

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

1. **Criminal Appeal No.D-120-DB of 2013**
Date of Decision:- August 31, 2018

Gurnam Singh and others

...Appellants

Versus

State of Punjab

...Respondent

2. **Criminal Appeal No.D-1201-DB of 2012**

Ranbir Singh and others

...Appellants

Versus

State of Punjab

...Respondent

3. **Criminal Appeal No.S-3603-SB of 2012**

Satnam Singh

...Appellant

Versus

State of Punjab

...Respondent

4. **Criminal Appeal No.D-37-DB of 2013**

Malook Singh and others

...Appellants

Versus

State of Punjab

...Respondent

5. **Criminal Appeal No.D-42-DB of 2013**

Balwinder Singh and another

...Appellants

Versus

State of Punjab

...Respondent

6. **Criminal Appeal No.D-77-DB of 2013**

Gurbhej Singh

...Appellant

Versus

State of Punjab

...Respondent

7. **Criminal Appeal No.D-78-DB of 2013**

Karaj Singh and another

...Appellants

Versus

State of Punjab

...Respondent

8. **Criminal Appeal No.D-79-DB of 2013**

Jaswant Singh

...Appellant

Versus

State of Punjab

...Respondent

9. **Criminal Appeal No.D-80-DB of 2013**

Joginder Singh and others

...Appellants

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE B.S. WALIA

Present:- Mr. Ramesh Sharma, Advocate
for the appellant(s) in CRA-D-120-DB of 2013.

Mr. D.N. Ganeriwala, Advocate
for the appellants No.6, 9, 10 & 11 in
CRA-D-1201-DB of 2012.

Mr. J.S. Gill, Advocate for the remaining appellant(s) (in CRA-D-1201-DB of 2012, CRA-D-37-DB of 2013, CRA-D-77-DB of 2013, CRA-D-78-DB of 2013, CRA-D-79-DB of 2013, and CRA-D-80-DB of 2013).

None for the appellant(s) in CRA-S-3603-SB of 2012.

Mr. Sandeep Wadhawan, Advocate
for the appellants (in CRA-D-42-DB of 2013).

Mr. H.S. Sullar, DAG, Punjab.

Mr. Vineet Sharma, Advocate
for the complainant.

Per A.B. CHAUDHARI J.

1. This common judgment shall dispose of all the aforesaid nine criminal appeals. For the sake of brevity, the facts are being taken up from CRA-D-120-DB of 2013.

2. Being aggrieved by the judgment and order dated 30.11.2012 passed by Additional Sessions Judge, Amritsar in Sessions Case No.5 of 2008/2010 vide which the learned trial Court held all the appellants guilty of the various offences and sentenced them, as described in a chart hereinafter, these appeals have been filed by the appellants/convicts.

Facts

3. The prosecution case is that on 10.7.2007, complainant Anoop Singh made a statement to the SHO Gurbachan Lal of Police Station Raja Sansi informing that at about 3.45 PM, he along with Saroop Singh, Kewal Singh, Gurpartap Singh, Baldev Singh and Amritpal Singh were proceeding towards fields of Baldev Singh for bringing cattle fodder on rehri. When

they reached near the drain, they found about 20-22 persons armed with various weapons had concealed themselves around the drain in the bushes. Out of them, accused Malook Singh raised a lalkara that the complainant party be caught and taught a lesson for making mischief. On this Joginder Singh gave a blow with sword on the person of complainant Anoop Singh hitting him on the right side of his eye-brow above forehead. Accused Dilbag Singh gave a second blow to him with sword which hit him on the right side of the head. Accused Sahib Singh gave a third blow to him with a *Datar* hitting the center of the head of complainant. Jaswant Singh gave an iron rod blow on his shoulder, while Lakha Singh gave hockey blow on the right side of his ankle and Chhinder Singh gave a blow with *daang* hitting him on his shoulder. Anoop Singh raised an alarm. Randhir Singh @ Babbu and Sukhjinder Singh fired from their double barrel gun towards Saroop Singh. Harbans Singh and Karnail Singh fired from their respective double barrel guns at Kewal Singh. Baghel Singh also received many injuries. Gurpartap Singh and Amritpal Singh were also inflicted injuries and a large number of persons gathered on the scene. Gurpartap Singh had a licensed double barrel gun with him but the same was snatched and taken away by the accused persons. After the incident of assault as stated above, some conveyance was arranged to shift the injured persons to the hospital but Sarup Singh and Kewal Singh had expired. Their dead bodies were put in hospital at Ajnala and injured persons were taken to Guru Nanak Dev Hospital, Amritsar.

4. SI Gurbachan Lal along with other police officials, who were present at Adda Rajasansi, received information about the admission of

injured persons in the Hospital at Amritsar. He reached the hospital. In the hospital, statement of Anoop Singh was recorded regarding the incident and since the facts of the incident were disclosed, an FIR was registered and thereafter a ruqa was sent through HC Balraj Singh for registration of formal FIR. The investigation commenced during which site plan was prepared, post mortem of dead bodies was conducted, parcels of blood stained earth and empty cartridges were prepared and taken into police possession. Statements of witnesses were also recorded. On 12.7.2007 accused Malook Singh was arrested and on his disclosure, rifle of .12 bore was recovered which was in a broken condition. On 15.7.2007, accused Dilbagh Singh was arrested from whom on discovery a kirpan was recovered. On 21.7.2007 accused Jaspal Singh and Davinder Singh were arrested and from their possession an iron rod and datar were recovered. The police received x-ray reports of Gurpartap Singh, Baghel Singh and Amritpal Singh and thereafter Sections 326, 325, 324 IPC etc. were added. On 10.8.2007 accused Lakha Singh and Avtar Singh were arrested and hockey and dattar were recovered by their recovery. Accused Jaswant Singh, Karaj Singh and Nirmal Singh were arrested and weapons were also recovered from their discovery. On 20.8.2007 accused Sukhjinder Singh was arrested and from his possession rifle of .12 bore gun was recovered while a kirpan was recovered from Jarnail Singh. On 07.9.2002 accused Balwinder Singh alias Fauji was arrested and from whose datar was recovered. On 18.9.2007 accused Skattar Singh was arrested and thereafter the remaining accused were arrested on different dates. Some more evidences were collected by the prosecution and thereafter investigation was completed and

challan against the accused persons was presented in the Court.

5. Continuing the investigation, the police had thereafter filed three supplementary charge-sheets in the Court. By order dated 20.8.2008 all the challans were consolidated and clubbed for the purposes of holding the trial. The charges against the accused were framed for various offences under Sections 302, 307, 326, 325, 324, 323, 148 IPC read with Sections 27 and 29 of the Arms Act, 1959. During trial, on an application under Section 319 Cr.P.C. vide order dated 22.2.2010 accused Jarnail Singh, Harbans Singh, Ranjit Singh and Ranbir Singh were ordered to be summoned as accused persons. The prosecution examined as many as 17 witnesses. Thereafter, the trial was completed and the trial Court held the accused persons guilty of various offences. It will be appropriate to quote the chart showing conviction and sentence of various accused persons, who have been convicted as was prepared by the trial Court at the end of the judgment with one more addition of a column as to the 'sentenced already undergone till date:-

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine	Sentence undergone
1	Malook Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	2 years, 5 months and 04 days vide Custody Certificate dated 27.9.2013.
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine	Sentence undergone
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
2	Dilbagh Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	2 Years, 3 Months and 9 Days vide Custody Certificate dated 30.7.2013.
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
3	Sawinder Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	2 Years 3 Months and 25 days vide Custody Certificate dated 30.7.2013
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen	

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine	Sentence undergone
					days	
4	Joginder Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	2 Years, 3 Months and 12 Days vide Custody Certificate dated 24.9.2013
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
5	Jaspal Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	2 Years, 1 Month and 19 days vide Custody Certificate dated 25.7.2013
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
6	Davinder Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	2 Years, 1 Month and

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine	Sentence undergone
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	19 days vide Custody Certificate dated 25.7.2013
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
7	Kabal Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	2 Years, 8 Months and 26 days vide Custody Certificate dated 24.9.2013
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
8	Lakha Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	2 Years and 23 days vide Custody Certificate dated 25.7.2013
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine	Sentence undergone
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
9	Avtar Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	2 Years, 1 Month and 27 days vide custody certificate dated 19.7.2013
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
10	Lal Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine	Sentence undergone
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
11	Jaswant Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	2 Year, 5 Months and 27 Days vide Custody Certificate dated 24.9.2013
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
12	Karaj Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	2 Year, 1 Month and 11 Days vide Custody Certificate dated 24.5.2013
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen	

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine	Sentence undergone
					days	
13	Gurnam Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	2 Years, 4 Month and 18 Days vide Custody Certificate dated 27.9.2013
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
14	Nirmal Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	2 Years, 4 Months and 18 Days vide Custody Certificate dated 27.09.2013
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
15	Sukhjinder Singh @ Sonu	148 IPC	R.I. Three years	1000/-	S.I. one month	7 Years, 6 Months and 23

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine	Sentence undergone
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	Days vide Custody Certificate dated 11.12.2017
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
16	Jarnail Singh S/o Sher Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	1 Year, 6 Months and 12 days vide Custody Certificate dated 25.7.2013
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
17	Balwinder Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	4 Years, 4 Months and 11 days vide Custody Certificate dated
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine	Sentence undergone
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	24.9.2013
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
18	Sakattar Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	1 Year, 11 Months and 10 days vide Custody Certificate dated 19.7.2013
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
19	Sukhchain Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	1 Year, 3 Months and 6 Days vide Custody Certificate dated 06.5.2013
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine	Sentence undergone
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
20	Harjinder Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	1 Year, 11 Months and 27 Days vide Custody Certificate dated 06.02.2013
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
21	Satnam Singh	29-B Arms Act	R.I. Three years	3000/-	S.I. Three months	Sentence already suspended by the trial Court and absolute by this Court vide order dated 28.2.2013.
22	Gurbhej Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	10 Months and 20 Days vide Custody Certificate dated 24.5.2013
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine	Sentence undergone
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
23	Gursharan Singh alias Sahib Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	1 Year, 4 Months and 9 Days vide Custody Certificate dated 11.12.2013
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
24	Jarnail Singh S/o Lal Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	2 Years 1 Month and 20 Days vide Custody Certificate dated 20.08.2015
		302 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine	Sentence undergone
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
25	Harbans Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	2 Years 2 Months and 18 Days vide Custody Certificate dated 20.08.2015
		302 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
26	Ranjit Singh	148 IPC	R.I. Three years	1000/-	S.I. one month	09 Months and 27 days vide Custody Certificate dated 11.11.2013
		302/149 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	
27	Ranbir	148	R.I. Three	1000/-	S.I. one	3 Years, 1

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine	Sentence undergone
	Singh	IPC	years		month	Month and 9 Days vide Custody Certificate dated 13.2.2017
		302 IPC	Life Imprisonment	10,000/-	S.I. one year	
		307/149 IPC	R.I. Five years	3000/-	S.I. three months	
		326/149 IPC	R.I. Four years	3000/-	S.I. three years	
		325/149 IPC	R.I. two years	1000/-	S.I. one month	
		324/149 IPC	R.I. one and half years	750/-	S.I. one month	
		323/149 IPC	R.I. six months	500/-	S.I. fifteen days	

Hence these appeals were filed in this Court.

Arguments

7. In support of the appeals, learned counsel for the respective appellants in the appeals made various submissions but we would like to reproduce them together hereunder instead of recording them separately. The counsel for the appellants made the following submissions :-

8. The incident is said to have taken place at 2.45 on 10.7.2007 while the FIR was lodged on the next day i.e. 11.7.2007 at 2.55 AM. The delay has not been explained. The delay was deliberately made in order to involve multiple numbers of persons as the accused persons. The police allowed the fabrication and embellishment in order to rope maximum number of persons in the police case as there has been a political rivalry in the village between two groups with enmity amongst them. Though the

names of only 11 persons were given by the complainant Anoop Singh in his first information, the number of accused persons went on swelling because the time gap was given by the police and the facility allowed by the police for collection of large number of persons from the village in the hospital and to talk to the complainant and the injured witnesses for suggesting the names of the accused persons in addition. This was evident from the fact that Baghel Singh refused to make any statement to the police though he was declared fit to make statement and though he was repeatedly asked to disclose the information for a few hours. His conduct in not explaining, his refusal to give statement and the further evidence on record to show that the villagers gathered in the hospital who conversed with the injured witnesses leads weight to the theory of the defence that the intention was to add on the names of the accused persons as many as they could. That was freely allowed by the police. This Court, therefore ought to look at the FIR and the genesis of the prosecution story with circumspection and serious doubt.

9. The first challan that was filed by the police contains the names of few accused persons. The three supplementary challans filed by the police thereafter added additional accused persons. At the trial, by improvement additional accused were again named and they were summoned to face trial in exercise of power under Section 319 Cr.P.C. Thus the prosecution went on improving its story for adding number of accused persons from time to time with a deliberate object to involve as many as persons as they could.

10. The evidence of the injured witnesses of the prosecution and

the cross-examination if carefully perused, would clearly reveal that there are multiple omissions, improvements and contradictions which could not have been ignored by the trial Court and their testimony in fact was required to be rejected for such grave discrepancies in such a serious charge of murder.

11. It is not in dispute that Gurpartap, the injured was having a double barrel gun when they allegedly entered the drain and therefore, it was the complainant party, who was the aggressor, which was armed with double barrel gun and various other weapons with the other accused persons. A cross case was filed by the appellants' party against the complainant party and it is a different matter that in that case the order of acquittal was recorded. There is a reason to believe that the complainant's party was aggressor and had attacked the other side. The prosecution case is that Gurpartap's double barrel gun was snatched by one of the accused and the fire was made from the same gun but then the inference can be drawn from evidence on record that because of the accidental fire from the said gun two deaths have occurred. Therefore, the defence had probablised its case of the firing during the course of snatching of accidental nature and not in the nature of murder. The trial Court has however, has not gone through the said aspect of the matter.

12. The FSL Report shows that the .12 bore double barrel licensed gun of Gurpartap was alleged recovered by Malook Singh from a field in a broken condition. It was in two parts and the barrel of the gun contained two empty cartridges of 12 bore. The story of discovery of the said gun by Malook Singh will have to be rejected as the gun was allegedly snatched and

taken away as per the prosecution case by Balwinder Singh. The FSL Report shows that the said gun brought by Gurpartap Singh was not in working condition while the other gun recovered from Sukhjinder Singh @ Sonu was in working condition. The prosecution story is therefore contradictory that though the gun belonging to Gurpartap Singh was not in working condition, the firing was made from the said gun and that is the major inconsistency in the prosecution case.

13. Adverting to medical evidence in respect of the injured persons, learned counsel for the appellants argued that none of the injuries tallied with the description thereof made by the witnesses as to the weapon by which they were caused. In the absence of matching of the injuries with the weapons it was unsafe to rely on the description made by the prosecution about the role played by the accused persons and therefore the prosecution case was doubtful as there was a planned attempt to involve multiple number of persons because of the political rivalry amongst the two parties laid by Rachhpal Singh, Ex-Sarpanch.

14. The alleged discovery of the various weapons from the accused persons at their alleged behest is doubtful since the prosecution did not examine the independent witnesses to support the theory of discovery of various weapons.

15. There was no recovery of guns from Jarnail Singh and Harbans Singh by the police. The FSL report shows that only one gun was used namely the licensed gun of the father of Sonu while the other gun which was allegedly snatched from Gurpartap Singh was not in working condition. In other words only one gun was said to have been used in the melee but then

the ocular evidence of the prosecution shows that with all the persons there were five guns and therefore there is mystery created by the prosecution as to the exact number of gun/s used in the alleged crime. The discrepancy is material. The evidence tendered by the prosecution by bringing number of guns in ocular evidence inconsistent with the FSL report renders the prosecution case untrustworthy.

16. With reference to Ex.PR (Ex.P27) it was the case of prosecution that two empties were recovered from the spot and two empty shell of .12 bore gun remained fixed in the gun itself. The gun (Ex.PX) was reported by FSL to have been in non-working and broken condition. The recovery of the empties etc. as aforesaid and testimony of the eye witnesses that after snatching of the gun from Gurpartap Singh, firing was made from the same gun is clearly falsified and therefore the prosecution case ought to be rejected on that score also.

17. In so far as the seizure of the gun from Sukhjinder @ Sonu is concerned, the story advanced by the prosecution ought to be rejected because the defence has led satisfactory evidence before the Court that in fact the licensed gun of the father of Sonu was deposited on 25.5.2007 with the gun house. In the wake of the said evidence, the question of use of the licensed gun of the father of Sonu did not arise. The trial Court has wrongly rejected the evidence of the defence regarding deposit of the gun with the gun house and the finding is perverse.

18. The Trial Court committed a grave error in rejecting the evidence of DW8 and DW9 in respect of the plea of alibi set up by the appellants No.1 and 2 Ranbir Singh and Ranjit Singh. It is well settled legal

position that though the burden of proof of alibi is on the accused persons, the same also deserves to be appreciated on the parameters that are applied for appreciation of prosecution evidence. It is in that context the evidence of alibi rendered by the defence ought to have been accepted. The trial Court has again recorded perverse finding in rejecting the said plea.

19. There is inconsistency and variance on the part of the eye witnesses about the injuries caused by a particular weapon by a particular person and therefore it was risky for the trial Court to rely on the testimony of such witnesses whose evidence was not trustworthy and who were admittedly inimical to the accused persons. Summing up; the learned counsel for the appellants in all these appeals submitted that the prosecution case is required to be rejected outright and all the appellants are required to be acquitted.

20. In the alternative, learned counsel for the appellants contended that all the accused could not have been convicted for the offences of murder when the allegations are only against a few and not against all to that effect. Number of accused persons have been attributed the simple/grievous hurt etc. and therefore it was wrong to convict them the offences of murder as such by holding that the common object of the unlawful assembly was to commit murders. The evidence does not show the common object of the alleged unlawful assembly was to commit the murders and therefore it is necessary to have a look at the evidence against each accused. Finally, counsel for the appellants prayed for acquittal.

21. Per contra the learned counsel for the respondent-State as well as the complainant vehemently opposed the appeals and made the following submissions :-

22. The FIR is not an encyclopedia to expect the informant to disclose all minute details particularly in respect of an incident which certainly set the victims in a trauma in view of the sudden attack on them by large number of persons. At any rate, the FIR names 11 persons as the accused and there is further mention that there were 20-22 persons, though the names of the remaining persons were not given. The supplementary statement of Anoop Singh was recorded hardly after some hours in which all the names were disclosed. Therefore there was no delay or concoction as alleged by the defence in the matter of naming the accused persons as the assailants and their respective weapons. At any rate it cannot be forgotten that there are two murders and several injured persons, who were first required to be taken to the hospital for their treatment. The deceased and the injured are close relatives. It was natural that they had gone in trauma with the fierce incident of assault on all of them by large number of persons. The submission made by the appellants that therefore in the supplementary statements names of the accused persons were added in connivance with the Ex-Sarpanch or other persons from the village is wholly wrong. It cannot be said that there was delay in lodging the FIR nor that the prosecution case could be said to have been affected for any reason whatsoever. Therefore, the plea regarding the delay or recording of supplementary statement of Anoop Singh will have to be rejected.

23. It is important to note that as per the evidence of Dr. Gurjot Singh Viridi (PW13) and Dr. Kirpal Singh (PW15) Saroop Singh had 30-40 injuries while Gurpartap had 11 injuries. The story that Gurpartap or Amrinderpal Singh had self-inflicted injuries, must be rejected outright

because they have suffered many injuries. PW16 Dr. Vishal Singla also found that Baghel Singh had injuries and has a fracture on his skull. Similar was the case of Anoop Singh, who had fracture of fibula bone.

24. The defence tried to be projected by the appellants that there was a free fight or that the complainant party was aggressor in allegedly attacking the appellants is not been borne out of record anywhere. The theory propounded by the defence that while there was struggle between Gurpartap Singh in snatching the gun, the bullets accidentally got fired from the said gun of Gurpartap Singh and therefore the two persons had died from the side of the complainant party has no foundation at all and hence the defence is liable to be rejected.

25. The learned counsel for the State as well as complainant further submitted that the prosecution has amply proved by evidence about the existence of unlawful assembly and the common object of attacking the complainant's party and committing murders. Pursuant to the common object shared by all the accused persons the murders took place and therefore it cannot be said that all the accused persons should not be held guilty of murders and sentenced to life imprisonment. The counsel, therefore, prayed for dismissal of all these appeals.

Consideration

26. We have heard learned counsel for the rival parties at length. We have perused the entire oral as well as documentary evidence on record. We have also perused the judgment and reasons recorded by the learned trial judge for making the impugned judgment and order.

27. The submission made by learned counsel for the appellants in

all these appeals that there was unexplained delay in lodging FIR and that the complainant party in connivance with the police fabricated and embellished the prosecution version, upon examining the entire evidence in the correct perspective is without any merit. It is true that the occurrence had taken place at 3.45pm on 10.07.2007 and the FIR was lodged at 2.55pm on 11.07.2007. Baghail Singh, Complainant-Anoop Singh and Gurpartap Singh, who were injured were brought to hospital at 5.58pm, 6.15pm and 6.50pm, respectively on 10.07.2007, while Amritpal Singh injured was brought to hospital at 12.55am on 11.07.2007. This is a case where two persons were murdered and numbers of other persons were injured grievously. Dead bodies were carried and were lodged at Ajnala Hospital while the injured were shifted to Guru Nanak Dev Hospital, Amritsar. The gun shots were fired in which two persons died. The injured were brought to the hospital with injuries and it is only after the information was received, their statements were recorded in the hospital upon the visit made by the police officers and thereafter the first information report was registered. The normal human conduct in such case would be to shift the injured persons to the hospital first for providing them early treatment rather than rushing to lodge FIR. At any rate, as stated above, the FIR was lodged at 2.55pm on 11.07.2007 after the injured persons were examined by the Doctors and they had slightly settled. It cannot be forgotten that the manner in which the incident took place was such that the injured persons must be in a precarious mental condition. It cannot be expected of them that they should have first lodged the FIR, rather than going to Hospital. The second submission in this context that was made was that PW-2 Baghail Singh

when initially interrogated by the police inspector SI Gurbachan Lal, had refused to make any statement though insisted upon by the officer and that therefore, there is a reason to believe that PW-2 Baghail Singh as well as the complainant had definite plan to make consultation with the rivals and thereafter give the name of all the accused persons. There is a further submission that the FIR disclosed the names of only eleven persons while twenty seven persons were made accused in the trial. By reading the entire evidence in this context we find that though it is true that PW- Baghail Singh was declared fit to make statement and was asked to make statement by Gurbachan Lal SI and the people gathered over there, he did not make the statement at that time. It is an admitted position that at a later stage he had then given the statement which was recorded by the police. It is no doubt true that reasons given by the trial court about the possibility of infusion of pain killers by the Doctors to Baghail Singh or that he must have been scared, resulting into Baghail Singh not making any statement at that point of time, is based on no material as contended by the counsel for the appellants. Nevertheless in our opinion this mere fact would not be enough to look at his evidence with suspicion. The reason is in the first place that his statement under Section 161 Cr.P.C. was recorded, at the earliest and is corroborated by the prosecution story as such. It would be unjust to reject the testimony of PW-2 Baghail Singh in the wake of the peculiar situation that he was also injured and brought to the hospital and two murders had taken place. We, therefore, do not agree with the submission that there was fabrication and embellishment by the prosecution as such, or that delay was unpardonable delay in lodging the FIR.

28. It is true, as contended by the learned counsel for the appellants, that the challan was filed by the prosecution initially against some of the accused persons. Thereafter in all three supplementary challans were filed by the investigating machinery vide committal orders dated 13.02.2008, 03.05.2008 and 19.10.2009. Thereafter by virtue of order under Section 319 Cr.P.C. dated 22.02.2010 passed by the Sessions court four accused persons by name Jarnail Singh, Harbans Singh, Ranjit Singh @ Rana and Ranbir Singh @ Babbu, were ordered to be summoned as accused to face the trial. The statement made by learned counsel for the appellants in these appeals that the prosecution thus went on improving its story by supplementing the chargesheets on multiple occasions and therefore the prosecution case suffered from embellishment and deliberate intention to involve as many number of persons as possible that too because of the political rivalry in the village, does not impress us. Merely because the police filed supplementary chargesheets three in number, one by one and thereafter the court also exercised power under Section 319 Cr.P.C., it does not necessarily follow that the inference should be drawn that the prosecution case was after thought or that there was any deliberate move on the part of the prosecution to involve number of person by such acts. After all, filing of challan or supplementary challans or summoning the accused under Section 319 Cr.P.C., forms the part of the process of the administration of criminal justice. Nevertheless, at the end, it is for the court to appreciate the evidence and thereafter to come to conclusion by finding out the veracity and truth of the prosecution evidence. Therefore, merely because supplementary chargesheets were filed against additional accused

persons the prosecution case cannot be looked at with suspicion. The learned counsel for the appellants in order to assail the testimony of PW-1 Anoop Singh, PW-2 Baghail Singh, have heavily relied upon the fact about the involvement of accused-Avtar Singh and urged on the basis thereof that the testimony of these two witnesses should be rejected as they are the liars. Much emphasis was placed on the evidence of DW-2 Dr. Gaggan Khanna, Assistant Professor, Guru Ram Dass Hospital, Amritsar in that behalf. It is stated that Avtar Singh son of Sunder Singh, was operated in the said hospital on 10.06.2006 for infected right lower end tibia and bone grafting and that he was made to walk for one month with the help of walker. It has also come in his evidence that Avtar Singh lastly visited the hospital only on 26.07.2006. The submission that thus Avtar Singh was a disabled person to commit any offence and that therefore both the witnesses were liars, does not appeal to us. The reason is that he lastly visited the hospital on 26.07.2006 and the incident in question had taken place almost one year thereafter i.e. On 10.07.2007. It is not possible to believe that Avtar Singh must not have started leading normal life after his orthopedic surgery a year back. We, therefore, do not accept the submission.

29. The next submission made by the learned counsel for the appellants that Gurpartap Singh in the party of the complainant also had a double barrel gun with him when the complainant party allegedly entered the drain so also the other members also had dangerous weapons. The contention is that therefore the complainant party was aggressor and had attacked the accused party. There is a further submission that there was a melee and during the course of snatching of gun etc. due to accidental firing,

the two deaths must have occurred for which the benefit of doubt must go to the accused persons. Looking to the entire ocular evidence tendered by the prosecution, fully corroborated by the medical evidence as well as the FSL report we are unable to agree with these submissions. The prosecution evidence nowhere indicates nor there is any dent in the cross-examination of the evidence of these witnesses that the complainant party and the Gurpartap Singh and others were the aggressors and that they had made any attack on the accused party. Having gone through the entire evidence, particularly the cross-examination of the witnesses, there is no material to draw the inference as sought by the learned counsel for the appellants. It is true that Gurpartap Singh also had a double barrel licensed gun but then that by itself would not clothe the complainant party as the aggressors.

30. The next submission that the prosecution evidence indicated that five guns were utilized by either of the parties and that only one gun was said to have been recovered in working condition and, therefore, there is a serious inconsistency in the prosecution case, again does not appeal to us. It is true that the FSL report shows that the licensed gun of Gurpartap Singh was found to be not in working condition. But then the gun recovered from Sukhjinder Singh @ Sonu was found to be in working condition as per the FSL report. The ocular testimony of the witnesses clearly has been corroborated that Sukhjinder Singh @ Sonu had used the gun to fire at the deceased. The fact that Gurpartap Singh's gun was not in working condition, has been easily explained by the prosecution. The said gun was recovered upon the disclosure statement of Malook Singh and it was found in a broken condition in the place where it was hidden. Clearly, therefore,

Malook Singh or some other person must have broken the gun thereafter and hidden the same. That is also the disclosure made by them. But then that by itself would not lead to any inference as sought to be contended by the counsel for the appellants. The further submission that for making discovery/recovery no independent witness was examined by the prosecution and therefore, the discovery/recovery should be rejected, does not appeal to us. By now it is well settled that there is no reason to disbelieve the evidence of police witnesses on discoveries as well as recoveries, when their evidence inspires confidence. The independent witnesses do not come forward and rather it has been the experience that they do not support the prosecution version in the court. But then for that, the evidence of the prosecution on the question of discovery/recovery cannot be thrown out.

31. It is significant to note that though in the FIR eleven persons were named as assailants, as is rightly contended by learned State counsel, the FIR itself mentioned about the presence of 20-22 persons. It is, therefore, not possible to hold that the FIR should have contained names of all the accused persons as FIR is not an encyclopedia.

32. The submission on behalf of accused-Ranjit Singh @ Rana was based on plea of alibi and was sought to be proved by DW-8 Jasbir Singh resident of Village Kotli Sakkian Wali. The defence witness stated that on 10.07.2007 accused Ranjit Singh was present in the village Kotli Sakkian Wali for resolving the dispute pertaining to his in-laws family. There is a similar plea of alibi taken by the accused-Ranbir Singh. This plea was sought to be proved by DW-9 Mohabbat Raj, Branch Manager, Co-operative

Bank, Hall Gate, Amritsar who deposed that accused Ranbir Singh who was working as Secretary in Othian Agriculture Cooperative Society was present in his bank on 10.04.2007 and was getting prepared draft and remained there up to 3.3/4.00pm. We have carefully perused the evidence of DW-8 and DW-9 and we are satisfied that the said evidence of DW-8 and DW-9 for supporting the plea of alibi, must be rejected and was rightly rejected by the trial court by giving reasons with which we agree. As to the presence of all the accused persons on the place of occurrence on the date of incident, we find that the ocular evidence of the prosecution witnesses stands well corroborated. We quote paragraph 30 from the judgment of the trial court for the discussion on evidence including the discussion about the plea of alibi. Para 30 reads thus:

“30. The record has shown that all the prosecution witnesses have unequivocally stated regarding the presence of all the above named accused persons on the place of occurrence. PW1 has categorically stated that Ranbir Singh alias Babbu was armed with DBBL gun and had fired shot towards Saroop Singh and the other accused Jarnail Singh and Harbans Singh had fired shots from their DBBL gun towards Kewal Singh and that the accused Ranjit Singh along with the other accused persons had attacked upon the members of the complainant party. The other PWs have lent their corroboration to the statement of PW1 Anoop Singh, PW4 Gurpartap Singh has categorically stated that Ranjit

Singh alias Rana had given a datar blow on his right elbow and had given second datar blow on the thumb of his left foot and the third blow on his right lower leg. Meaning thereby, all these accused persons who were statedly found innocent by the police in the course of respective enquiries conducted by DW10 Manminder Singh the then Superintendent of Police (Detective) on 23.11.2007 and DW11 Surjit Singh the then Superintendent of Police (Detective) on 20.9.2008, had actively participated in the commission of the offence. If, DW8 Jasbir Singh and DW9 Mohabbat Raj have tried to prove the plea of alibi, taken by the accused Ranjit Singh and Ranbir Singh, then it can be said that they were handpicked witnesses, who were supposed to depose in favour of the accused persons. Even otherwise also, these witnesses have not been able to prove the plea of alibi as DW8 has stated that Ranjit Singh had remained in village Kotli Sakkian Wali up to 4.00 P.M. Even DW9 Mohabbat Raj has stated that Ranbir Singh had remained present in the bank upto 3.30/4.00 PM. This shows that the accused Ranjit Singh and Ranbir Singh could have easily reached their village Dhariwal Bagge because their village was not far off from the village Kotli Sakkian wali and Co-operative Bank Hall Gate, Amritsar. There is no documentary evidence on the

record to show that Ranbir Singh had gone to Co-operative Bank, Amritsar at the relevant time. Meaning thereby, these accused have not been able to prove the plea of alibi to the extent required by law. They should have proved on record that in all probability they could not have been present on the place of occurrence at the relevant time. But, they have failed to do so.”

33. Another accused i.e. Sukhjinder Singh alias Sonu son of Satnam Singh took an interesting plea that the licensed guns in the name of his father Satnam Singh was in fact deposited with the Proprietor Punjab Armoury, Lohgarh Gate, Amritsar, on 25.05.2007 and therefore the question of use thereof for alleged commission of murder by Sukhjinder Singh alias Sonu, did not arise.

34. In this connection we have gone through the testimony of DW-4-Pawan Bhatia with the assistance of the learned counsel for the rival parties. There is no need for us to make repetitive discussion since the reasons have been recorded by the learned trial Judge in that behalf in paras 32 and 33. We agree with the reasons given by the trial court for dealing with the evidence in that behalf. We quote paras 32 and 33 as under:

32. The next contention raised by the learned counsel for the accused is that .12 bore DBBL gun no.25596 and 10 cartridges were deposited with the Proprietor Punjab Armory, Lohgarh Gate, Amritsar, on 25.5.2007 by Satnam Singh in whose name the license of the gun was. So, while being deposited, the said gun could not have

been used in the present occurrence and the whole of the prosecution story is false on this very count, as has been proved by DW4 Pawan Bhatia, Proprietor of Punjab Armoury Amritsar.

33. No doubt, DW4 Pawan Bhatia has proved the entry DW4/D regarding the deposit of the gun in question in the armoury at serial no.418 dated 25.5.2007. But the said entry is not that relevant. The relevant document is receipt Ex.DW4/A which pertains to the deposit of the gun in the armoury. However, this very witness has candidly admitted in his cross-examination that writing of the receipt is in the hands of his manager, who has since expired. So, it cannot be said that the receipt Ex.DW4/A has been proved on record. The said receipt could have been proved by the manager himself. DW4 has not even stated that he identified the handwriting of his manager. This, it cannot be said that the gun bearing no.25596 had not been deposited in Punjab Armoury. Meaning thereby, the said gun could have been used in the commission of the offence, as has been proved by the prosecution.

35. We, therefore, do not accept the theory of deposit of the licensed gun as stated by accused Sukhjinder Singh alias Sonu.

36. The trial court has convicted all the accused persons by holding that there was an unlawful assembly formed by the accused persons and that therefore, they were all responsible for commission of double murder and causing injuries to the other persons from the complainant party. Before us

we have an important question of law which is required to be decided. “Whether the material on record shows that there was an unlawful assembly for commission of murder of the two persons and whether all the accused persons had knowledge and intention to commit the murders as held by the trial court.”

37. Upon careful perusal of the findings recorded by the trial court, we find that there is no clear-cut finding in that behalf in the first place. Merely because two murders were committed and the accused persons were together with weapons, the trial court has come to conclusion that there was an unlawful assembly for commission of offence of murders and therefore all the accused, who were present were held guilty of offence of murder. It is better to quote the finding recorded by the trial court which reads thus:

35. As the accused persons, who were 27 in numbering (more than five persons) and it can be well inferred from their acts that the common object of the persons composing the assembly of the above said persons was to commit an offence and as such, was to be designated as unlawful assembly. The above said persons, being armed with deadly weapon had taken part in rioting and had caused the death of two persons. So, all the above said accused except Satnam Singh who has not been named by the complainant Anoop Singh or any other prosecution witnesses to be present at the place of occurrence as member of the unlawful assembly, have committed the offence under section 148 of IPC.

36. The second head of the charge sheet pertains to the offence under section 302 of IPC. PW1 Anoop Singh has categorically stated that Ranbir Singh alias Babbu, Sukhjinder Singh alias Sonu, who were armed with DBBL gun had fired shots towards Saroop Singh hitting on his body while Harbans Singh and Jarnail Singh fired shots towards Kewal Singh, hitting on his person. All the above named accused persons had fired shots from their respective guns the pellets of which had hit the person of Saroop Singh and Kewal Singh. All these persons were members of an unlawful assembly, the object of which was to give beatings and teach a lesson to the members of the complainant party, firing direct shots towards Saroop Singh and Kewal Singh fully proves the intention of the accused persons. The investigating officer vide recovery memo Ex.P10 has recovered two empties of the 12 bore cartridges from the place of occurrence. The investigating officer SI Upkar Singh has recovered .12 bore DBBL gun from the accused Sukhjinder Singh alias Sonu in pursuance of his disclosure statement. Thus, the offence under section 302 of IPC is proved against the accused Sukhjinder Singh alias Sonu, Ranbir Singh alias Rana, Harbans Singh and Jarnail Singh son of Lal Singh and their other co-accused except Satnam Singh have

committed the offence under section 302 of IPC with the aid of section 149 of IPC.

38. Perusal of the above discussion shows no definite finding about all other accused qua common object except Ranbir Singh alias Babbu, accused Sukhjinder Singh alias Sonu, accused Harbans Singh and accused Jarnail Singh son of Lal Singh who were only the four persons who had actually fired shots on Saroop Singh hitting on his body and Kewal Singh hitting on his person and both died. In other words the finding is that there was a clear-cut overt act on the part of the aforesaid four named accused persons. The learned counsel for the rival parties have cited number of decisions on the aspect of unlawful assembly. However we find that the leading case is ***Kuldip Yadav and others versus State of Bihar, 2011(5) SCC, 324*** decided by the Apex Court. The same has been followed by the Apex Court thereafter in some decisions. The Apex Court has had to say thus:

25) Apart from conviction under Section 302, all the accused were also convicted under Section 149IPC. Learned counsel appearing for the appellants demonstrated that, first of all, there was no common object, even if, it is admitted that there was a common object, the same was not known to anybody, in such circumstances, punishment under Section 149 IPC is not warranted. On the other hand, learned counsel appearing for the State submitted that when the charge is under Section 149 IPC, the presence of the accused as

part of unlawful assembly is sufficient for conviction, even if, no overt act is imputed to them. In other words, according to him, mere presence of the accused as part of unlawful assembly is sufficient for conviction. In order to understand the rival claim, it is useful to refer Section 149 which reads as follows:-

"149. Every member of unlawful assembly guilty of offence committed in prosecution of common object. - If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence."

26) The above provision makes it clear that before convicting accused with the aid of Section 149 IPC, the Court must give clear finding regarding nature of common object and that the object was unlawful. In the absence of such finding as also any overt act on the part of the accused persons, mere fact that they were armed would not be sufficient to prove common object. Section 149 creates a specific offence and deals with punishment

of that offence. Whenever the court convicts any person or persons of an offence with the aid of Section 149, a clear finding regarding the common object of the assembly must be given and the evidence discussed must show not only the nature of the common object but also that the object was unlawful. Before recording a conviction under Section 149 IPC, essential ingredients of Section 141 IPC must be established. The above principles have been reiterated in **Bhudeo Mandal and Others vs. State of Bihar (1981) 2 SCC 755.**

27) In **Ranbir Yadav vs. State of Bihar, 1995 (2) R.C.R. (Criminal) 391; (1995) 4 SCC 392,** this Court highlighted that where there are party factions, there is a tendency to include the innocent with the guilty and it is extremely difficult for the court to guard against such a danger. It was pointed out that the only real safeguard against the risk of condemning the innocent with the guilty lies in insisting on acceptable evidence which in some measure implicates such accused and satisfies the conscience of the court.

28) In **Allauddin Mian and others Sharif Mian and another vs. State of Bihar, 1989 (1) R.C.R. (Criminal) 628; (1989) 3 SCC 5,** this Court held:-

"....Therefore, in order to fasten vicarious responsibility on any member of an unlawful

assembly the prosecution must prove that the act constituting an offence was done in prosecution of the common object of that assembly or the act done is such as the members of that assembly knew to be likely to be committed in prosecution of the common object of that assembly. Under this section, therefore, every member of an unlawful assembly renders himself liable for the criminal act or acts of any other member or members of that assembly provided the same is/are done in prosecution of the common object or is/are such as every member of that assembly knew to be likely to be committed. This section creates a specific offence and makes every member of the unlawful assembly liable for the offence or offences committed in the course of the occurrence provided the same was/were committed in prosecution of the common object or was/were such as the members of that assembly knew to be likely to be committed. Since this section imposes a constructive penal liability, it must be strictly construed as it seeks to punish

members of an unlawful assembly for the offence or offences committed by their associate or associates in carrying out the common object of the assembly. What is important in each case is to find out if the offence was committed to accomplish the common object of the assembly or was one which the members knew to be likely to be committed. There must be a nexus between the common object and the offence committed and if it is found that the same was committed to accomplish the common object every member of the assembly will become liable for the same. Therefore, any offence committed by a member of an unlawful assembly in prosecution of any one or more of the five objects mentioned in Section 141 will render his companions constituting the unlawful assembly liable for that offence with the aid of Section 149, IPC...."

29) It is not the intention of the legislature in enacting Section 149 to render every member of unlawful assembly liable to punishment for every offence committed by one or more of its members. In

order to attract Section 149, it must be shown that the incriminating act was done to accomplish the common object of unlawful assembly and it must be within the knowledge of other members as one likely to be committed in prosecution of the common object. If the members of the assembly knew or were aware of the likelihood of a particular offence being committed in prosecution of the common object, they would be liable for the same under Section 149 IPC.

30) In **Rajendra Shantaram Todankar vs. State of Maharashtra and others (2003) 2 SCC 257**, this Court has once again explained Section 149 and held as under:

"14. Section 149 of the Indian Penal Code provides that if an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who at the time of the committing of that offence, is a member of the same assembly is guilty of that offence. The two clauses of Section 149 vary in degree of certainty. The first clause contemplates the commission of an offence by any member of an unlawful assembly which can be held to have been committed in prosecution of the common object of the assembly. The second clause embraces within its fold the

commission of an act which may not necessarily be the common object of the assembly, nevertheless, the members of the assembly had knowledge of likelihood of the commission of that offence in prosecution of the common object. The common object may be commission of one offence while there may be likelihood of the commission of yet another offence, the knowledge whereof is capable of being safely attributable to the members of the unlawful assembly. In either case, every member of the assembly would be vicariously liable for the offence actually committed by any other member of the assembly. A mere possibility of the commission of the offence would not necessarily enable the court to draw an inference that the likelihood of commission of such offence was within the knowledge of every member of the unlawful assembly. It is difficult indeed, though not impossible, to collect direct evidence of such knowledge. An inference may be drawn from circumstances such as the background of the incident, the motive, the nature of the assembly, the nature of the arms carried by the members of the assembly, their common object and the behaviour of the members soon before, at or after the actual commission of the crime. Unless the applicability of Section 149 - either clause - is attracted and the court is convinced, on facts and in law, both, of liability capable of being fastened vicariously by reference to

either clause of Section 149 IPC, merely because a criminal act was committed by a member of the assembly every other member thereof would not necessarily become liable for such criminal act. The inference as to likelihood of the commission of the given criminal act must be capable of being held to be within the knowledge of another member of the assembly who is sought to be held vicariously liable for the said criminal act...."

The same principles have been reiterated in **State of Punjab vs. Sanjiv Kumar alias Sanju and others, 2007(3) R.C.R. (Criminal) 377: 2007 (3) R.A.J. 605 : (2007) 9 SCC 791.**

Summarization of the principles attracting Section 149

31) In the earlier part of our order, we have analysed the evidence led in by the prosecution and also pointed out several infirmities therein. In our view, no overt act had been attributed to any other accused persons except Brahmdeo Yadav (A1) towards the murder of Suresh Yadav. Had the other accused persons intended or shared the common object to kill Suresh Yadav, they must have used the weapons allegedly carried by them to facilitate the alleged common object of committing murder. The Sessions Judge, on analysis, held that no case under Section 307/149 against all the 11 accused

persons be made out for causing murderous assault and hurt to Naresh Yadav, Munshi Yadav, Bindeshwar Yadav and Ganauri Yadav. The learned Judge further observed that it appears that at least 4 of the accused persons were armed with gun but no gun shot injury was inflicted against any of the aforesaid injured prosecution witnesses. Had the accused persons intended to kill the witnesses, they must have used the surest weapon of committing murder i.e. gun against any of the aforesaid witnesses. In view of the fact that common object was not known to anybody and in the light of the principles enunciated over application of Section 149 IPC and with the available material on the side of the prosecution, we hold that it is not safe to convict the accused persons under Section 149 IPC.

39. The counsel for rival parties have cited some more judgments. We do not think it necessary to discuss each and every judgment.

40. Thus in the wake of the above discussion made by the trial court which we have already quoted, we find that the finding regarding unlawful assembly runs counter to the aforesaid proposition of law pronounced by the Apex Court in the case of ***Kuldip Yadav (supra)***. Similar is the case at hand. What we find upon marshaling and appreciation of the entire evidence in the present case is, that after Malook Singh gave a *lalkara*, the assault began. But for commission of two murders, four accused only used guns and fired at the two deceased. There is no evidence

that the other accused had caused any fatal injury leading to any death much less the duo deceased.

41. In our considered opinion, in the light of the ratio of the decision of the Apex Court, the finding about unlawful assembly by the accused persons for commission of two murders must be held to be wrong and illegal. We, therefore, reverse the finding of the trial court about unlawful assembly in respect of the other accused persons. We, however, hold that the accused Ranbir Singh alias Rona, Sukhjinder Singh alias Sonu, Harbans Singh and Jarnail Singh son of Lal Singh shared the common intention to commit murder of two persons and therefore they have been rightly convicted, but they should have been convicted with the aid of Section 34 IPC rather than Sections 148 and 149 IPC. As a sequel we will have to acquit all the other accused persons for the offences under Sections 148 and 149 IPC, regarding unlawful assembly.

42. Coming to the other accused persons than the above named four accused, we find that the trial court made no mistake in holding that they had assaulted and caused injuries to other members of the complainant party. In this behalf the trial court has made discussion in support of other accused persons from paragraphs 38 onwards. We quote the relevant paragraphs as under:

38. PW2 Amritpal Singh has categorically stated that after hearing the hue and cry made by Anoop Singh and Baghail Singh, he along with Gurpartap Singh reached the spot. Gurpartap Singh was having a gun with him for his safety, but Balwinder Singh and Gurbhej Singh

snatched his gun and then Balwinder Singh fired shot from the said gun towards him which hit the tibia of his right leg. So, in this way, while firing shot towards the person of Amritpal Singh, the accused Balwinder Singh has committed the offence under section 307 of IPC, whereas the other accused, except Satnam Singh, has committed the offence under section 307 of IPC with the aid of section 149 of IPC.

39.PW2 Baghail Singh has deposed that the accused Avtar Singh had given the datar blow on the right side of his forehead, which is injury no.1 in MLR Ex.PW15/G. He has also stated that the accused Balwinder Singh had given a datar blow to him which had hit on back side of his right shoulder, which is injury no.2 in MLR Ex.PW15/G. PW15. Dr. Kirpal Singh has specifically opined that injury no.1 and 2 were given with sharp edged weapon and on the basis of the X-ray opinion of PW16 Dr. Vishal Singla, the said injuries were declared grievous in nature. Thus, the accused Balwinder Singh and Avtar Singh have committed the offence under section 326 of IPC which is charge under fifth head and the other co-accused have committed the offence under section 326 IPC with the aid of section 149 of IPC, except Satnam Singh.

40. PW4 Gurpartap Singh in his testimony has testified that Kabal Singh had given a datar blow on left ankle on his foot and Ranjit Singh had given a datar blow on his right elbow and on his left foot and right leg. PW15 Dr. Kirpal Singh has declared the said injuries no.8 and 9 as grievous in nature and as such the accused Kabal Singh and Ranjit Singh have committed the offence under section 326 of IPC, and the other co-accused have committed the offence under section 326 IPC with the aid of section 149 of IPC, except Satnam Singh.

41.PW2 Baghail Singh, accused Jarnail Singh son of Hazara Singh had given a kirpan blow on the dorsal side of his left hand which is injury no.8 in MLR Ex.PW15/G and has been declared grievous in nature, given with sharp edged weapon, by Dr. Kirpal Singh on the basis of the opinion given by the Radiologist PW16 Dr. Vishal Singla. Although under the head 8 of the charge sheet Kabal Singh has been charge sheeted under section 326 of IPC but this charge has already been discussed and covered under the head 6th and as such now requires no more consideration.

42. PW1 Anoop Singh has stated that Jaswant Singh had caused injury on his knee with iron rod which is injury no.9 as per the MLR Ex.PW15/K and has been declared grievous in nature given with blunt weapon. Thus, the

accused Jaswant Singh has committed the offence under section 325 of IPC, and the other co-accused have committed the offence under section 325 IPC with the aid of Section 149 of IPC, except Satnam Singh.

43. PW2 Baghail Singh has stated that the accused Jaspal Singh had caused injury on his right wrist with a rod blow, which is injury no.11 as per MLR Ex.PW15/G and has been declared grievous in nature. Thus, the accused Jaspal Singh has committed the offence under section 325 of IPC, and the other co-accused have committed the offence under section 325 IPC with the aid of section 149 of IPC, except Satnam Singh.

44. PW2 Baghail Singh has stated that the accused Davinder Singh had caused injury on his left wrist and back which have been declared as grievous by Dr. Kirpal Singh and have been given with blunt weapon. Thus, the accused Davinder Singh has committed the offence under section 325 of IPC, and the other co-accused have committed the offence under section 325 IPC with the aid of section 149 of IPC, except Satnam Singh.

45. PW2 Baghail Singh has also stated that the accused Lal Singh had given datar blow on his right palm which is injury no.11 in MLR Ex.PW15/G and has been declared as grievous in nature. Thus, the accused Lal Singh has committed the offence under section 325 of

IPC, and the other co-accused have committed the offence under section 325 IPC with the aid of section 149 of IPC, except Satnam Singh.

46. PW4 Gurpartap Singh has stated that the accused Nirmal Singh had caused him dang blow on left leg which is injury no.8 in his MLR and has been declared grievous by Dr. Kirpal Singh. Thus, the accused Nirmal Singh has committed the offence under section 325 of IPC, and the other co-accused have committed the offence under section 325 IPC with the aid of section 149 of IPC, except Satnam Singh.

47. As regards the head of the charge sheet 14,15,16, 17 and 18 dealing with the offence under section 324 of IPC read with section 149 of IPC. PW1 Anoop Singh has stated that Joginder Singh had caused Kirpan blow on his right eye brow which has been declared as injury no.1 in MLR Ex.PW15/K and has been declared to be given by a sharp edged weapon but simple in nature. So, the offence under section 324 of IPC is proved against Joginder Singh. Thus, the accused Joginder Singh has committed the offence under section 324 of IPC, and the other co-accused have committed the offence under section 324 IPC with the aid of section 149 of IPC, except Satnam Singh.

48. PW1 Anoop Singh has also stated that Dilbagh Singh had given a kirpan blow injury on his right side of his hand which is injury no.7 as per MLR Ex.PW15/K and

has been declared simple attracting the offence under section 324 of IPC. Thus, the accused Dilbagh Singh has committed an offence under section 324 of IPC, and the other co-accused have committed the offence under section 324 IPC with the aid of section 149 of IPC, except Satnam Singh.

49. PW4 Gurpartap Singh has stated that the accused Karaj Singh had given injury to him with a kirpan on his head which is injury no.2 in his MLR Ex.PW15/I and has been declared as simple, meaning thereby covering the section 324 of IPC. Thus, the accused Karaj Singh has committed the offence under section 324 of IPC, and the other co-accused have committed the offence under section 324 IPC with the aid of section 149 of IPC, except Satnam Singh.

50. PW2 Baghail Singh has stated on oath that Balwinder Singh had given a datar blow to him on the back side of his right shoulder which is injury no.3 in his MLR Ex.PW15/G and has been declared simple in nature given with sharp edged weapon and as such covering the section under section 324 of IPC. Thus, the accused Balwinder Singh has committed the offence under section 324 of IPC, and the other co-accused have committed the offence under section 324 IPC with the aid of Section 149 of IPC, except Satnam Singh.

51. Anoop Singh while appearing as PW1 has stated that Jaswant Singh, Lakha Singh and Sawinder Singh had given him simple injuries with blunt weapon and as such covering the section under section 323 of IPC. Thus, the accused Jaswant Singh, Lakha Singh and Sawinder Singh have committed the offence under section 323 of IPC, and the other co-accused have committed the offence under section 323 IPC with the aid of section 149 of IPC, except Satnam Singh.

52. PW4 Gurpartap Singh has stated on oath that the accused Skattar Singh and Nirmal Singh had given simple injuries to them. Thus, the accused Sakattar Singh and Nirmal Singh have committed the offence under section 323 of IPC, and the other co-accused have committed the offence under section 323 IPC with the aid of section 149 of IPC, except Satnam Singh.

43. We have quoted the aforesaid paragraphs as no purpose would have been served by repeating the discussion about the evidence. Consistent with our finding that there was no unlawful assembly, the finding by the trial court in the aforesaid paragraphs, convicting the accused persons with the aid of Section 149 must be held to be illegal. We set aside the said finding and hold that these remaining accused persons cannot be convicted with the aid of Section 149 IPC. We however hold them guilty of the offences for which the trial court has convicted them for the offences other than 302 IPC read with 148, 149 IPC; but with the aid of Section 34 IPC as

they shared common intention. To repeat, we hold the appellants Ranbir Singh alias Babbu, Sukhjinder Singh alias Sonu, Harbans Singh and Jarnail Singh son of Lal Singh guilty of commission of offence of murders of Saroop Singh and Kewal Singh under Section 302 IPC with the aid of Section 34 IPC.

44. We then find that the trial court has imposed the sentence on these appellants for the aforesaid offences of causing injuries which cannot be said to be on higher side. The sentence awarded is adequate.

45. The upshot of the above discussion is that the following accused persons must be held guilty of the offence of murder under Section 302 read with Section 34 IPC and for the other offences for which the trial court has also convicted them:

1. Sukhjinder Singh alias Sonu
2. Jarnail Singh s/o Lal Singh
3. Harbans Singh
4. Ranbir Singh alias Babbu

46. The rest of the accused persons are convicted for various offences for which they were convicted by the trial court but with the aid of Section 34 IPC. The appeals are accordingly disposed of with the following operative order:

ORDER

- (i) Criminal Appeal Numbers: **Criminal Appeal No.D-120-DB of 2013, Criminal Appeal No.D-1201-DB of 2012, Criminal Appeal No.D-3603-DB of 2012, Criminal Appeal No.D-37-DB of 2013, Criminal Appeal No.D-42-DB of 2013, Criminal**

Appeal No.D-77-DB of 2013, Criminal Appeal No.D-78-DB of 2013, Criminal Appeal No.D-79-DB of 2013 and Criminal Appeal No.D-80-DB of 2013 are partly allowed and accordingly disposed of with the following order of conviction and sentence given against the respective name of the accused/convict:

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine
1.	Malook Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
2.	Dilbagh Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
3	Sawinder Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
4	Joginder Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
5	Jaspal Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
6	Davinder Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine
7	Kabal Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
8	Lakha Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
9	Avtar Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
10.	Lal Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
11	Jaswant Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
12.	Karaj Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
13.	Gurnam Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
14	Nirmal Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
15	Sukhjinder Singh @ Sonu	302/34 IPC	Life Imprisonment	10,000/-	S.I. one year
		307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
16	Jarnail Singh S/o Sher Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine
17	Balwinder Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
18	Skater Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
19	Sukhchain Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
20	Harjinder Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
21	Satnam Singh	29-B Arms Act	R.I. Three years	3000/-	S.I. Three months
22	Gurbhej Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
23	Gursharan Singh alias Sahib Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
24	Jarnail Singh S/o Lal Singh	302 IPC	Life Imprisonment	10,000/-	S.I. one year
		307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
25	Harbans Singh	302 IPC	Life Imprisonment	10,000/-	S.I. one year
		307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
26	Ranjit Singh	307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days
27	Ranbir Singh	302 IPC	Life Imprisonment	10,000/-	S.I. one year
		307/34 IPC	R.I. Five years	3000/-	S.I. three months
		326/34 IPC	R.I. Four years	3000/-	S.I. three years

Sr. No.	Name of the convicts	U/S	Sentence	Fine in ₹	In default of payment of fine
		325/34 IPC	R.I. two years	1000/-	S.I. one month
		324/34 IPC	R.I. one and half years	750/-	S.I. one month
		323/34 IPC	R.I. six months	500/-	S.I. fifteen days

- (ii) All the accused shall be given set off regarding detention as per law.
- (iii) The substantive sentences of all the convicts shall run concurrently.

(A.B. CHAUDHARI)
JUDGE

August 31, 2018

'raj/V. Asija'

(B.S. WALIA)
JUDGE

Whether speaking/reasoned

Whether Reportable

Yes / No

Yes / No