

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

(i) CRR No.1018 of 2016 (O&M)

Harmandeep Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

(ii) CRR No.1508 of 2016 (O&M)

Gurwinder Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

Date of Decision: March 28, 2017

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.A.S.Barnala, Advocate
for the petitioner (in CRR No.1018 of 2016).

Mr.Rajesh Bhatia, Advocate
for the petitioner (in CRR No.1508 of 2016).

Mr.Sultan Singh Gill, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

This order shall dispose of above-mentioned two connected revisions as the same have arisen from same impugned judgments.

The present revisions have been filed by the petitioners Harmandeep Singh and Gurwinder Singh against respondent State of

Punjab, challenging the impugned judgment of conviction and order of

sentence dated 27.01.2015 passed by learned Principal Magistrate, Juvenile Justice Board, Moga, vide which the petitioners were ordered to be detained in Special Home for a period of three years under Section 302 IPC and also challenging the judgment dated 10.02.2016 passed by learned Addl. Sessions Judge, Moga, vide which appeals filed by petitioners were dismissed.

Notice of motion was issued in both the cases. Learned State counsel appeared and contested the revision petitions.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

The brief facts of the case as noted down in the judgment passed by learned Principal Magistrate, JJB, Moga, are as under:-

“The genesis of the present F.I.R can be traced to the statement made by complainant Balwinder Singh dated 1.12.2008. It was stated by the complainant that he was a liquor contractor. On 1.12.2008 at about 2.15 PM, complainant turned up at his home for lunch and was informed by his wife that juvenile Harmandeep Singh had taken the son of the complainant, Gurlagan Singh with him so as to mediate a rapprochement between Gurlagan Singh and juvenile Gurwinder Singh, who lately had an altercation between them. They had gone to the house of juvenile Gurwinder Singh on the motorcycle of Harmandeep Singh. The wife of the complainant expressed a foreboding of another imminent spat between her son and Gurwinder Singh. On this, the complainant and Gursahib Singh, his brother-in-law(Sala), drove to the house of Gurwinder Singh in his jeep. He noticed the motorcycle of Harmandeep Singh parked in the house of Gurwinder Singh and overheard heating arguments emanating from the house. The complainant dashed into the house and saw that Gurwinder Singh, who was holding a revolver in his hand, fired a bullet on the son of the complainant, Gurlagan Singh, in his face. Gurlagan Singh slumped on the ground. Both Gurwinder Singh and Harmandeep Singh fled away from the spot on the motorcycle. It was the complainant who placed his son in his jeep and ferried him to Rajiv Hospital, from where he was referred to Civil Hospital, Moga. By the time he reached Civil Hospital, Moga, Gurlagan Singh succumbed to

his injuries. The altercation between Gurwinder Singh and Gurlagan Singh stemmed from a discord relating to the purchases of shoes and it was because of that very grudge that the juveniles murdered the son of the complainant.

2. On these allegations, the present FIR was registered against the juveniles. Further investigation was carried out. Subsequently juveniles in conflict with law were arrested. Statements of witnesses under section 161 Cr.P.C. was recorded, other formalities completed. After completion of investigation, the final inquiry report was presented before the Board.”

Learned Principal Magistrate, JJB, Moga, after appreciating the evidence, convicted and sentenced the petitioners as stated above. Appeals were filed by the petitioners and the same were dismissed by learned Addl. Sessions Judge, Moga, vide judgment dated 10.02.2016.

Aggrieved from the above-said judgments, present revision petitions have been filed by the petitioners.

From the record, I find that in the present case PW-1 Balwinder Singh, complainant and PW-3 Gursahib Singh, brother-in-law of the complainant, who are the eye witnesses, have appeared in the witness box and they have deposed consistently as per the prosecution version. The oral statements of the PWs have been duly supported by the medical evidence. The deceased Gurlagan Singh was taken from his house by juvenile Harmandeep Singh on his motorcycle and was brought to the house of Gurwinder Singh, where the occurrence took place and he was shot dead. The post mortem examination report corroborates the oral statement. The motive is also there to cause the occurrence.

No material discrepancies or improbabilities in the statements of the PWs have been pointed out. Nothing has been pointed out as to how

findings given by the both the Courts below are perverse or against the

evidence. Nothing has been pointed out as to which material evidence has been misread and which material evidence has not been considered by the Courts below.

The perusal of the statements of the PWs shows that there is nothing in their cross-examination which may make their statements unreliable. In no way, it can be held that the petitioners as well as the deceased were playing with the pistol and it accidentally fired. This fact as argued by learned counsel for the petitioners at the time of arguments, cannot be believed, specially in view of the seat of the injury.

In view of the above discussion, I find that the findings have been given by both the Courts below by appreciating the evidence in right perspective. Therefore, the impugned judgments of conviction passed by both the Courts below are upheld.

Learned counsel for the petitioners, in the alternative, have prayed for reduction of the sentence imposed upon the petitioners.

Keeping in view the facts and circumstances of the case and in view of the nature and gravity of the offence, I find that no ground is made out for reducing the sentence imposed upon the petitioners.

Resultantly, finding no merit in both the revision petitions, the same are dismissed.

March 28, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No