

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

**Criminal Appeal D-787-DB of 2003
Decided on : February 02, 2017**

Bagga Singh @ Himat Ram 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. Dhruv Dayal, Advocate for the appellants.
Mr. S.S. Dhaliwal, Addl. A.G., Punjab.

H.S. MADAAN, J.

This appeal has been preferred against judgment and order dated 16.07.2003 passed by court of Additional Sessions Judge, Mansa vide which he had convicted accused Bagga Singh @ Himat Ram, Nikka Singh, Jagsir Singh and Karamjit Singh @ Toti for offence under Sections 302 read with Section 34 of the Indian Penal Code and sentenced them to undergo imprisonment for life and to pay a fine of Rs.5,000/- each, and in default thereof, to further undergo rigorous imprisonment for one year.

The accused-convicts, who are appellants before this Court pray that the appeal be accepted, the impugned judgment and order 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 version

as they emanated from the report under Section 173 Cr.P.C. along with documents attached therewith and as those unfolded during the trial are that during the intervening night of 22/23.08.2001 at about 12.30 A.M. complainant-Leela Singh son of Jamna Singh of Ramdasia community resident of village Sanghreri, aged about 40 years, and a labourer by avocation had gone to tubewell room in the agriculture land of Gora Singh, ex-Sarpanch of village Sanghreri with tea for his brother Roopa Singh who was working as *siri* (agricultural menial) with Gora Singh. When complainant-Leela Singh reached near the tubewell room of Chanan Singh son of Mukand Singh, which was 5/7 karams away from the tubewell room of Gora Singh then he observed that four persons acquainted with him earlier, were standing on the roof who were Karamjit Singh @ Toti son of Rulda Singh Majbi resident of village Sanghreri having a stick (*dang*), Bagga Singh son of Gurdev Singh of Majbi community resident of village Bir Kalan, having a *gandasa* (axe), Jagsir Singh son of Gurdial Singh of Majbi community resident of Sanghreri having a *gandasa* (axe), Nikka Singh son of Chand Singh of Majbi community resident of Sanghreri having a *ghop* Roopa Singh were on the roof. Nikka Singh said to Roopa Singh, that 10-12 years back he alongwith his brothers had caused injuries to his father Chand Singh who had died; as such they would take revenge by killing Roopa Singh. Nikka Singh opened the attack giving a *ghop* blow from its sharp side hitting Roopa Singh in the abdomen, Bagga Singh gave a *gandasa* blow hitting Roopa Singh on the back of the head and Jagsir Singh gave a *gandasa* blow hitting

Roopa Singh on the head and Roopa Singh fell down on the roof of tubewell room. While Roopa Singh was lying on the roof, then all the four assailants gave several blows with their respective weapons to him, finding targets on the head, abdomen, on the back side of the chest and on other parts of body. Complainant was terrified and he concealed himself because, he felt that if in case, he raised an alarm, he too might be killed by the assailants. Thereafter, all the four assailants, left the spot along with their respective weapons. In the meanwhile, Raj Singh, another brother of the complainant and of the deceased reached there as Roopa Singh had not returned home after availing turn of water.

Leela Singh narrated the entire occurrence to Raj Singh and then by climbing over the roof observed that Roopa Singh had died due to grievous injuries suffered by him. The motive for the incident was that earlier Chand Singh father of Nikka Singh had sustained injuries at hands of complainant-party to which he had succumbed. Complainant Leela Singh had left his brother Raj Singh near the dead body and he himself was going to Police Station, Bareta to report regarding the incident, on the way at village Jalbera, he came across police party headed by SI Sukhchain Singh, SHO of PS, Bareta (hereinafter referred to as Investigating Officer/I.O.). The complainant got his statement recorded with SI Sukhchain Singh as Ex.PA and thumb marked by him, which was attested by SI Sukhchain Singh. SI Sukhchain Singh appended his endorsement Ex. PA/1 below such statement and sent *ruqa* to police station through constable Harjit

Singh, on the basis of which formal FIR Ex.PA/2 was recorded by MHC Angrej Singh.

Then the police party accompanied by complainant-Leela Singh went to the spot, the I.O. carried out inquest proceedings with respect to dead body of Roopa Singh preparing a report in that regard as Ex.PD/1. He drafted an application Ex.PC and handed over the same along with dead body to HC Rajinder Singh and PHG Balwan Singh directing them to get postmortem examination conducted on the dead body from Civil Hospital, Budhlada. He scraped blood stained earth from the spot and converted it into a parcel Ex.P/7 sealed with a seal having inscription 'SS'. Normal earth was also lifted from the spot and converted into a parcel Ex. P/8 sealed with seal having inscription 'SS'. Both the parcels were taken into possession vide recovery memo Ex.PPP attested by ASI Ajaib Singh and Baru Singh, Ex-Sarpanch. Then the Investigating Officer prepared rough site plan of place of incident Ex.PQ. He recorded statements of witnesses.

Thereafter, the police party conducted raid on house of the accused, who were not available there. The police party returned to the spot, where HC Rajinder Singh produced a sealed parcel containing clothes of the deceased, which had been given to him by the doctor after postmortem examination along with documents pertaining to the postmortem. The said parcel was taken into possession by the I.O. vide memo Ex.PR attested by HC Rajinder Singh. On return to the police station, the I.O. deposited the case property with MHC Angrej Singh.

On 29.08.2001, while the police party headed by SI Sukhchain Singh was present, on the seepage drain in area of Jalbera then all the accused wanted in the case namely Karamjit Singh @ Toti, Bagga Singh @ Himat Ram, Jagsir Singh and Nikka Singh were spotted coming from the Jalbera side. After verifying their identity, those accused were arrested in the case. The Investigating Officer carried out their personal searches but nothing was recovered, as a result thereof, a memo in that respect was prepared as Ex.PS which was thumb marked by the accused. On return to the police station, all the accused were put up in the lock-up. On the next day, they were produced in the Court and were remanded to the police custody.

On 31.08.2001, SI Sukhchain Singh took out the accused from police lock-up for the purpose of their interrogation. At that time, ASI Bant Singh, ASI Ajaib Singh, PHG Bhalwan Singh and Datta Singh PWs were present. First of all, accused Karamjit Singh was interrogated, who suffered a disclosure statement that he had kept concealed the *dang* in the heap of dried cotton sticks lying on the roof of his house, about which only he knew and could get the same recovered. The Investigating Officer recorded his such disclosure statement Ex.PH which was thumb marked by accused Karamjit Singh and attested by ASI Bant Singh and Datta Singh, PW.

Thereafter, Bagga Singh was interrogated, during the course of which he stated that he had kept concealed *gandasa* in his room about which only he knew and could get the same recovered. His such disclosure statement was recorded Ex.PJ, thumb marked by

accused Bagga Singh and attested by witnesses aforesaid.

Thereafter, accused Jagsir Singh was interrogated and he also suffered a disclosure statement that he had kept concealed *gandasa* in a room adjoining gate on the right side of his house about which only he knew and could get that recovered. His disclosure statement Ex.PK was reduced into writing, which was thumb marked by such accused and attested by witnesses mentioned earlier.

Then came turn of accused Nikka Singh, who during interrogation stated that he had kept concealed a *ghop* in the dried cotton sticks, heap in corner of the courtyard of his house, about which only he had the knowledge and he offered to get that *ghop* recovered. His disclosure statement Ex.PL was jotted down which was thumb marked by accused and attested by the same witnesses.

Thereafter, all the four accused while in police custody led the police party to the places disclosed by them at village Sanghreri. First of all Karamjit Singh got the *dang* Ex.P3 recovered from the specified place mentioned in his disclosure statement which was taken into possession vide recovery memo Ex.PM attested by the witnesses. Thereafter, Bagga Singh, in pursuance of his disclosure statement Ex.PJ got recovered *gandasa* Ex.P4 from pre-disclosed place. The *gandasa* was blood stained. The I.O. prepared rough sketch of recovered *gandasa* Ex.PN/1. The *gandasa* was converted into a parcel sealed with seal of SI Sukhchain Singh having inscription 'SS' and it was taken into possession vide recovery memo PN attested by PWs. The I.O. prepared rough site plan of place of recovery Ex.PT as

regards the recovery of *dang* got effected by Karamjit singh. He prepared rough site plan Ex.PU.

Thereafter, Jagsir Singh accused pursuant to his disclosure statement got recovered *gandasa* Ex.P5 (which was stained with blood) from the place specified by him, in his such statement. The Investigating Officer prepared rough sketch of the recovered *gandasa* Ex.PO/1 and prepared a parcel thereof sealed with a seal having impression 'SS' then that parcel was taken into police possession vide memo Ex.PO attested by ASI Bant Singh and Data Singh. The I.O. prepared rough site plan of place of recovery Ex.PT.

Then it was turn of Nikka Singh to get the recovery effected in pursuance of his disclosure statement and he got the *ghop* (which was stained with blood) Ex.P6 recovered at his instance from the place specified by him in his disclosure statement. The I.O. prepared rough sketch of the recovered *ghop* Ex.PL/1, which was attested by ASI Bant Singh and Datta Singh. The *ghop* was converted into a parcel sealed with seal of I.O. having inscription 'SS'. The said parcel was then taken into possession vide recovery memo Ex.PL/2 attested by the same witnesses. The I.O. had prepared rough site plan of place of recovery with correct marginal notes. The I.O. recorded statements of witnesses and on return to the Police Station, he deposited the case property with MHC Angrej Singh. During the course of investigation, the I.O. received report from the office of Chemical Examiner Ex.PV. After completion of investigation and other formalities, challan against the accused was prepared and filed in

the Court of Illaqa Magistrate at Mansa.

When the challan was presented in the Court of Judicial Magistrate Ist Class, Mansa, he supplied copies of documents relied upon therein to the accused free of cost as provided under Section 207 Cr.P.C. then finding that offence under Section 302 IPC, for which the accused had been challaned was exclusively triable by Court of Sessions, committed the case to the Court of Additional Sessions Judge, Mansa and it was received there. After making consideration, learned Additional Sessions Judge, Mansa framed formal charge for offences under Section 302, read with Section 34 of the Indian Penal code against all the four accused, to which they pleaded not guilty and claimed trial and case was fixed for evidence of the prosecution.

During the course of evidence of prosecution, prosecution examined as much as ten witnesses as per details below:-

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|------|---|--|
| PW1 | - | Leela Singh |
| PW2 | - | Raj Singh |
| PW3 | - | Dr. Shard Kumar, Medical Officer, PHC, Budhlada. |
| PW4 | - | ASI Gurdev Singh |
| PW5 | - | HC Angrej Singh, |
| PW6 | - | HC Harjit Singh |
| PW7 | - | ASI Bant Singh |
| PW8 | - | SI Sukhchain Singh |
| PW9 | - | ASI Ajaib Singh |
| PW10 | - | HC Rajinder Singh |

PW-1 Leela Singh, complainant, gave the eye witness

account of the incident deposing in consonance with the prosecution story.

PW-2-Raj Singh, brother of the complainant and of the deceased, who as per the prosecution story had reached the spot soon after the incident deposed that he had seen all the four accused running towards the canal along with their weapons. Inasmuch as Bagga Singh and Jagsir Singh were armed with *gandasa* each where as Nikka Singh was having a *ghop* and Karamjit Singh having a *soti* and that his brother Leela Singh had informed him regarding the occurrence and he had observed Roop Singh deceased lying in pool of blood at the spot.

PW-3 Dr. Shard Kumar, Medical Officer, PHC, Budhlada, who had conducted postmortem examination on dead body of Roopa Singh on 23.08.2001 at 12.15 P.M. while posted as Medical Officer at PHC, Budhlada deposed that rigor mortis was present in both upper and lower limbs and he had observed following injuries:-

1. Incised wound 16 x 1/4 cm x 2cm on the back of the skull obliquely placed meninges and underlying bone fractured Brain matter exposed clotted blood and liquid blood seen in the cranial cavity, which was dark red in colour. Antemortem.
2. Incised wound 6cm x 1/4 cm x 2 cm perpendicular and across to the injury No.1 at its junction of lower 3cm and upper 13 cms antemortem.
3. Incised wound 6 cm x 1/4 cm x 2 cm on the back of the skull perpendicular and across to the injury No.1 at its

junction of upper 4 cm and lower 12 cms. Antemortem.

4. Incised wound spindle shaped 5cm x 3 cm x $\frac{1}{2}$ cm on the left lower back 2cm to the left of midline on the upper margin of the left buttock. Corresponding cut in the kuchha present. Clotted blood seen red in colour. Antemortem.
5. Incised wound horizontal 3cm x $\frac{1}{4}$ x $\frac{1}{4}$ cm on the right side of chest 7cm below and to the left of the right nipple. Antemortem.
6. Incised wound 4cm x $\frac{1}{4}$ cm on the upper right hypochondriac region inferior to the right inferior costal margin and 5cm above and to the right of umbilicus. On probing it revealed to be a penetrating wound and probe enters up to 7cm and entering into left lobe of the liver oozing of red blood seen. Corresponding cut in the shirt present. Antemortem.
7. Incised wound 3cm x $\frac{1}{2}$ cm x $\frac{1}{4}$ cm on the left eye brow. Clotted blood seen. Antemortem.
8. Incised wound oblique 5cm x $\frac{1}{4}$ cm x $\frac{1}{4}$ cm on the upper part of the right back of thorax 2 cm below the root of the neck. Corresponding cut was present in the shirt. Antemortem.
9. Incised wound 5cm x $\frac{1}{2}$ x $\frac{1}{4}$ cms on the under surface of the side of the chin. Clotted blood seen. Antemortem.
10. Swollen left side of the upper lip. Underlying tooth loose.

11. Abrasion reddish violet 18cms x 1/10 cm across right chest oblique in its upper part. Antemortem.
12. Abrasion reddish violet 16 cms x 1/10 cm obliquely across right chest 7 cm below the injury No.11. Antemortem.
13. Abrasion 20 cms x 1/10 cm reddish violet vertically oblique on the back of right thorax. Antemortem.
14. Abrasion 19cm x 1/10 cm reddish violet oblique vertically on the left inner part of thorax 5cm from the midline. Antemortem.
15. Abrasion reddish 18cm x 1/10cm vertically oblique on the back of left thorax at its outer part. Antemortem.
16. Abrasion reddish 15cm x 1/10 cm in horizontal oblique on the back of left thorax and cutting across injury No.14 and 15. Antemortem.

He stated that in his opinion, the person had died as a result of haemorrhage and shock caused by the injuries on his person which were ante mortem in nature and sufficient to cause death in the ordinary course of nature. He gave the probable time that elapsed between the injuries and death as immediate and between death and postmortem within 24 hours. He proved copy of the postmortem report Ex.PB and stated that injury No.6 on person of the deceased could be as a result of *ghop* blow, and that injuries No.1, 2 and 3 could be result of *gandasa* blows.

PW-4 ASI Gurdev Singh, from Police Station, Bareta had brought summoned record relating to FIR No.61 dated 01.10.1988,

P.S. Bareta for offences under Sections 324/34 IPC, which were converted to one under Section 304/34 IPC subsequently proving attested copy Ex.PE.

PW-5 HC Angrej Singh, who was posted as MHC, Bareta at relevant time on 23.08.2001, tendered in evidence his affidavit Ex.PF.

PW-6 HC Harjit Singh, who on 03.09.2001 was posted as Constable at Police Station, Bareta and who happened to be a formal witness submitted his affidavit Ex.PG.

PW-7 ASI Bant Singh in whose presence the accused during the course of their interrogation by SI Sukhchain Singh in police custody in 31.08.2001 had made disclosure statements and subsequently got effected the recoveries from their possession deposed in that regard.

PW-8 SI Sukhchain Singh, the Investigating Officer of this case testified regarding the investigation conducted by him proving various documents.

PW-9 ASI Ajaib Singh, who on 23.08.2001 was member of police party headed by SI Sukhchain Singh deposed regarding what had transpired in his presence on that day.

PW-10 HC Rajinder Singh, who was also a member of police party on 23.08.2001 headed by SI Sukhchain Singh deposed regarding the proceedings, which had been carried out by the I.O. in his presence.

With that the prosecution evidence was closed.

Statements of accused were recorded under Section 313 Cr.P.C., in which all the incriminating evidence appearing against them was put to such accused but they denied the allegations contending that they are innocent and have been falsely involved in this case. Bagga Singh-accused took up a plea that he has been falsely involved in this case; the witnesses had not seen the occurrence and they have named him and his co-accused on the basis of suspicion, since father of Nikka Singh was murdered earlier by brother of the deceased. He stated that he and his co-accused had not murdered the deceased. The remaining accused adopted this plea of Bagga Singh.

The accused did not lead any evidence in defence.

After hearing arguments, learned trial Court convicted and sentenced the accused as mentioned above which left them aggrieved and they have filed the present appeal.

We have heard Shri Dhruv Dayal, learned counsel for the appellants and Shri S.S. Dhaliwal, Additional A.G., Punjab for the State, besides going through the record. We are of the view that as far as the appeal filed by accused Bagga Singh @ Himat Ram, Nikka Singh and Jagsir Singh is concerned, the same lack merit, whereas it is otherwise as regards appellant-Karamjit Singh @ Toti. As far as accused-Bagga Singh, Nikka Singh and Jagsir Singh are concerned, we find the ocular version given by the complainant Leela Singh to be cogent, convincing and worthy of reliance. We find his presence at the spot at relevant time to be natural and probable. Similarly, the deposition of PW-2 Raj Singh provides due corroboration to testimony

of PW-1 Leela Singh, inasmuch as he claimed to have seen the accused having weapons leaving the spot soon after the incident and then on going nearby seeing dead body of his brother Roopa Singh with multiple injuries on his person and Leela Singh narrating the incident to him. His testimony is admissible under Section 6 of the Evidence Act applying principle of *res gestae*. The medical evidence duly corroborates the ocular evidence inasmuch as 16 injuries were found to be on person of deceased and the Doctor who had conducted the postmortem examination had opined that injury No.6 on person of deceased could be result of *ghop* blow whereas injuries No.1, 2 and 3 could be result of *gandasa* blows.

As per prosecution story, at the time of incident, accused Bagga Singh and Jagsir Singh were having *gandasa* each whereas Nikka Singh was having a *ghop* and Karamjit Singh a *soti*. This Doctor was neither asked nor he opined that any injury found on person of the deceased could be result of *soti* blow. Even, otherwise, if we see injuries No.10 to 16, which could be caused with a blunt weapon, the width thereof do not indicate the same having been caused with a stick/*lathi* inasmuch as the width observed was 1/10th of a centimetre and if a stick or *lathi* had been used in causing such injuries, the width would have been much more. It may be mentioned here that the *dang/soti* said to have been used in the said incident was not shown to this Doctor. In his cross-examination, PW-3 stated that the possibility of all the injuries with the same weapon on its being used from sharp/as well as blunt side cannot be ruled out. Regarding injury No.6,

he stated that it could be possible only if blade of weapon used is 4 mm. Adverting to the ocular evidence, complainant-Leela Singh neither in his statement to the police nor while appearing as PW-1 attributed any specific injury with *dang* to Karamjit Singh. It has to be taken note of that even though as per prosecution story, accused Karamjit Singh during the course of his interrogation by the police had suffered a disclosure statement and had got a *dang* recovered from his possession but then no blood stain is said to have been found thereon and possibly for that reason, it was not sent to Forensic Science Laboratory and there is no report available that it was found to be stained with human blood. Therefore, it is difficult to connect said *dang* with the incident and to conclude that it was in fact used by Karamjit Singh-accused in causing injuries to the deceased. Therefore, the prosecution had although been successful in its endeavour to prove the charge against accused-Bagga Singh @ Himat Ram, Nikka Singh and Jagsir Singh beyond shadow of reasonable doubt whereas it was not so, as far as Karamjit Singh @ Toti accused is concerned. Learned counsel for the appellants had raised certain contentions in an attempt to show that it was a blind murder case; the murder having taken place at night time, however, out of suspicion the complainant party has involved the accused in this case wrongly by procuring help of the local police which has planted weapons upon such accused. However, we find that as far as involvement of Bagga Singh, Nikka Singh and Jagsir Singh-accused is concerned the same is established beyond doubt. It is certainly not a blind murder case. In view of the

discussion above, presence at spot of Leela Singh at relevant time and having seen the occurrence has been found to be natural, convincing and plausible. Similarly, arrival at the spot of Raj Singh, PW-2 soon after the incident and having seen the accused running away along with weapons has been found to be trustworthy. Therefore, accused-Bagga Singh, Nikka Singh, Jagsir Singh are clearly shown to have participated in the occurrence. From statements of PW-8 SI Sukhchain Singh, I.O. and PW-7 ASI Bant Singh, it stands established on the record that Bagga Singh, Nikka Singh and Jagsir Singh while being in police custody and on being interrogated by SI Sukhchain Singh had suffered disclosure statements and in pursuance thereof Bagga Singh-accused had got recovered a *gandasa*, Nikka Singh-accused had got recovered a *ghop*, Jagsir Singh had got recovered a *gandasa* from their possession which were found to be blood stained and on being sent to Forensic Science Laboratory, Punjab as per report received there from Ex.PV, they were found to be stained with human blood, which clearly goes to show that they had participated in the incident using such weapons in causing multiple injuries to Roopa Singh, to which he had succumbed. The accused had obviously a motive to do so. Since as has come out from statement of PW-1 Leela Singh and that of PW-2 Raj Singh, Chand Singh, father of Nikka Singh had been inflicted injuries by complainant side and as deposed of PW-4 ASI Gurdev Singh, FIR No.61 dated 01.10.1988 for offences under Section 324 read with Section 34 IPC which was converted to Section 304/34 IPC subsequently, was registered with Police Station Bareta against Leela

Singh, Datta Singh of complainant side. Accused in their statements under Section 313 Cr.P.C. have also made a mention in that regard. Therefore, motive was obviously there. As regards, the delay in reporting the incident to the police, it has to be taken note of that the incident had taken place at night in a village. Complainant must have been in state of shock over seeing gruesome murder of his real brother at hands of accused-Bagga Singh, Nikka Singh and Jagsir Singh. In his statement to the police, he had specifically stated that he was terrified and had tried to conceal himself. It does take some time to come out of shock and fear. He having lost his real brother would have been the last person to conceal the actual culprits and involve accused in this case wrongly, since, it is always earnest endeavour of a person losing a near relative to ensure that the culprits responsible for murder of his near and dear are brought to book and punished suitably rather than trying to screen the actual culprits and introduce innocent persons in their place, although, some time instances of roping in a few persons of the opposite party who might not have participated in the incident are there. Therefore, the delay in reporting the matter to the police stands adequately explained and does not effect the prosecution case adversely.

One more argument advanced by learned counsel for the appellants was that since Nikka Singh was a handicapped person from right arm he could not possibly carry a *ghop* and use it in the incident. However, we find this argument to be without any merit. Accused Nikka Singh, in his statement under Section 313 Cr.P.C. has not taken

any such plea and no clarification by way of cross-examination has been obtained from the Doctor who had conducted postmortem examination upon deceased. Furthermore, it is quite possible that Nikka Singh happened to be left handed and he could very well have used the *ghop* carrying it in his left hand.

As regards, the incident having taken place at night as mentioned in the statement to the police itself Ex.PA complainant has stated that the complainant Leela Singh while appearing as PW-1 in his examination-in-chief had stated that Roopa Singh had fixed battery on the roof of tubewell *kotha* and light of same was flashed on the roof of the *kotha* and further it was a moon light night, though, on second thought he stated that the sky was studded with stars and the moon had not arisen. It has to be kept in mind that Leela Singh is an illiterate rustic villager and keeping in view his background, he has successfully established that sufficient light was there at the spot to enable him to see the incident. The argument of learned Defense Counsel that no battery light was recovered by the police does not cut much ice since at best it can be taken as some minor omission on the part of I.O. of which the accused cannot take any advantage by default. Thus, we find that prosecution had successfully established that on 23.08.2001 at about 12.00 mid night accused Bagga Singh, Nikka Singh and Jagsir Singh sharing a common intention, had attacked Roopa Singh while at that time Bagga Singh was having a *gandasa*, Jagsir Singh was having a *gandasa* and Nikka Singh having a *ghop* causing as much as 16 injuries on his person to which he had succumbed. Keeping in view

the nature of weapons used by such assailants and number of injuries inflicted, some of the injuries on vital parts, that too grievous in nature, the intention of such accused-assailants to cause death of Roopa Singh becomes abundantly clear. They did so while sharing a common intention, is also established on the record. The trial Court was justified in convicting accused Bagga Singh, Nikka Singh and Jagsir Singh for offences under Section 302 read with Section 34 of the Indian Penal Code. The conviction and sentence of such accused-appellants are upheld. Whereas for the reasons mentioned (supra), the prosecution had been unsuccessful in establishing its charge against accused Karamjit Singh beyond shadow of reasonable doubt but the trial Court by misappraisal of evidence and misinterpretation of law wrongly convicted him for offence under Section 302 read with Section 34 IPC. His conviction and sentence is hereby set aside and he is ordered to be acquitted of the charge framed against him. It transpires that all the convicts are on bail. Bagga Singh @ Himat Ram, Nikka Singh and Jagsir Singh are ordered to be taken into custody and so as to undergo the sentence, necessary direction be issued to CJM, Mansa in that regard.

(T.P.S. MANN)
JUDGE

(H.S. MADAAN)
JUDGE

February 02, 2017

rajneesh

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