case was got registered by the appellants against his three brothers, who were, however, acquitted about 2½ years ago. On the day of occurrence, i.e. 15.7.2002 at about 10.30 p.m., PW10 Jagwanti slept on a cot with her son Kapil whereas PW15 Rohtas slept on another adjoining cot with his daughter Madhuri, who was aged about 5/6 years. PW10 Jagwanti woke up to have a glass of water. She saw the appellant standing at the parapet of the chaubara. The appellant proclaimed that he would finish the

entire clan of the complainant. Saying this, he fired a shot from his double barrel gun at Rohtas which hit on the left side of his face. Second shot fired by the appellant had hit on right temple of Madhuri in the back. PW10 Jagwanti lifted her son Kapil in order to save themselves and raised hue and cry. On hearing the alarm raised by PW10 Jagwanti, PW19 Dilbagh, who was sleeping with his father downstairs in the 'Baithak' ran upstairs. At that time PW15 Rohtas was sitting on the cot with injury on the left side of his face. PW10 Jagwanti told PW19 Dilbagh about the appellant firing shots from the parapet on the roof. PW15 Rohtas took one or two steps but fell down. PW19 Dilbagh tried to catch hold of the appellant but the latter escaped in the street due to darkness. PW19 Dilbagh then brought his jeep and transported Rohtas and Madhuri to P.G.I.M.S., Rohtak. Jagwanti also accompanied them. Rohtas was got admitted in the hospital but Madhuri was declared dead by the doctor. PW19 Dilbagh then returned to the village to inform his family members. The police reached the hospital and recorded statement Ex.PH of PW10 Jagwanti. PW15 Rohtas further stated that he was discharged from the hospital after 16 days of his admission. Thereafter, he developed puss in the jaw, which was operated upon and so he was again admitted in the hospital on 19.8.2002.

PW19 Dilbagh after referring to the dispute regarding partition of the plot and criminal case being got registered against

him and his brothers Rohtas and Shamsheer by the appellant, in which, they stood acquitted, testified that on 15.7.2002, he was sleeping with his father in 'Baithak' of Rohtas. Around 10.30/11.00 p.m., he heard sound of firing and raising of alarm by Jagwanti. He ran upstairs whereas Rohtas was sitting on the cot with injury on the left side of his face. He was told by Jagwanti about the firing of shots by the appellant and when he tried to catch hold of him, he noticed the appellant having his licenced gun. Due to darkness, he could not overpower him. The appellant ran towards the street. Dilbagh brought his jeep, in which, he transported Rohtas and Madhuri to P.G.I.M.S., Rohtak. Jagwanti also accompanied them. He also stated about lifting of various articles from the spot, which were taken into police possession vide different recovery memos.

PW10 Jagwanti, PW15 Rohtas and PW19 Dilbagh were cross-examined at length by the defence but no material could be brought on the file on the basis of which the testimonies of those three witnesses could be discarded. The ocular account of the case was duly corroborated from the contents of statement Ex.PH, on the basis of which, FIR Ex.PM was registered and also from medical evidence by way of testimonies of PW1 Dr. Sunita Sharma, who had conducted postmortem on the dead body of Madhuri, PW12 Dr. Subhash Chander, who had medico-legally examined Rohtas and PW11 Dr. Girish, who had operated upon

Rohtas for his fractured mandible. There was no reason or motive for PW10 Jagwanti, PW15 Rohtas and PW19 Dilbagh for falsely implicating the appellant, who was their close relative, being the real brother of PW15 Rohtas and PW19 Dilbagh. Merely because, the special report was received by the Ilqa Magistrate on 17.7.2002 at 4.45 p.m. is no ground to reject the prosecution case out-rightly as the police papers were already complete and the appellant named as the accused on 16.7.2002 itself as the postmortem on the dead body of Madhuri was conducted on 16.7.2002 at 5.00 p.m. itself.

The defence had made an attempt to doubt the presence of PW19 Dilbagh at the time of the occurrence as according to it, it was quite unnatural. At the same time, the defence did not dispute or deny the presence of Jagwanti and Rohtas at the time and place of the occurrence. The appellant was not a stranger to them. At the time of the occurrence PW10 Jagwanti had woken up for drinking water and she saw the appellant standing at the parapet of the chaubara in the light of electric bulb. The appellant was holding double barrel gun in his hands and on seeing her, fired two shots, one hitting Rohtas while the other hit Madhuri. The dead body of Madhuri bore four injuries. Injuries No. 1 and 3 were entry wounds while injuries No. 2 and 4 were their respective exit wounds. Similarly, two lacerated wounds were found on the person of Rohtas, when he

was medico-legally examined. The injuries were caused by firearm. Under these circumstances, this Court has no other option but to rely upon the testimonies of PW10 Jagwanti and PW15 Rohtas in regard to the manner in which the occurrence had taken place.

As regards the plea of the defence that PW19 Dilbagh was having illicit relations with PW10 Jagwanti and on that ground his wife had obtained divorce from him and in order to grab the share of the appellant in the village plot, he has been falsely implicated in the case, it may be noticed that the defence did not bring on record the decree of divorce, said to have been obtained by the wife of PW19 Dilbagh. Further, the relations between PW15 Rohtas and PW19 Dilbagh were not strained. PW19 Dilbagh also corroborated the testimony of PW15 Rohtas in regarding to the firing of shots by the appellant.

Surat Singh, father of the appellant and also of Rohtas and Dilbagh had a plot in the village. There was a proposal by Surat Singh to partition the land. Only the appellant did not agree to the same. At the instance of the appellant, a criminal case was registered against PW15 Rohtas, PW19 Dilbagh as well as their third brother Shamsheer. Some times before the present occurrence, the said criminal case ended with the acquittal of Rohtas, Dilbagh and Shamsheer. That provided motive for the appellant to indulge in firing shots at the complainant party and at

the same time proclaiming that he would finish entire clan of the complainant.

While making statement Ex.PH, complainant Jagwanti PW10 had stated that at the time of the occurrence, there was an electric bulb, which was emitting light and in the said light she could identify the appellant, who was present at the parapet of the chaubara. Scaled site plan Ex.PG shows the place of electric bulb outside the kitchen. Even otherwise, PW10 Jagwanti had stated that it was moon lit night. Thus, there could not be any dispute regarding the identity of the appellant especially when he is not a stranger but closely related to the complainant and her husband.

It has come in the evidence that during the investigation, PW21 ASI Ram Kishan had referred to plastic aircushions wads and pieces of cardboard wads from the cot of Rohtas. Similarly, five deformed and mutilated lead pieces were lifted from the place of occurrence and taken into police possession. Further, when the appellant was arrested on 23.7.2002, he got recovered his licenced double barrel gun Ex.P19 after suffering disclosure statement Ex.PT. The gun contained two fired cartridge cases in its respective chambers. The gun was recovered from the residential house of the appellant in Hari Singh Colony, Rohtak. The case property was, thereafter, sent to the Forensic Science Laboratory. As per the FSL report Ex.PAB, 12 bore double barrel gun Marked W/1 was a

firearm as defined in the Arms Act. Its firing mechanism was found to be in working order. One .12 bore fired cartridge case marked as C/1 was fired from the left barrel whereas the other .12 bore fired cartridge case marked as C/2 was fired from the right barrel of gun W/1 and not from any other firearm even of the same make and bore, because every firearm has got its own individual characteristic marks. The wads/cardboard wad pieces could form part of a shotgun cartridge including 12 bore whereas lead pieces could form part of shotgun cartridge of type C/1 and C/11. Merely because, Ram Chander, who was a witness to the recovery of the gun alongwith its empties and licence, was not examined is no ground to hold that the gun Ex.P19 is not connected with the injuries on the dead body and also on the person of PW15 Rohtas.

The non-examination of Surat Singh in the investigation of the case and also in not associating any independent witness, who could have seen the appellant while coming to the village or while going from the village after the commission of the crime is not sufficient again to reject the prosecution case. The occurrence was witnessed by PW10 Jagwanti, PW15 Rohtas and PW19 Dilbagh. All of them were the natural witnesses of the occurrence which had taken place in their house itself where they were present.

Some contradictions have been pointed out by the

learned defence counsel that PW10 Jagwanti had stated that she had woken up to take a glass of water and saw the appellant standing at the parapet of the chaubara whereas in her cross-examination she stated that she had already woken up to drink water prior to the occurrence and was standing by the side of pitcher placed outside the bathroom. Further, PW15 Rohtas stated that he had heard the proclamation of the appellant that he would finish entire clan of the complainant and saw the appellant standing at the parapet of the chaubara whereas in his cross-examination he stated that he did not tell the police that his wife Jagwanti touched him by her hands and woken her up. The contradictions pointed out are so trivial in nature that they do not go to the root of the case and, thus, no benefit of the same can be extended to the appellant.

During the trial of the case, the appellant had remained behind the bars. He was convicted by the learned trial Court on 4.6.2003. Subsequently, after he had completed a period of more than five years of incarceration that he was ordered to be released on bail on 28.11.2007. A period of about 10 years has elapsed since then. Merely because, the appellant has now sorted out the matter with the complainant is no ground to hold that he should be acquitted of the charges against him.

In view of the above, the appeal is without any merit and, therefore, dismissed. The appellant be taken into custody

and sent to the jail for undergoing his remaining sentence of imprisonment.

( T.P.S. MANN )  
JUDGE

August 21, 2017  
amit rana

(MAHABIR SINGH SINDHU )  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether reasoned/speaking | Yes/No |
| Whether reportable        | Yes/No |