

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : CRM-A-2547-MA of 2017

Date of Decision : January 30, 2018

Harpal Singh Applicant

Vs.

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE T. P. S. MANN.

HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

Present : Mr. K. S. Dhaliwal, Advocate
for the applicant.

* * *

DEEPAK SIBAL, J. :

Through the instant application filed under Section 378 (4) of the Code of Criminal Procedure, 1973 (for short – Cr.P.C.), the applicant seeks grant of special leave to appeal against the impugned judgment dated 30.05.2017 passed by the Additional Sessions Judge, Gurdaspur (for short – the trial court), through which the private respondents have been acquitted of the charges framed against them under Sections 302/34 of the Indian Penal Code, 1860 (for short – IPC) and Sections 25/27 of the Arms Act, 1959.

Briefly stated, the case of the prosecution is that on 01.02.2015, at about 10:00 PM, applicant Harpal Singh along with his son

Monika
2018.02.06 16:20
I attest to the accuracy and
integrity of this document

Ranjit Singh and relatives namely Mandir Singh and Gurpreet Singh were coming from their fields to their village. When they reached near the house of Bir Singh, where an electric bulb was glowing, they found Parvartan Singh standing there. He was armed with 12 bore rifle. Along with him, were Malkit Singh and respondents Varinder Singh and Gurpreet Singh. Malkit Singh exhorted the others to teach the applicant and other persons accompanying him a lesson for celebrating “*Jaggo*” ceremony. Soon thereafter, Parvaratan Singh fired a shot in the air from his 12 bore rifle and then another one, which hit the applicant's son Ranjit Singh on his face and chest. Parvartan Singh then fired some shots in the air and thereafter, the accused fled from the spot. As a result of the afore-referred injury, Ranjit Singh died at the spot. The motive behind the occurrence was that on 24.01.2015 i.e. on the eve of marriage of Parvartan Singh, when the procession of “*Jaggo*” ceremony had reached in front of Ranjit Singh's house, he had stopped them.

The trial court, after sifting the evidence which had come on record, found Parvartan Singh guilty of having committed offence under Section 302 IPC and Section 25 of the Arms Act. With the aid of Section 34 IPC, Malkit Singh was also convicted by the trial court under Section 302 IPC. Respondents Gurpreet Singh and Varinder Singh were acquitted. It is such acquittal of Gurpreet Singh and Varinder Singh, which is the subject matter of challenge in the present proceedings.

Monika
2018.02.06 16:20
I attest to the accuracy and
integrity of this document

Learned counsel for the applicant submitted that the trial court erred in acquitting the accused-respondents of the charges levelled against them as there was overwhelming evidence on record to prove their guilt. It was submitted that once the presence of the respondents has been proved at the place of occurrence, there was no reason in fact or in law with the trial court to acquit them.

The above submissions made by learned counsel for the applicant have been considered but the same do not warrant a favourable consideration.

Admittedly, the prosecution had not even attributed any role to have been played by the private respondents. They had only been shown to be present at the place of occurrence when Ranjit Singh's murder took place. The applicant, while appearing before the trial court, had admitted that he or his son had no previous enmity with the respondents and therefore, there was no motive with the respondents to commit Ranjit Singh's murder. The prosecution also failed to produce any evidence to show that the respondents shared any common intention with Parvartan Singh, who committed Ranjit Singh's murder.

In view of the above and particularly in the absence of any evidence qua motive or attribution of any role to the private respondents as also with regard to them sharing any common intention with Parvartan Singh to commit Ranjit Singh' murder, no fault can be found with the trial

court acquitting the accused-respondents of the offences with which they were charged.

Resultantly, the present application is devoid of any merit and, therefore, dismissed. Special leave to appeal is declined.

(T. P. S. MANN)
JUDGE

(DEEPAK SIBAL)
JUDGE

January 30, 2018
monika