

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-449-MA-2018 (O&M)

Date of decision: 08.08.2018

Gurmeet Singh

.....Applicant/Appellant

versus

Avtar Singh and others

.....Respondents

CORAM: Hon'ble Mr.Justice A.B.Chaudhari
Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Harvinder Singh Maan, Advocate
for the applicant/appellant

- 1. Whether Reporters of Local newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J.

This order will dispose of an application filed under Section 378(3) Cr.P.C. for grant of leave to appeal against the judgment dated 29.11.2017 passed by the learned Additional Sessions Judge, Sangrur, vide which, respondents Avtar Singh, Amrik Singh and Labh Singh were acquitted of the charges framed against them though one of the accused, namely, Bhavishan Singh @ Bhisra was convicted under Section 302, 341 IPC and 27 of Arms Act and was sentenced. An appeal is also accompanying the said application.

The case was registered on the statement of Gurmeet Singh-applicant on 24.10.2016. Gurmeet Singh stated in the complaint that his

younger brother Hardeep Singh @ Kala was married to Sandeep Kaur about 8 years back. Two daughters were born out of the wedlock. The wheat crop in the year 2016 in their village was destroyed by hailstorms. Halqa Patwari conducted the Girdawari of the village and assessed the loss. The villagers received the compensation for the loss of wheat crop. On account of political patronage, accused Bhavishan Singh @ Bhisra and his family received more compensation than due. For this reason, complainant Gurmeet Singh and his brother Hardeep Singh had a grudge against them and whenever two parties confronted each other, it was always followed by quarrel. Bhavishan Singh @ Bhisra accused felt offended and threatened to teach a lesson to complainant and his family. On 23.10.2016 at about 6.45 p.m., the complainant brother Hardeep Singh after harvesting the paddy crop of Sukhdev Singh of their village was coming back home with paddy loaded on his tractor. Complainant Gurmeet Singh along with his relative Jagtar Singh @ Tara, (who was working as a driver on their combine) and Chamkaur Singh son of Dharam Pal Singh were following Hardeep Singh on their combine. When Hardeep Singh reached near bus stand of village Dudian Wala, Bhavishan Singh @ Bhisra, Amrik Singh both sons of Avtar Singh, Avtar Singh son of Gajjan Singh and Labh Singh son of Bhan Singh accused were found present at bus stand. All of them came in front of the tractor of Hardeep Singh on which, Hardeep Singh stopped his tractor. All of them together raised a *lalkara* that Hardeep Singh should be taught a lesson for seeking account from them regarding cheques of compensation received by them. Accused Bhavishan Singh @ Bhisra took out a pistol from his dub and fired a shot which hit left side of chest of Hardeep Singh. Complainant and others cried *Na Maro Na Maro*. Hardeep Singh fell down

at the spot. He was taken to Civil Hospital, Moonak, where he was declared brought dead.

We have heard learned counsel for the applicant/appellant and have also carefully gone through the file.

The only attribution to respondents Avtar Singh, Amrik Singh and Labh Singh is that they were present at the spot and they along with the main accused Bhavishan Singh @ Bhisra had raised *lalkara*. It is not alleged that Avtar Singh, Amrik Singh and Labh Singh were carrying any weapon. Bhavishan Singh @ Bhisra fired one shot, which hit the chest of Hardeep Singh and proved fatal. Admittedly, there was a previous enmity between the parties. The main grievance was with Bhavishan Singh @ Bhisra. The trial Court has considered the entire evidence. Pistol, cartridge and empty shells were recovered from Bhavishan Singh @ Bhisra. Complainant even in his statement before the Court, repeated the same story. Therefore, there is only attribution of raising *lalkara* to the respondents. The accused also led defence evidence and examined Leela Singh @ Kala Singh (DW1), Dhanna Singh (DW2), Gurjinder Singh @ Chhinda (DW3), HC Manjit Singh (DW4) and Jatinder Garg, Inspector Food Supply Lehragaga (DW5) and Dr.Radha Kaushal (DW6). HC Manjit Singh proved the inquiry report. Police has presented the challan against Bhavishan Singh @ Bhisra only. Avtar Singh, Amrik Singh and Labh Singh were found innocent. However, they were summoned by the Court under Section 193 Cr.P.C.

The trial Court has disbelieved the prosecution story so far as attribution of *lalkara* (exhortation) to Avtar Singh, Amrik Singh and Labh Singh is concerned. Trial Court has taken one of the possible views qua the respondents. Main accused Bhavishan Singh @ Bhisra, who had fired the

shot, has been convicted and sentenced. There is no illegality or infirmity in the judgment dated 29.11.2017 passed by the learned Additional Sessions Judge, Sangrur. Accordingly, application for grant of leave to appeal is dismissed.

(A.B.Chaudhari)
Judge

(Kuldip Singh)
Judge

08.08.2018
gk

Whether speaking/ reasoned:	Yes
Whether Reportable:	No