

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

CRM A-2707-MA of 2017

Date of Decision : September 12, 2018

Narinder Singh

.....Applicant

Versus

State of Punjab and others

.... Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present : Mr. Veneet Sharma, Advocate
for the applicant.

T.P.S.MANN, J.

The applicant, namely, Narinder Singh, who had also received injuries in the occurrence has filed the present application under Section 378(3) of the Code of Criminal Procedure seeking leave to appeal against the judgment dated 20.7.2017 passed by the learned Additional Sessions Judge, Amritsar, to the extent of acquitting Paramjit Kaur and Baljinder Kaur, respondents No. 2 and 3, herein, of the charges under Sections 148/302/307/323/324/325/326 read with Section 149 IPC and Sections 25/27 of the Arms Act.

According to the prosecution, on 26.8.2013 at about 7.00 p.m., the applicant and his nephew Manpinder Singh left for milking cow and reached the area built in the memory of a martyr.

Accused Surjit Singh @ Kala armed with datar, his son Harwinder Singh @ Honey armed with .315 revolver, Jagir armed with datar, Jagdish Singh armed with datar, Major Singh armed with kirpan, Karnail Singh armed with Gandasi and Baljinder Kaur and Parmjit Kaur, both empty handed, came there while raising lalkaras. Jagir Singh, Baljinder Kaur and Paramjit Kaur raised a lalkara that Narinder Singh and Manpinder Singh be shot dead in order to teach them a lesson for stopping their business of Malathi and they be not allowed to go unscathed. Harwinder Singh @ Honey fired two shots from his rifle towards the applicant and Manpinder Singh, which hit on the right shoulder of Narinder Singh and chest of Manpinder Singh. As a result, Manpinder Singh fell down on the ground. On hearing the firing of shots, Suba Singh, Chanan Singh, Parambir Singh and Taranbir Singh reached the spot. Surjit Singh @ Kala, Major Singh and Karnail Singh @ Karnail Singh caused injuries to them with their respective weapons. Manpinder Singh died at the spot whereas applicant Narinder Singh sustained injuries. Suba Singh, Parambir Singh and Taranbir Singh, who had also received injuries were sent to hospital at Amritsar for medical treatment. All the accused in connivance with each other had caused injuries to applicant Narinder Singh, Suba Singh, Parambir Singh and Taranbir Singh besides killing Manpinder Singh.

Vide impugned judgment, learned trial Court acquitted

respondents No. 2 and 3 of the charge framed against them whereas their co-accused Jagir Singh, Surjit Singh @ Kala, Major Singh, Harwinder Singh @ Honey, Karnal Singh @ Karnail Singh and Jagdish Singh @ Deesha were convicted under Sections 302/307/323/324/325/326/149 and 148 IPC and sentenced to undergo imprisonment for life and also to pay fine. Surjit Singh @ Kala was also convicted under Section 27 of the Arms Act while Harwinder Singh @ Honey under Section 25 of the Arms Act and sentenced to undergo imprisonment and to pay fine.

This Court has heard learned counsel for the applicant and gone through the impugned judgment passed by the learned trial Court to the extent of acquitting respondents No. 2 and 3 of the charge against them.

According to the prosecution, accused Paramjit Kaur and Baljinder Kaur, who are respondents No. 2 and 3, were initially attributed raising of lalkaras. However, later on accused Paramjit Kaur was attributed causing of a grievous injury with sharp edged weapon on right upper arm of PW Suba Singh with a brick bat. The doctor opined that the injury was caused with sharp edged weapon. Neither Paramjit Kaur nor Baljinder Singh was having any sharp edged weapon. In fact, they were implicated in the case by PW Suba Singh by making improvement in his statement. Even otherwise, Paramjit Kaur and Baljinder Kaur, being ladies had no occasion to go to the spot for causing injuries

and, that too, without carrying any weapon with them. Under these circumstances, no fault can be found with the finding arrived at by the learned trial Court to the extent of acquitting respondents No. 2 and 3 of the charge against them.

The application is without any merit and therefore dismissed. Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

September 12, 2018

amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No