

In the High Court of Punjab and Haryana at Chandigarh.

(I)

Criminal Appeal-D No.896-DB of 2009

Date of Decision:- January 17, 2018

Ramesh

.....Appellant

Versus

State of Haryana

....Respondent

(II)

Criminal Appeal-D No.906-DB of 2009

Kuldeep

.....Appellant

Versus

State of Haryana

....Respondent

(III)

Criminal Appeal-D No.928-DB of 2009

Vinod and another

.....Appellants

Versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurvinder Singh Gill

Present : Mr. Rakesh Nehra, Advocate for appellant-Ramesh,
in CRA-D No.896-DB of 2009.

Mr. Rajesh Dhankhar, Advocate for
Mr. Sanjeev Kadian, Advocate for appellant-Kuldeep,
in CRA-D No.906-DB of 2009.

Mr. Sanjiv Sheoran, Advocate for appellant No.1-Vinod,
in CRA-D No.928-DB of 2009.

Mr. S.S.Momi, Advocate and
Mr. Sunil Panwar, Advocate for appellant No.2-Ashok,
in CRA-D No.928-DB of 2009.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Gurvinder Singh Gill, J.

1. Ramesh, Kuldeep, Vinod and Ashok have filed above mentioned appeals challenging judgment dated 25.9.2009 passed by learned Additional Sessions Judge, Rohtak whereby they have been held guilty for committing offence punishable under Section 302 read with Section 34 of Indian Penal Code, 1860 (for short, 'IPC'). All the appellants have been sentenced to undergo rigorous imprisonment for life and to pay fine of ₹ 10,000/- vide order dated 30.9.2009.
2. The matter arises out of FIR No.225 dated 4.9.2007 registered at Police Station Meham under Section 302 read with Section 34 of IPC at the instance of Ramesh Kumar son of Manphool Singh (brother of deceased). The translated gist of his statement (Ex.P-5) reads as under :-

“I retired from Army and am presently doing agricultural work in my village. We are four brothers. While Inder Singh is the eldest, Suresh is younger to me and Nasib was the youngest. Previously Nasib was into agriculture but now he was working with wine contractors in the village. About 10-12 days back, my brother Nasib had got Ashok and Vinod sons of Rampal arrested for keeping illicit liquor but I got them released. However, the said persons nursed a grudge in their mind. Yesterday, i.e. on 3.9.2007, my brother had gone to Dhanak Basti to collect dues. I and my cousin Dharambir had also gone to Dhanak Basti where we heard noise from the plot of Phool Kumar son of Jage Ram. We rushed to the spot and saw that my brother Nasib had been caught hold of from his left hand by Vinod. Ramesh had caught hold of my brother from his right hand while Kuldeep held my brother from his legs and had thrown him on

the ground. Ashok gave a blow to Nasib with iron '*sua*' on right side of his chest. I and Dharambir rescued him with great difficulty. It was about 6.30 P.M. We took him to Medical College and Hospital, Rohtak for treatment where we also met my son Kapil. However, Nasib breathed his last and was declared dead. After keeping his dead body in the hospital, we returned back. Today, I have got my statement recorded.”

3. Pursuant to recording of aforesaid statement, FIR was lodged. Dead body was subjected to postmortem examination. Inquest proceedings were conducted by the police. The police visited the place of occurrence and prepared rough site plan and also recorded statements of witnesses. Accused Kuldeep and Ramesh were arrested on 4.9.2007 and 8.9.2007 respectively. Accused Vinod and Ashok surrendered in court on 6.9.2007.
4. After conclusion of investigation, challan was presented against the accused in the Court of SDJM, Meham on 19.10.2007 which was committed to the Court of Sessions vide order dated 30.10.2007. The case was assigned to learned Additional Sessions Judge, Rohtak who upon finding sufficient grounds to presume that the accused had committed offence punishable under Section 302 read with Section 34 of IPC framed charges against the accused on 10.12.2007 to which the accused pleaded not guilty and claimed trial.
5. The prosecution in order to establish charges against accused examined 12 witnesses. PW-1 Khazan Singh stated that he had identified dead body of Nasib at the time of inquest proceedings. PW-2 SI Om Parkash stated that upon receipt of ruqa sent by ASI Harpal on 4.9.2007, FIR (Ex.P-1) was lodged and special reports were sent to Illaqa Magistrate, S.P. Rohtak and DSP Meham.

PW-3 Dr. Deepak Jain, Medical Officer who had conducted post-mortem examination on dead body of Nasib opined that the cause of death was due to injury to vital organs i.e. heart and lungs and the consequential complications.

6. PW-4 Ramesh and PW-5 Dharambir, who are the eye-witnesses, narrated the occurrence in detail. PW-6 Inspector Teilu Ram stated that upon completion of investigation, he had prepared report under Section 173 Cr.P.C. and presented the same in the Court. PW-7 Inspector Mool Chand stated that on 7.9.2007 while he was posted as SHO, P.S. Meham, he interrogated Vinod and Ashok and that Ashok suffered disclosure statement Ex.P-23 to the effect that he had concealed '*Sua*' used for committing the crime in the bushes near the place of occurrence and that pursuant to the said statement, accused Ashok led the police party to the place of occurrence and got the '*Sua*' recovered from the bushes which was taken into possession vide recovery memo Ex.P-19. PW-8 Constable Sumeet Kumar, Draftsman prepared scaled site plan of the place of occurrence and proved the same as Ex.P-25. PW-9 ASI Kulbir Singh deposed that on 4.9.2007, he was posted as MHC at Police Station Meham and that on the said day, SHO/Inspector Satbir Singh had deposited the case property with him. He further stated that on 7.9.2007 Inspector Mool Chand deposited a packet containing '*Sua*' with him and that on 3.10.2007, the case property had been sent to F.S.L Madhuban. He stated that as long as the case property remained in his possession, the same was not tampered with.
7. PW-10 Dr. Narender Singh, Medical Officer stated that he was posted as Casualty Medical Officer at PGIMS Rohtak and on 3.9.2007, he sent ruqa Ex.P-27 to Police Post, PGIMS Rohtak. PW-11 DSP Satyavir Singh stated that on 4.9.2007 he arrested Kuldeep who made a disclosure statement Ex.P-28 on

5.9.2007. PW-12 ASI Harpal Singh who is the Investigating Officer in the present case stated in detail in respect of entire investigation conducted in the matter.

8. Upon conclusion of prosecution evidence, entire incriminating evidence appearing against accused was put to them to enable them to explain the same but the accused while denying the same, pleaded false implication due to party faction and that in fact the deceased was a vagabond and had many enemies. Accused Kuldeep further stated therein that he had previously been implicated falsely by Meham Police in two cases but stands acquitted in both the cases and that on 4.9.2007, in the wee hours of the day, the police officials of Meham Police station picked him from his house and brought him to Police Station Meham and tortured him and demanded money and upon his failure to meet their demands, he was implicated in the present case. The accused in their defence examined DW-1 C. Satbir Singh who brought the summoned record pertaining to registration of FIR No.92 dated 14.4.2004 and FIR No.111 dated 15.5.2004 wherein accused Kuldeep was acquitted.
9. The learned Trial Court, upon appreciating the evidence on record held all the accused guilty for committing offence punishable under Section 302 read with Section 34 of IPC vide impugned judgment dated 25.9.2009. Aggrieved against the same, the accused have preferred the present appeals.
10. The learned counsel for the appellants, while assailing the impugned judgment, submitted that it is a case of blind murder and the accused have been falsely implicated by concocting a false version. It has been submitted that the FIR had admittedly been recorded belatedly which leaves no room to doubt that a false and concocted version has been put forth by the complainant after

deliberations. The learned counsel for the accused further submitted that though the police official had gone to PGI on the day of occurrence itself when the deceased had been taken to hospital but neither the statement of complainant nor of anybody else was recorded on the said day on the pretext that none was available in the hospital which does not seem plausible at all. The learned counsel for the appellants submitted that there are inconsistencies in the ocular version as well as in the medical evidence. It has also been submitted that the alleged motive for the cause of murder has not been established and in the absence of the same, the case of prosecution stands weakened. The learned counsel for the appellants further submitted that the case of prosecution stands dented from the fact that complainant resiled from material aspect of the case as regards recovery of weapon of offence and that since there is no other independent witness to the disclosure statement Ex.P-23 or the recovery memo Ex.P-19, the factum of recovery of '*Sua*' at the instance of the accused Ashok cannot be relied upon and which completely demolishes the case of prosecution. It has further been submitted that even the report of FSL does not support case of prosecution as regards presence of any blood on '*Sua*' allegedly recovered at the instance of the accused. The learned counsel for the appellants also pointed out inconsistencies in the testimony of prosecution witnesses to assail the case of prosecution.

11. On the other hand, the learned counsel representing the State submitted that it is a case of direct evidence based on testimony of two eye-witnesses who have stated consistently on all material aspects of the case and that minor inconsistencies here and there would not affect the case of prosecution. It has been submitted that some delay in lodging the FIR or the non-existence of blood stains on weapon of offence would not cause any dent in the case of

prosecution which otherwise stands duly established from the testimony of the complainant which stands corroborated from the testimony of the other witness as well as from the medical evidence. The learned State counsel submitted that there is no infirmity in the impugned judgment and prayed for dismissal of the appeals.

12. We have considered rival submissions addressed before this Court and with able assistance of learned counsel, have also perused the evidence on record.
13. As far as the cause of death of deceased Nasib is concerned, the prosecution has examined PW-3 Dr. Deepak Jain who had conducted postmortem examination on dead body of Nasib. While proving the postmortem report as Ex.P-3, the witness described the injuries found on the dead body as follows :-

- “1. Stab wound 0.8 cm x 0.6 cm 10 cm deep, 2.5 cm right to the mid sternum 8.5 cm from right nipple and 9 cm from right clavical. Track from skin, subcutaneous tissue, muscle intercostal space, paricardian and right atrium direction is tangatially to the left paricardian is full of blood.
2. Stab would on back right side of the chest 18 cm from mid spine, 8 cm from interior scapular angle 29 cm from right shoulder 0.6 cm x 0.5 cm x 9 cm deep track is through skin subcutaneous tissue, muscle, plura and upto the lung, plural caviety full of blood right side.
3. Stab wound 0.5 cm x 0.4 cm x 9 cm deep 7 cm from mide spine 11 cm from superior body of scapula 25 cm from right axillary poll (mid) track goes to subcutaneous tissue, muscle and plura. Plural cavity full of blood.”

14. PW-3 Dr. Deepak Jain opined that cause of death was due to injury to vital

organs i.e. heart and lungs and the consequential complications. He further deposed that injuries were sufficient to cause death in normal course of nature. He further proved his opinion Ex.P-12 given by him when the police had shown the '*Sua*' to him wherein he opined that the possibility of injuries having been caused by '*Sua*' cannot be ruled out. During cross-examination, he also stated that the possibility of use of different weapons can not also be ruled out and that injury No.1 is not possible to a person lying on the ground as the direction of injury is tangential.

15. A perusal of the aforesaid statement shows that there were three deep stab wounds on the dead body of deceased and as per the opinion of the doctor, the same could have been caused with '*Sua*', as is the case of prosecution. In these circumstances, it stands established that it is a case of homicidal death and that the injuries found on the person of the deceased could have been caused with the weapon i.e. '*Sua*', as alleged by the prosecution.
16. The learned counsel for the appellants has, however, vehemently argued that though it is the case of prosecution that while three of the accused had held deceased from his hands and legs and had thrown him down, the fourth accused caused injuries with '*sua*' on his chest, but under such circumstances where a person lying on ground is inflicted thrust-wise injury with a weapon like '*Sua*', the same would penetrate straight into the body and it would not hit at an angle and that since injury no. 1 is shown stated to be tangential, the same is absolutely inconsistent with the case of prosecution. The learned counsel further submitted that as per FIR only one injury is stated to have been caused whereas in the post-mortem report, three injuries have been mentioned.
17. We have considered the aforesaid submission. It is correct that in the FIR it is

stated that the accused Ashok inflicted one blow to Nasib with 'Sua' on right side of his chest. It, however, needs to be borne in mind that the complainant had been attracted to the spot only after he heard the noise from the plot of Phool Kumar and when he went there, he saw that his brother had already been caught hold of by the accused. During cross-examination, PW-4 Ramesh (complainant) stated as follows :-

“When I reached the spot after hearing the cries, Naseeb was lying flat on the ground held by the accused. Only one injury was caused within our sight. However, he was having two other injuries also.”

18. The aforesaid statement shows that while one injury was caused within sight of the complainant, two injuries had already been caused when he reached at the spot. In these circumstances, it cannot be said that the medical evidence is inconsistent with the ocular version.
19. Though, learned counsel for the appellants also attempted to assail the medical evidence on the ground that the same is not in tune with the description of the injuries recorded in the inquest report, but we are unable to agree with the aforesaid contention as observations recorded at serial no. 10 of Inquest Report can not be said to be inconsistent in any manner. The said observations read as follows:

- | | |
|---|---|
| <ol style="list-style-type: none"> 10. Injuries or marks of violence the body may have received, wounds and bruises - show the position, length and breadth : | <p>Hole-marks on chest & back stained with blood.</p> |
|---|---|

20. The aforesaid description is infact in tune with the medical evidence as it has been specifically recorded that there were hole-marks on the chest as well as on the back of the deceased which were stained with blood. Thus, the

aforesaid contention is devoid of merits and cannot be accepted and it cannot be held that the medical evidence is not in tune with the ocular version.

21. As regards the contention of the appellants that there is delay in lodging the FIR leading to inference of false implication, a perusal of record shows that while the occurrence had taken place at about 6:30 P.M. on 3.9.2007, the statement of complainant Ramesh son of Manphool Singh was recorded on 4.9.2007 at about 8 A.M. The learned counsel for appellants submitted that explanation for delay as given by the Investigating Officer that upon receipt of message from PGI, Rohtak, he went to Emergency Ward but did not find any relative of the deceased and that it was only on the next morning that Ramesh met him in PGI, Rohtak does not sound plausible.
22. PW-4 Ramesh-complainant stated that they had reached PGI Rohtak at around 7:40 PM and kept sitting there and it was on the next morning at 8 A.M. that the police arrived. It appears that though the complainant remained in the PGI Rohtak itself but somehow ASI Harpal Singh who went to Emergency Ward could not locate him. It is obvious that after the deceased was declared dead, the complainant would not have been sitting in the Emergency Ward. PGI Rohtak is a big hospital and it would certainly be difficult to locate a person though of course in case ASI Harpal Singh had made efforts he might have been able to locate the complainant on 3.9.2007 itself. In any case, the factum of delay in lodging the FIR cannot be attributed to the complainant and the delay *ipso-facto* would not demolish the case of prosecution unless there is something cogent and convincing to doubt the version of complainant. As such, the factum of delay would assume significance only if there are other chinks in the case of prosecution.

23. The learned counsel for the appellants has next submitted that since the motive is specifically attributed in the FIR itself but no evidence has been led by the prosecution to establish the same, therefore, the absence of motive would also assume significance.
24. We have considered the aforesaid submission. As per the FIR, the accused Ashok and Vinod nursed a grudge against the deceased as deceased had got them arrested for possessing illicit liquor. However, the prosecution has not led any documentary evidence to substantiate the aforesaid motive. No complaint or FIR in this regard has been placed on record to suggest that the deceased had indeed got the accused Ashok and Vinod arrested. However, it is well settled that in a case based on direct evidence, motive takes a back seat. It is only in cases of circumstantial evidence that motive assumes importance. The occurrence, as per the case of prosecution, was witnessed by PW-4 Ramesh and PW-5 Dharambir. In these circumstances, omission to establish motive cannot be said to fatal to the case of prosecution.
25. The learned counsel for the appellants has further submitted that though as per the intimation (Ex.P-27) furnished by the PGI authorities to the Incharge Police Post regarding the fact that Nasib has been brought dead in the hospital, it is recorded that Nasib had been brought to the hospital by Kapil but the said Kapil has not been examined by the prosecution though he would have been a material witness. We are unable to agree with the aforesaid submission as the material witness is one who has seen the occurrence and not the one who was accompanying the injured in the hospital. In any case, it is the quality and not the quantity of witnesses which matters. Once, there were eye-witnesses of the occurrence, then it is for the prosecution to choose as to how many other

witnesses need to be examined to establish its case. It may here also be added that in fact Kapil was given up by the prosecution as having been won over on the basis of an application submitted by the complainant. The said Kapil, in these circumstances, cannot be said to be material witness and thus omission to examine him is not fatal to the case of prosecution. Similarly, the contention regarding non-examination of other occupants of Sumo vehicle in which deceased was taken to PGI would not dent the case of prosecution in any manner.

26. The learned counsel for the appellants has next submitted that though the prosecution in order to plant recovery of '*Sua*' on the accused Ashok had come up with the story that the accused Ashok had suffered disclosure statement (Ex.P-23) regarding concealment of '*Sua*' and that Ashok led the police party to the disclosed place and got the same recovered but the witness in whose presence the recovery of '*Sua*' is said to have been effected i.e. the complainant-Ramesh (PW-4) resiled from his statement which virtually demolishes the entire case of prosecution.
27. We have perused the statement of PW-4 as regards the recovery of '*Sua*'. The relevant extract from his examination-in-chief and his cross-examination by Public Prosecutor, upon the witness having been declared hostile is reproduced below :-

“..... Nobody was interrogated by police in my presence. My statement was recorded by the police in the police station. Police came to the village on 4.9.2007. A rough site-plan was prepared by the police at the spot. Kuldeep accused was arrested on that day. Nothing happened in my presence thereafter.”

XXX by Shri Om Parkash Likhala, PP for the State.

(after declaring the witness as hostile)

“ Ashok accused had made a disclosure statement to the effect that he has concealed a sua in the bushes standing in the plot of Phul Kumar. In consequence the disclosure statement the accused got recovered a Sua from the concealed place which was taken into possession by the police vide recovery memo Ex.P-19 the Sua was converted into a sealed parcel. A Khaka of the sua was also prepared which is Ex.P-20 which bears my signatures. The Sua is Ex.P-11 which is same was recovered by the police in my presence from the accused.”

28. A perusal of the entire statement of the complainant shows that he has fully supported the case of prosecution. The aforesaid extract from examination-in-chief which has been reproduced above cannot really be said to dent the case of prosecution as the accused was not 'interrogated' in the presence of the complainant as has been correctly stated by the witness. The disclosure statement does not bear the signatures of the complainant, indicating that no other person was present when the accused was interrogated. However, when the accused led the police party to the disclosed place and got the 'Sua' recovered which was taken into possession vide recovery memo (Ex.P-19), then the complainant was associated as is evident from the recovery memo which bears the signatures of the complainant Ramesh. The Public Prosecutor, with the permission of the Court, had cross-examined the complainant and

during the said cross-examination, the complainant specifically stated that the 'Sua' was recovered by the police in his presence. The last line of examination-in-chief of complainant PW-4 wherein he stated that - "*Kuldeep accused was arrested on that day. Nothing happened in my presence thereafter*", is rather a vague reply apparently in response to some ambiguous question put to him and thus can not be inferred to be inconsistent deposition. The aforesaid contention raised on behalf of the appellants in this regard is sans merit and is rejected.

29. The recovery of 'Sua' is also being assailed on behalf of the appellants by referring to the report of the FSL wherein no specific opinion regarding the 'Sua' being blood stained has been given. A perusal of the report of FSL (Ex.P-23) shows that while it has been specifically reported that the earth, shirt and 'banyan'(vest) were stained with human blood but as regards pants, underwear and 'Sua', it has not been opined so and the report is "material disintegrated". The presence of blood stains on a weapon of offence is in the nature of a corroborative piece of evidence. For that matter, even the recovery of weapon itself is in the nature of a corroborative evidence only and the recovery of weapon is not *sine-qua-non* for establishing guilt of an accused. Thus, the accused cannot derive any advantage merely from the fact that the recovered 'Sua' was not found to be blood stained.

30. The learned counsel for the appellants have next pointed out certain discrepancies in the prosecution evidence to contend that the same would show that a false case has been concocted against the accused. The learned counsel has pointed out that while PW-4 has stated that the Sumo vehicle in which the deceased had been shifted to hospital was owned by Balkar, PW-5 has stated

that the Sumo in question was owned by Sultan. The learned counsel has also pointed out that while PW-4 stated that they were at a distance of 40-50 meters away from the occurrence, PW-5 stated that they were at a distance of 30-40 feet from the place of occurrence. It has also been pointed out that while in the FIR it has not been mentioned as to what kind of dues the complainant had to collect from the Dhanak Basti but in order to justify his presence near the place of occurrence, the complainant made an improvement by stating that he had to collect dues regarding sale of buffalo.

31. We have considered the aforesaid submissions. The factum of ownership of Sumo in which the deceased was taken to hospital is not very material to establish the case of prosecution. When there is consistency in the statements of PW-4 and PW-5 as regards description of vehicle in which the deceased was shifted to the hospital, then some inconsistency regarding ownership of the vehicle would hardly be a material fact. As regards the difference of distance from the place of occurrence, it is no doubt correct that both the witnesses have stated about the distance inconsistently. A perusal of the scaled site plan (Ex.P-25) would show that the distance between the place of occurrence and the point from where the complainant witnessed the occurrence is 9.2 meters which is approximately equal to 30 feet and which is in tune with the statement made by PW-5 who has stated that they were at a distance of 30-40 feet from the place of occurrence. Some discrepancies are bound to occur even in case of most truthful witnesses especially when there is time gap between the occurrence and date of deposition in Court. It is the totality of the facts and circumstances which have to be seen and the case of prosecution cannot be doubted merely on account of minor discrepancies here and there which are generally there in almost all the cases.

32. Similarly, the fact that the complainant did not disclose in the FIR as to what were the dues which he had to collect from Dhanak Basti is not of any significance as the purpose of lodging FIR is to furnish basic information regarding the incident so as to set the police machinery in action and is not supposed to be encyclopedic.
33. The learned counsel for the appellants has also attempted to assail the case of prosecution on the ground that though the clothes of PW-4 and PW-5 were admittedly stained with blood when they lifted Nasib from the place of occurrence but the same had neither been taken into possession by the police nor produced at any stage, which creates a doubt in the case of prosecution. We are unable to agree with the aforesaid contention as the clothes of the witnesses which had been stained with blood of the deceased while carrying him, though to some extent relevant, but is not an indispensable piece of evidence so as to hold that non-production of the same is fatal to the case of prosecution.
34. In the present case, PW-4 complainant Ramesh Kumar stated consistently with his initial statement recorded by the police on the basis of which FIR was lodged. He has specifically stated that on the day of occurrence when he along with his brother Dharambir went to Harijan Basti at about 6:30 P.M. then they heard noise coming from the house of Jage Ram and when they went there, they saw that Vinod had caught hold of his brother Nasib from his left hand, Ramesh held his brother from his right hand and while Kuldeep was holding his feet, Ashok gave a thrust-wise blow with '*Sua*' on chest of his brother Nasib. To a similar effect is the statement of PW-5 Dharambir. Despite lengthy cross-examination, their statements could not be shattered on any

material aspect of the case. The medical evidence in the shape of statement of PW-3, who proved the postmortem report is absolutely in tune with the aforesaid statements of eye-witnesses inasmuch as three stab wounds were found on the dead body.

35. From the aforesaid statements, while it is evident that it is only Ashok who was carrying a '*Sua*' and who had inflicted blows with the same but the manner in which Vinod and Ramesh had held the deceased from his hands and Kuldeep held him from his feet clearly shows that they had caught hold of him to facilitate Ashok to inflict blows to the deceased with the help of '*Sua*'. Though, learned counsel for the appellants-accused Ramesh and Vinod have submitted that since even as per FIR, no motive can be attributed to said two appellants, therefore, they cannot be held vicariously liable, but in view of the fact that the said accused are specifically named in the FIR and the witnesses have also stated consistently as per the allegations of the FIR, we are unable to accept the aforesaid contention. The manner in which the accused Vinod, Ramesh and Kuldeep held Nasib while Ashok inflicted blows show complicity of all the accused and it is evident that they all shared a common intention to kill Nasib. The mere fact that it was only Ashok who had inflicted the fatal blows would not absolve the remaining accused of their liability. Thus, we have no hesitation in affirming the findings of conviction as recorded by the learned Trial Court. While appellant Ashok committed an offence punishable under Section 302 of IPC, the remaining three appellants namely Vinod, Ramesh and Kuldeep are vicariously liable for committing offence punishable under Section 302 read with Section 34 IPC.
36. No other point has been raised or urged before this Court.

37. We do not find any infirmity in the impugned judgment and the same is affirmed except for the fact that the conviction of Ashok is held to be under Section 302 instead of Section 302 read with Section 34 IPC. The conviction of appellants Vinod, Ramesh and Kuldeep for offence punishable under Section 302 read with Section 34 IPC is upheld. The sentence of imprisonment shall remain the same. The appeals stand dismissed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

January 17, 2018

kamal

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No