

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

CRA-D-707-DB-2013 (O&M)
Reserved on : January 15, 2020
Date of Decision: July 15, 2020

Dara and another ...Appellants

Versus

State of Punjab ...Respondent

2. CRA-D-725-DB-2013 (O&M)

Nachhattar Singh ...Appellant

Versus

State of Punjab ...Respondent

3. CRA-D-835-DB-2013 (O&M)

Manjit Singh @ Meena ...Appellant

Versus

State of Punjab ...Respondent

4. CRA-D-856-DB-2013 (O&M)

Gurdial Singh @ Pappi ...Appellant

Versus

State of Punjab ...Respondent

5. CRA-D-857-DB-2013 (O&M)

Sukhwant Singh @ Tati and others ...Appellants

Versus

State of Punjab ...Respondent

6.

CRA-D-892-DB-2013 (O&M)

Jaskarn Singh @ Ghuddu

...Appellant

Versus

State of Punjab

...Respondent
7.

CRA-D-924-DB-2013 (O&M)

Jaswinder Singh @ Chhinda

...Appellant

Versus

State of Punjab

...Respondent
8.

CRA-D-1037-DB-2013 (O&M)

Pawan Kumar @ Pawni

...Appellant

Versus

State of Punjab

...Respondent
9.

CRA-D-1058-DB-2013 (O&M)

Sandeep Singh @ Gurmit Singh @ Meeta

...Appellant

Versus

State of Punjab

...Respondent
10.

CRA-D-1621-DB-2013 (O&M)

Lekh Ram and another

...Appellants

Versus

State of Punjab

...Respondent

AND

11.

CRA-D-1470-DB-2013 (O&M)

Gur Sahib Singh

...Appellant

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA,
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr. Narinder Singh, Advocate for the appellant in
CRA-D-835-DB-2013.

Mr. B.S.Sidhu, Advocate for the appellants in
CRA-D-857-DB-2013.

Mr. Tarun Sharma, Advocate for
Mr. Jatinder Pal Singh, Advocate for the appellant in
CRA-D-892-DB-2013.

Mr. Sanjiv Sharma, Advocate for the appellant in
CRA-D-924-DB-2013.

Mr. Sanjiv Manhas, Advocate for the appellants in
CRA-D-1621-DB-2013 and other remaining convicts/appellants.

Mr. Divyadeep Walia, Advocate for the appellant in
CRA-D-1470-DB-2013 and for the complainant in other cases.

Mr. H.S.Grewal, Additional Advocate General
for the respondent – State of Punjab.

HARINDER SINGH SIDHU, J.

1. Since common questions of law and facts are involved in the aforesaid appeals arising out of same FIR, these are taken up together and disposed of by a common judgment.

2. The appeals have been filed against the judgment and order dated 06.06.2013/07.06.2013 of the learned Additional Sessions Judge, Ferozepur in

Sessions case No.4 of 2009, whereby, Dara Singh, Manjit Singh @ Meena,

Sukhwant Singh @ Tati, Lekh Ram, Jaskaran Singh @ Ghuddu, Gurdial Singh @ Pappi, Jaswinder Singh @ Chhinda, Sandip Singh @ Gurmit Singh @ Meeta, Mohinder Partap Singh @ MP, Nachhattar Singh, Pawak Kumar @ Pawni, Surinder Singh, Surjit Singh @ Kala, Jasbir Singh @ Jagsir Singh @ Sheera (all appellants) were charged with and tried for offences punishable under Sections 302, 336, 148, 149 of the Indian Penal Code (in short 'IPC') and Section 27 of the Arms Act along with Rajinder Kumar @ Vakilan, Rajinder Kumar @ Raju Jakhar and Balbir Singh @ Midda. The accused were convicted and sentenced as under:-

Name of Convict-Appellants	Sentence
Dara Singh, Manjit Singh @ Meena, Sukhwant Singh @ Tati, Lekh Ram, Jaskaran Singh @ Ghuddu, Gurdial Singh @ Pappi, Jaswinder Singh @ Chhinda, Sandip Singh @ Gurmit Singh @ Meeta, Mohinder Partap Singh @ MP, Nachhattar Singh, Pawak Kumar @ Pawni, Surinder Singh, Surjit Singh @ Kala, Jasbir Singh @ Jagsir Singh @ Sheera	Imprisonment for life each and to pay fine of Rs.50,000/-, each and in default of payment of fine to further undergo RI for one year, each, under Section 302/149 IPC for causing the death of Ranjit Singh Imprisonment for life and to pay fine of Rs.50,000/-, each and in default of payment of fine to further undergo RI for one year, each, under Section 302/149 IPC for causing the death of Gurlal Singh Imprisonment for life and to pay fine of Rs.50,000/-, each and in default of payment of fine to further undergo RI for one year, each, under Section 302/149 IPC for causing the death of Hazoor Singh
Manjit Singh @ Meena	Rigorous imprisonment for two years and to pay fine of Rs.5,000/- and in default of payment of fine to further undergo RI for one month under Section 27 of the Arms Act

It was ordered that imprisonment for life awarded to the convicts shall mean

imprisonment for the remainder of the convict's natural life. Further, it was ordered that out of the fine amount, 2/3rd shall be paid to the legal heirs of the each of the deceased as compensation.

3. Rajinder Kumar @ Vakilan and Rajinder Kumar @ Raju Jakhar were acquitted, while, Balbir Singh @ Midda had expired during trial.

4. Appellants Lekh Ram (Appellant No.1 in CRA-D-1621-DB-DB-2013) and Manjit Singh @ Meena (Appellant In CRA-D-835-DB-2013) have expired during pendency of the appeals. Thus, CRA-D-1621-DB-DB-2013 stands abated qua appellant No.1 Lekh Ram. CRA-D-835-DB-2013 also stands abated.

5. Criminal Appeals bearing number; CRA-D-707-DB-2013, CRA-D-725-DB-2013, CRA-D-835-DB-2013, CRA-D-856-DB-2013, CRA-D-857-DB-2013, CRA-D-892-DB-2013, CRA-D-924-DB-2013, CRA-D-1037-DB-2013, CRA-D-1058-DB-2013 and CRA-D-1621-DB-2013 have been filed by the convicts challenging their conviction. Criminal Appeal No.D-1470-DB-2013 has been filed by Gursahib Singh (complainant) for enhancing the sentence from life to the capital punishment as well as enhancing the compensation awarded by the Trial Court.

6. Vide order dated 19.05.2004 the CRA No.D-1470-DB of 2013 filed by the complainant for enhancement of sentence was dismissed. However, with regard to awarding of inadequate compensation, it was admitted and ordered to be heard with the appeal (CRA-D-707-DB-2013) filed by the convict.

7. The case of the prosecution in a nutshell is that Gursahib Singh son of Ranjit Singh r/o Usman Khera, Police Station Khuian Sarvar got recorded his statement (Ex. P1) to the effect that he was 10+2 pass. He was doing agricultural

work along with his father. On 18.7.2008, they had their turn for irrigation of their fields near Bus Stand Usman Khera through canal. On 17.7.2008, at about 7.15 p.m, he along with his father Ranjit Singh, uncles Hazura Singh and Gurlal Singh and cousin Gagandeep Singh and one relative Gurmail Singh son of Gurdev Singh r/o Chak Dur Singh Wala and Gurdas Singh son of Mala Singh r/o Jamitewala District Ganga Nagar went to their fields for mending their water channel (khal de nakke) as their turn for irrigation was on the next day. On reaching their fields, they saw that 15-20 persons were fixing tents including Jagsir Singh son of Ajaib Singh, Balbir Singh son of Bhan Singh, Jaswinder Singh @ Chhinda, Gurdial Singh son of Bhan Singh, Kala Singh @ Surjit Singh son of Prem Singh, Meena Singh @ Manjit Singh son of Mukhtiar Singh, Sukhwant Singh @ Tati son of Ajaib Singh, all residents of Usman Khera. Dara Singh and his brother Mohinder Singh sons of Vijay Singh of village Siangwali, District Ganga Nagar, Balbir Singh son of Bhan Singh, Manjit Singh @ Meena son of Mukhtiar Singh who used to visit their village and he knew them were also there. Lekh Ram siri (agricultural help) and Happy residents of Lalgarth and 6/7 other unknown persons whom he could identify were also there. His father Ranjit Singh called out to Dara Singh as to why they were installing a tent there. Dara Singh replied that they had purchased the land and were to take possession of the same. Dara Singh challenged that if the complainant party wanted to save themselves, then they should run away. Hazura Singh uncle of complainant replied that they had been cultivating the land for last 40 years and were in possession of the same. They had filed a suit and a stay order had been granted in their favour. On hearing this, Dara Singh exhorted that they should be caught and not allowed to go alive.

Meanwhile, all the accused encircled the complainant party. Jagsir Singh son of

Ajaib Singh who was armed with gandasa inflicted two gandasi blows on the head of Hazura Singh, uncle of the complainant, Balbir Singh (who has since died) also inflicted two gandasi blows on the head of Hazura Singh. Hazura Singh fell down. When he was lying on ground, Surjit Singh son of Kala caused injuries with handle of spade. One unknown person who was armed with dang also started beating and causing injuries to Hazura Singh. Ranjit Singh, father of complainant, went forward to rescue Hazura Singh on which Gurdial Singh who was armed with gandasa inflicted gandasi blow on the forehead of his father. Dara Singh inflicted a gandasi blow on the head of his father. Manjit Singh @ Meena inflicted a gandasi blow on his left arm. Sukhwant Singh @ Tati inflicted three-four blows on the back and abdomen of his father with the handle of spade. Two unknown persons who were armed with handles of spade inflicted many blows on Ranjit Singh hitting on his legs, arms and thighs. Then Gurlal Singh uncle of complainant went forward to rescue Ranjit Singh and Hazura Singh. Jaswinder Singh @ Chhinda, who was armed with handle of spade, Mohinder Singh @ M.P who was armed with dang, Lekh Ram siri of Dara Singh and Happy r/o Lalgarrh who were both armed with kirch and Dara Singh who was armed with gandasi inflicted injuries to Gurlal Singh with their respective weapons. On receiving the injuries he fell down. The complainant, Gagandeep Singh and other relatives accompanying them raised alarm. Thereafter, all the accused fled away from the spot in two gypsies of white color. They left behind some of their weapons and one motorcycle Hero Honda of black and red color. Ranjit Singh and Hazura Singh had died at the spot. Gurlal Singh was badly injured and was struggling for life.

After arranging a vehicle, Gagandeep Singh took him to Civil Hospital, Abohar

But on reaching the hospital, Gurlal Singh died. That night due to fear the

complainant did not go to the village. Next morning, he was going to police station and on the way he met Inspector Satpal SHO where he got his statement (Ex.P.1) recorded on the basis of which FIR (Ex. P- 26) was recorded.

8. The motive behind the incident alleged by the complainant was that Dara Singh had tried to take possession of the land after getting a sale deed registered in his favour from Bhagwan Kaur and Rupinder Kaur residents of Bhalla, District Bathinda who were relatives of the complainant.

9. After recording the statement of the complainant, Inspector Satpal Singh PW8 along with other police officials reached the place of occurrence where dead bodies of Hazura Singh and Ranjit Singh were lying. He prepared inquest reports (Ex.P27 and P28). Inquest report of dead body of Gurlal Singh was also prepared. Post mortem examination was got conducted from Civil Hospital, Abohar. Bloodstained earth was lifted from the spot. Blood stained sticks, sota, handles of spade etc. (eight in number) were taken in possession. Two empty cartridges of .12 bore were also lifted from the spot. One-tent along with bamboo sticks, one iron bucket in broken condition, one plastic cup, one spade with broken handle, two bamboos in broken condition , one tarpulin were taken in possession from the spot. One motorcycle Hero Honda bearing Registration No.RJ-13-SE-4813 along with photo copy of RC and insurance cover note were taken into possession vide recovery memo Ex.P 21.

10. On 19.7.2008, accused Dara Singh, Manjit Singh, Sukhwant Singh and Lekh Ram were arrested by Inspector Satpal Singh. Accused Dara Singh got recovered one gandasi. Accused Lekh Ram got recovered one kirch, Sukhwant Singh got recovered one handle of kirch and Manjit Singh got recovered one

gun. All these weapons were taken into possession. Gypsy bearing

registration HR-29-F-8677 was taken into possession vide memo Ex.P12. On 18.8.2008, accused Sandeep Singh, Gurdial Singh and Jaswinder Singh were arrested. On 20.8.2008, accused Nachhattar Singh, Jasbir Singh and Pawan Kumar were arrested. On 17.8.2008, accused Mohinder Partap Singh was arrested. On 26.7.2008, accused Jaskaran Singh @ Guddu and Rajinder Singh were arrested. On 31.7.2008, accused Balbir Singh (now dead) was arrested. Accused Sandeep Singh and Mohinder Partap Singh got recovered gandasi and dang respectively. On completion of investigation, challan was presented against the accused except Jasbir Singh @ Jagsir Singh, Surjit Singh @ Kala Singh and Rajinder Kumar @ Raju Jakhar who could not be arrested and were declared proclaimed offenders. On 18.11.2009, when the case was fixed for prosecution evidence, accused Rajinder Singh @ Raju Jakhar was arrested. Supplementary challan against him was presented. Fresh charges under Section 148/302/336/149 IPC and Section 27 of the Arms Act were framed against the accused including accused Rajinder Singh @ Raju Jakhar by the Learned Addl. Sessions Judge, Ferozepur vide order dated 18.11.2009. On 03.4.2010, accused Surjit Singh @ Kala was arrested and supplementary challan was presented against him. On 20.04.2010, fresh charges under Section 148/302/336/149 IPC and Section 27 of the Arms were framed against the accused including Surjit Singh @ Kala.

11. On 11.11.2010, supplementary challan was filed against accused Jasbir Singh @ Jagsir Singh. On 27.11.2010, fresh charge sheet was issued to all the accused.

12. The prosecution examined number of witnesses in its support. The statements of the accused under Section 313 Cr.P.C. were recorded. They denied

the allegations levelled against them and pleaded false implication. However, they

did not lead any evidence in their defence.

13. The accused were convicted and sentenced as referred to above. Hence, these appeals.

14. We have heard learned counsel for the parties and have gone through the judgment and record.

15. PW1 Dr. Parshotam Ram, Retired Medical Officer, Civil Hospital, Abohar deposed that on 18.07.2008 he was posted as E.M.O, C. H. Abohar. He conducted the postmortem examination on the dead body of Gurlal Singh & Hazura Singh. He proved his affidavit Ex.PW3/A (Part A and Ex. PW3/A Part B), post mortem reports Ex.P.22 and Ex.P.23 (with pictorial diagram Ex.P.22/A and Ex.P23/A respectively)

16. As per the affidavit he found the following injuries on the person of Gurlal Singh:

- “1. Lacerated wound 2cm x 5cm on the front of left foot in middle.*
- 2. Lacerated wound 2cm x 5cm on the right leg in middle.*
- 3. Lacerated wound V shape wings 3cm x 3cm on the left side of fore head on dissection under lying tissue congested and under lying bones fractured.*
- 4. Lacerated wound 2cm x 5cm on the left side forehead above injury no.3.*
- 5. Lacerated wound 4cm x 1cm on the left side forehead on the hair line level of fore head.*
- 6. Bluish contusion in the area of 15cm x 20cm on the antero-lateral aspect of right arm and shoulder.*
- 7. Contusion 10cm x 6cm on the left shoulder.*
- 8. Lacerated wound 1cm x 1cm on the left forearm postero-medical aspect in middle.*
- 9. Swelling 8cm x 8cm on the back of left hand on dissection*

under lying tissue congested and bones fractured.

Clotted blood present in skull cavity, maninges & brain lacerated.”

He opined that the cause of death in this case was shock coma and hemorrhage as a result of multiple injuries to the deceased which were sufficient to cause death in due course of nature and injuries were ante mortem in nature.

Probable time between injury and death was within hours between death and post mortem was 8 to 24 hours.

He found the following injuries on the person of Hazura Singh:

- “1. Incised wound 5 cm to 2cm on the right parietal region 10cm from right eye lying vertically.*
- 2. Incised wound 8cm x 1cm on the left fronto- parietal region lying vertically.*
- 3. Incised wound 5cm x 1cm on the parietal region lying transversal.*
- 4. Incised wound 4cm x 1cm on the left parietal region in the top head.*
- 5. Incised wound 4cm x 1cm on the top of head in right parietal region.*
- 6. Haematoma 20cmx10cm on the left fronto-parietal region on dissection under lying skull bones fractured corresponding these injuries tissue congested under lying brain mater in badly lacerated clotted blood present in brain cavity.*
- 7. Lacerated wound 1 cm x1 cm on the left fore arm in middle on dissection under lying tissue congested both bone fractured.*
- 8. Lacerated wound 1 cm x 1 cm on the upper part right leg.*
- 9. Lacerated wound 1 cm x 1 cm on the left leg upper part three in number.*
- 10. Multiple abrasion on the lateral aspect of left thigh upper part.*
- 11. Contusion 10cm x 5cm on the outer aspect of left arm.*
- 12. Abrasion 4cm x 15cm on the lower part of forearm outer aspect right side.*

13. *Contusion 5cm x 4cm on the dorsum of right wrist on dissection under lying tissue congested fracture of under lying bones.*

14. *Bluish contusion 5cm x 5cm on the top of right shoulder.”*

In his opinion the cause of death in this case was shock coma and hemorrhage as a result of multiple injuries to the deceased which were sufficient to cause death in due course of nature. All injuries were ante mortem in nature.

Probable time between injury and death immediate between death post mortem 8 to 24 hours.

17. In cross examination, he stated that the dead bodies of Gurlal Singh and Hazura Singh were received on 17.7.2008 at 11.00 p.m. As per police papers, death of both had occurred at 9.00 p.m on 17.9.2008. A few injuries on the person of Gurlal Singh could have been caused with brick bats. As there was semi-digested food in the stomach of Gurlal Singh, he might have taken food half an hour before the occurrence. All the injuries on the person of Gurlal Singh were caused by blunt weapon. There was no penetrating wound or incised wound on his dead body. The duration between the injuries and death could be one hour to six hours. Injury No.3 on the person of Gurlal Singh could have been fatal. The other injuries were collectively sufficient to cause death of Gurlal Singh. Except injury No.3, no other injury could individually have caused his death. Except injury No.3, other injuries were simple in nature. On the person of Hazura Singh, injury No.6 could have individually caused his death. Except this injury, no other injury on the person of Hazura Singh individually could have caused his death. The duration between injury and death was immediate i.e within few minutes. He stated that a spade can cause lacerated wound when hit by the reverse side. The police had not asked for his opinion as to which injury was caused by which

weapon.

18. PW2 Dr. R.K.Arora, Chief Medical Officer, Jandwala Bhime Shah deposed that on 18.07.2008 he was posted as SMO Civil Hospital, Abohar. On that day he conducted the post mortem on the dead body of Ranjit Singh son of Bhag Singh. He proved his affidavit Ex.PW4/A, the post mortem report Ex.P.26 and pictorial diagram Ex.P.26/A and his endorsement on the inquest report and other police paper alongwith police requests E.P.26/B.

19. As per the affidavit multiple injuries were present on the body . Injury No. 1 was a lacerated wound 10cm x 3 cm on the left parietal bone of the skull. Clotted blood was present. Injury No. 2 was a lacerated wound 6cm x 2 cm on the left frontal region of the skull. Injury No. 3 was a lacerated wound 3cm x 2 cm on the frontal region of the skull on the right side. On dissection under the injuries, underlying bones were fractured. Brain matter was lacerated. Clotted blood was present in the cranial cavity. Injury No. 4 was a lacerated wound 3cm x 2cm on the right leg. Underlying bone was fractured. Clotted blood was present. Injury No.4 was a contusion 10cm x 5 cm on the right arm on the inner aspect. Injury No.5 was a contusion 6cm x 4cm on the right thigh in the middle. Injury No.6 was a contusion 18 cm x 3 cm on the right thigh outer aspect. Injury No. 7 was a lacerated wound 6 cm x 2 cm on the right forearm. Injury No. 8 was a lacerated wound 2 cm x ½ cm on the left forearm. Injury No. 9 was multiple contusion of various sizes and shapes were present on the back of the thoracic and abdominal regions. All the injuries were ante-mortem in nature. Cause of death in this case was shock and haemorrhage as a result of multiple injuries on the body which were sufficient to cause death in the ordinary course of nature. Time that

elapsed between injury and death was instantaneous and death & post mortem was

18 to 20 hours.

20. PW3 Gursahib Singh, the complainant deposed that on 18.7.2008, the turn of canal water of their land was fixed. On 17.7.2008, he along with his father Ranjit Singh, Hazura Singh, elder brother of his father, Gurlal Singh younger brother of his father, Gagandeep Singh his cousin and their relatives Gurmel Singh r/o village Boor Singh, Gurdas Singh r/o Jamitewala who had come to meet them went to their fields near Bus Stand, Village Usman Khera. On reaching the fields, they found that 15-20 persons were putting up their tents there. His father Ranjit Singh asked Dara Singh as to why they were fixing their tents there. Dara Singh replied that they had purchased the land were to take possession of the same. Hazur Singh uncle of complainant, stated that they had been cultivating the land for last 40 years and were in possession of the same. They had filed a case in the Court in which there was a stay order in their favour. On hearing this, Dara Singh exhorted that complainant party be caught and should not be spared alive. Then all the accused persons encircled the complainant party. Accused Jagsir Singh @ Sira who was armed with gandasi inflicted two blows on the head of Hazur Singh, Balbir Singh@ Midda who was also armed with gandasi gave two blows on the head of Hazur Singh. Hazur Singh fell down. Then accused Surjit Singh @ Kala Singh started hitting Hazura Singh with the handle of spade. Nachhatar Singh and Jaskaran Singh who were armed with dangs also started beating Hazur Singh. Ranjit Singh, father of the complainant, stepped forward to save Hazur Singh. Then Gurdial Singh @ Puppi who was armed with gandasi gave one blow on the forehead of Ranjit Singh. Accused Dara Singh gave gandasi blow on the head of Ranjit Singh. Manjit Singh @ Meena gave a gandasi blow on the left arm of Ranjit Singh. Sukhwant Singh @ Tati gave 3-4 blows with the handle of spade

hitting Ranjit Singh on the abdomen, back side and legs. Sandeep Kumar and Pawan Kumar who were armed with handle of spade gave 3 to 4 blows on the legs and thighs of Ranjit Singh. Then Gurlal Singh stepped forward to rescue Hazur Singh and Ranjit Singh. Accused Jaswinder Singh @ Chhinda who was armed with handle of spade, Mohinder Pal Singh @ M.P who was armed with dang, Lekh Raj armed with kirch, Harwinder @ Happy who was armed with kirch, Dara Singh armed with gandasi started beating Gurlal Singh. Gurlal Singh received multiple injuries. Then the complainant, his cousin Gagandeep Singh, Gurdas Singh and Gurmel Singh raised raula. Accused fled away from the spot on two gypsies of white color. While going away they fired some shots in the air. They left behind one Hero Honda motorcycle and some weapons. Ranjit Singh, father of the complainant and Hazur Singh, his uncle died on the spot. Gurlal Singh was taken to Civil Hospital by Gagandeep Singh by arranging a vehicle. He died on the way. Due to fear, the complainant and others did not go to the village that night. The motive behind the occurrence was that accused had got registered a sale deed of some land from Bhagwan Kaur and Rupinder Kaur relatives of the complainant and wanted to take possession of that land. Regarding this, a fight had taken place earlier as well between the complainant party and Balbir Singh. Regarding that one FIR had been got registered by Balbir Singh against the complainant party. The complainant had also filed a private complaint regarding the said occurrence. He also deposed regarding disclosure statement (Ex.P2) suffered by accused Dara Singh on 19.7.2008 pursuant where to a gandasi was recovered; regarding disclosure statement (Ex.P5) made by Lekh Raj son of Narain Singh pursuant where to one kirch was recovered, the disclosure statement

disclosure statement of Manjit Singh @ Meena (Ex.P10) pursuant where to a .12 bore single barrel gun was recovered; the recovery of gypsy No.HR-29F/8677 from the possession of accused Manjit @ Meena. He identified the accused Balbir Singh @ Midda, Nachhatar Singh, Sukhwant Singh @ Tati, Jaskaran Singh, Surjit Singh @ Kala, Manjit Singh @ Meena, Gurdial Singh @ Papi, Lekh Ram, Mohinder Pal Singh @ M.P. (who however disclosed his name as Surinder Pal Singh), Dara Singh, Jaswinder Singh @ Chhinda. He stated that the other four accused present in Court were known to him by face and as such he could identify them but he did not know their names. He deposed that all of them had murdered his father and uncles.

21. In cross examination, he stated that he did not know the date when the sale deed was executed by Bhagwan Kaur. He stated that Rupinder Kaur was impersonated by daughter of Bhagwan Kaur. This fact had been stated by him in his statement recorded by the police. However this fact was not mentioned in the said statement. The registered sale deed was for 12 kanal 19 marla of land. He admitted that witnesses of said registered sale deed are also accused in this case. He stated that till the incident had taken place he had no knowledge of the fact that the registered sale deed was executed. However, it was known to his father. The complainant party had gone to the place of occurrence with regard to irrigating 12 kanal 19 marlas of land, water to which was being supplied through canal. There was no electric motor installed in the land nor was there any engine installed for pumping out water. Their turn for water was on the next day in the evening. They had not gone there with spades but were empty handed. The village is at distance of one and half kms away from the place of occurrence. He stated that they had

reached the spot at about 7.10 p.m. About four to five minutes thereafter, the

occurrence took place. The police reached the spot at about 9.00 AM next day. The police had met him at about 8.15 AM and his statement had been recorded at bus stand Khuyian Sarvar. He was accompanied by PW Gurmail Singh his uncle (father's sister's husband -Fufar) whose statement was also recorded. Gurlal Singh was taken to Civil Hospital in Mohindra & Mohindra vehicle. He however did not know its registration number. Gagandeep Singh who had taken Gurlal Singh to the Civil Hospital met him the next day at about 8.45/9.00AM at Bus Stand Khuiyan Sarwar before he had got his statement recorded before the police. Gagandeep was present when his statement was recorded by the police. The village of accused Dara Singh is Sianganwali which is at a distance of 30 kms from the complainant's village. He had no relations in that village. He had also never visited that village. He knew accused Nachhatar Singh, Jaskaran Singh, Rajwinder Singh, Sandeep Singh and Pawan Kumar by face as they had been visiting the village. He, however, did not know their names before the occurrence. Many persons usually come to their village from other villages and those who frequently visit are known to him. It was not dark at the place of occurrence when the incident took place, though it was otherwise a dark night. Test identification parade was got conducted on 18.7.2008. He admitted that in his first statement recorded by the police he had not mentioned that in regard to property involved in the occurrence there was earlier a fight between the complainant and Balbir Singh etc and that a criminal case had been registered against the complainant party and the complainant party had also filed a criminal complaint against Balbir Singh etc. He admitted that in criminal complaint registered by Balbir Singh, Gurlal Singh, Ranjit Singh, Hazur Singh and Gursahib Singh (the complainant) were the accused. That case under

etc. had been dismissed. Surjit Singh and Pawan Kumar accused in the present case are witnesses to the disputed sale deed. He admitted that in the year 1977 Baggar Singh was murdered. In the said case Balbir Singh and Ranjit Singh (father of the complainant) were acquitted. Kikar Singh and Hazur Singh (uncle of the complainant) were convicted for 20 years. He admitted that in his statement before the police Ex. P-1 he had got recorded that two unknown persons started causing injuries to Hazur Singh with dang and had not mentioned their names. He also admitted that in his statement he had not stated that Mohinder Pal Singh was armed with dang and caused injuries but had mentioned that MP had caused injuries with dang. The complainant party did not have land adjoining the disputed land. They however had another parcel of land which was at a distance of about 5-6 killas from the place of occurrence. He stated that the turn of water for the disputed land was 31 minutes and not 12 minutes. They were empty handed. Their spades were lying in the other fields situated at a distance of five killas from the place of occurrence. He admitted that an FIR had been registered against the complainant party on the statement of Balbir Singh son of Bhan Singh for causing injuries to him and his wife. Balbir Singh, Gurdial Singh and Jaswinder Singh accused have no relationship with Dara Singh and other purchasers of land. He admitted that all the male members of Balbir Singh i.e., he and his sons are accused in this case. He however denied that Balbir Singh, Gurdial Singh and Jaswinder Singh were named in the FIR because of previous enmity. He admitted that his statements were recorded by the police on 18.07.2008, 19.07.2008 and on 20.07.2008. He had not disclosed the name of Nacchatar Singh in any of those statements. It was for the first time on 16.02.2011 in Court that he disclosed that

Nachhatar Singh was a resident of Akkanwali, District Sri Ganganagar, Rajasthan which was at a distance of 30-35 kms from the place of occurrence. He admitted that no test identification parade was got conducted by the police qua Nachhatar Singh. He denied that Jagsir Singh is not called as Jasbir Singh. He was also known as Jagsir Singh, Jasbir Singh and Sira. His uncle Gamdoor Singh had challenged the sale deed and the case was pending before Addl. District Judge, Ferozepur. He admitted that the sale deed was not in favour of Nachhatar Singh, Jasbir Singh, Surjit Singh and Sukhwant Singh accused.

22. PW4 Gurmail Singh deposed that on 17.07.2008 he along with Gurdas Singh resident of Village Jamitwala had come to village Usman Khera to meet their relatives Hazoor Singh etc. He deposed about going to the fields at about 7.15 PM along with Gurdas Singh, Hazoor Singh, Ranjit Singh, Gurlal Singh, Gursahib Singh and Gagandeep Singh. He narrated the incident broadly on similar lines as PW 3 Gursahib Singh.

23. In cross examination he stated that the deceased were real brothers. They were the brothers of his wife. His village was at a distance of about 70 kms from Usman Khera. He admitted that in his statement Ex. D 1 recorded before the police he had not mentioned the names of accused Rajinder Kumar, Pawan and Sandeep. He had also not mentioned in his statement that these three persons were holding handles of spade. No identification parade of these persons was got conducted from him by the police.

24. PW5 Iqbal Singh Registration Clerk, office of Joint Sub Registrar Khuyian Sarvar brought the record regarding sale deed dated 09.7.2008 of land measuring 12 kanal 19 marla situated in revenue estate of village Usman Khera

Vijay Singh. He identified the signatures of the Joint Sub- Registrar, Khuyian Sarvar on the same. He proved the copy of sale deed (Ex.P22). In cross examination, he admitted that as per the record in the original sale deed it is mentioned that the possession of the land including turn of water and the trees had been given to the vendees immediately after registration and the vendees are in possession of the suit land.

25. PW6 Jit Singh Revenue Patwari deposed that on 06.10.2008 he visited the spot and prepared the site plan (Ex.P23). In cross examination, he admitted that he had seen the site plan prepared by the police at the time of preparation of the site plan by him.

26. PW7 Udhe Chand Reader, Naib Tehsildar Abohar deposed that as per record, RC bearing HR-29F/8677 gypsy was transferred in the name of Baljit Singh son of Sher Singh R/o Ganganagar on 02.08.2000. RC of gypsy No.HR-17/6199 was transferred in the name of Amrit Pal Singh son of Balwant Singh r/o Chak Kera 2RRB on 02.05.2007.

27. PW8 Inspector Satpal Singh deposed that on 18.7.2008 he was posted as SHO, Police Station Khuyian Sarvar. On that day, he along with ASI Paramjit Singh and other police station was present at bus stand Khuyian Sarvar. Gursahib Singh son of Ranjit Singh along with Gurmel Singh met him and got recorded a statement (Ex.P.1) at 8.15 AM. On the basis thereof he prepared police proceedings Ex.P25 and FIR (Ex.P.26) was registered by ASI Rajdeep Singh. Then he along with other police officials went to the place of occurrence. On reaching the spot, he found two bodies one of Hazur Singh and the second of Ranjit Singh lying there. He prepared inquest reports Ex.P.27 and P28 at the spot.

He took the said bodies to Civil Hospital after leaving some officials at the spot.

In the hospital, he prepared inquest report of deceased Gurlal Singh. Thereafter he got the post mortem of three dead bodies conducted. Then he went to the place of occurrence. He collected bloodstained earth from near the place where dead bodies were lying. It was sealed and taken into possession vide Ex.P13 and P14. Plain earth was lifted from near the place where dead bodies were lying which were taken into possession vide memo Ex.P.15 and P16. Eight bloodstained sticks, sotas, handles of spade etc were taken into possession from the spot vide memo Ex.P17. Two empty cartridges of .12 bore make RC Italy were taken into possession vide memo Ex.P18. One bloodstained turban of shardai color was taken into possession from the place where the dead body of Ranjit Singh was lying vide recovery memo Ex.P19. One tent, bamboo sticks having length of 9 feet 10 inches and one having length of eight feet eight inches, one broken iron bucket, one plastic cup, one camper in broken condition, one spade with broken handle, a handle of spade in broken condition, a handle of spade two feet eight inches long, one handle of spade broken in four pieces, two bamboos in broken condition, one tarpulin plastic were taken into possession vide memo Ex.P20. He prepared rough site plan with correct marginal note vide memo Ex.P33. The wearing apparel of the three deceased were handed over to him by Amarjit Singh and were taken into possession vide memo Ex.P34. One motorcycle Hero Honda RJ-13SC/4813 along with photo copy of RC and insurance cover were taken into possession vide memo Ex.P21. He further deposed regarding arrest of the accused and the recoveries made on their disclosure statements. He proved all the documents prepared by him and the recoveries effected by him.

28. In cross examination he admitted that in the statement Ex.P1 of Gursahb Singh the name of Nachhatar Singh was not mentioned. It was not

mentioned even in the statements dated 19.07.2008 and 20.07.2008 of Gursahib Singh. He also admitted that in the statement Ex.P1 and in the statement of Gurmail Singh he had not mentioned the description of the unidentified persons nor the PWs had disclosed the same. He had not got conducted the identification parade of the accused who were unknown. He admitted that Jagsir Singh, Surjit Singh, Sukhwant Singh and Nachhatar Singh had no interest in purchasing the land in dispute nor were they cited as witnessess in the respective sale deeds. He admitted that there was one Dhani at a distance of two killas from the place of occurrence. No person from that dhani was joined in the investigation. There was also one flour mill at a distance of one killa from the place of occurrence but no person from that flour mill was joined in investigation. He admitted that accused Sandeep Singh, Pawan Kumar and Rajinder Kumar were not named in the FIR. He admitted that he did not get the identification parade of these three accused conducted. He also admitted that the residential address of these accused is about 70 kms from the place of occurrence. The disputed land was not purchased by these accused. He admitted that the name of Rajinder Kumar @ Raju is not mentioned in the FIR and that he did not get identification parade of the said accused conducted. He admitted that no recovery of any weapon was effected from Gurdial Singh or Jaswinder Singh. He admitted that as per his investigation Gursahib Singh etc. were having enmity with Jaswinder Singh etc and criminal cases were pending against Gursahib Singh , Hazoor Singh etc. on the FIR lodged by Balbir Singh. He however denied that Jaswinder Singh and Balbir Singh(since deceased) were named by the complainant party due to old enmity.

29. PW9 HC Surinder Singh MHC Police Station tendered in evidence

his affidavit Ex.PW9/A wherein he deposed regarding deposit of the case property

with him.

30. PW10 ASI Manjit Singh deposed that after receiving MLR of Dara Singh who was lying admitted at Civil Hospital Abohar on 18.07.2008 he went to the Civil Hospital and recorded the statement of Dara Singh. He deposed that during his investigation he found that the injuries on the person of Dara Singh were self suffered and fabricated. Subsequently accused Dara Singh fled away from the hospital and could not be arrested as he (PW 10) had gone to the Doctor to discharge Dara Singh as keeping him in the hospital was not safe.

31. PW11 SI Paramjit Singh deposed regarding the arrest of accused Dara Singh, Manjit Singh, Sukhwant Singh, Lekh Ram, Rajinder Kumar, Sandeep Singh, Jasbir Singh and Surinder Singh etc. and the recoveries got effected on their disclosure statements.

32. PW12 Jagannath retired Clerk brought the Arms Licence Issue Register office of D. M. Ferozepur and proved the entry regarding issue of Arms Licence of .12 bore Gun to Manjit Singh son of Mukhtiar Singh resident of Usman Khera. He deposed that the original licence was in the custody of CBI. He proved the receipt Mark P1 issued to the licence holder.

33. PW13 Gurbachan Singh Reader Court of Addl. Civil Judge (Sr. Division) Abohar brought the original file pertaining to FIR 176 dated 25.08.2007 u/s 324, 323, 34 IPC filed by Ranjit Singh against Balbir Singh etc. He also brought the record pertaining to the civil suit titled as Hazoor Singh etc. Vs. Bhagwan Kaur. He proved the certified copy of the order dated 8.3.2008 passed by the Civil Judge (Jr. Division) Abohar Ex. P86. He also proved the certified copy of the chargesheet, challan and the complaint filed by Ranjit Singh against Balbir

2.8.2008 Ex. P 90.

34. PW14 Gobind Sachdeva Stamp Vender deposed that he had sold two stamp papers of Rs. 10/- each to Dara Singh and Manjit Singh and recorded endorsement on the back side of the stamp papers.

35. PW15 HC Kala Singh deposed regarding delivery of special reports to the officers.

36. PW16 HC Rachhpal Singh deposed regarding deposit of various articles in the Forensic Science Laboratory.

37. PW17 Photographer deposed that he clicked 24 photographs with digital camera at the place of occurrence. He also prepared CD at the spot. He proved the parcel of the CD as MO-1 and the CD Ex. 44/25. He also proved the photographs Ex. P44/1 to P44/25.

38. PW18 ASI Amarjit Singh deposed regarding handing over the belongings of the deceased to SI Satpal Singh after the post mortem examination of the deceased.

39. PW19 Dinesh Joshi of Branch Office Sri Ganganagar National Insurance Company brought the record pertaining to the insurance of Hero Honda Motor cycle which was in the name of Dara Singh son of Vijay Singh VPO Siangwali, Sri Ganganagar. He proved the insurance Note Ex.P39.

40. The case was registered on the statement Ex.P1 of PW1 Gursahib Singh recorded by PW 8 Inspector Sat Pal on 18.07.2008 at about 8.15 AM at Bus Stand Khuyian Sarwar. In his statement Gursahib Singh stated that on 18.7.2008, they had their turn for irrigation of their fields through canal. On 17.7.2008, at about 7.15 p.m, he along with his father Ranjit Singh, uncles Hazura Singh and

Gurdev Singh r/o Chak Dur Singh Wala and Gurdas Singh son of Mala Singh r/o Jamitewala District Ganga Nagar had gone to their fields for mending their water channel (khal de nakke). On reaching there they saw that 15-20 persons were fixing tents. He named Jagsir Singh son of Ajaib Singh, Balbir Singh son of Bhan Singh, Jaswinder Singh @ Chhinda, Gurdial Singh son of Bhan Singh, Kala Singh @ Surjit Singh son of Prem Singh, Meena Singh @ Manjit Singh son of Mukhtiar Singh, Meena Singh @ Manjit Singh son of Mukhtiar Singh, Sukhwant Singh @ Tati son of Ajaib Singh, all residents of Usman Khera. Dara Singh and his brother Mohinder Singh sons of Vijay Singh of village Siangwali, District Ganga Nagar, Balbir Singh son of Bhan Singh, Manjit Singh @ Meena son of Mukhtiar Singh were also there. He knew them as they used to visit his village. Lekh Ram Siri (agricultural help) and Happy residents of Lalgarrh and 6/7 other unknown persons whom he could identify were also there. His father Ranjit Singh called out to Dara Singh as to why they were installing a tent there. Dara Singh replied that they had purchased the land and were to take possession of the same. Dara Singh challenged that if the complainant party wanted to save themselves, then they should run away. Hazura Singh uncle of complainant replied that they had been cultivating the land for last 40 years and were in possession of the same. They had filed a suit and a stay order had been granted in their favour. On hearing this, Dara Singh exhorted that they should be caught and not allowed to go alive. All the accused encircled the complainant party. Jagsir Singh son of Ajaib Singh who was armed with gandasas inflicted two gandasas blows on the head of Hazura Singh, uncle of the complainant, Balbir Singh (who has since died) also inflicted two gandasas blows on the head of Hazura Singh. Hazura Singh fell down. When he

was lying on ground, Surjit Singh son of Kala caused injuries with handle of

spade. One unknown person who was armed with dang also started beating and causing injuries to Hazura Singh. When Ranjit Singh, father of complainant, went forward to rescue Hazura Singh, Gurdial Singh who was armed with gandasa inflicted gandasi blow on the forehead of his father. Dara Singh inflicted a gandasi blow on the head of his father. Manjit Singh @ Meena inflicted a gandasi blow on his left arm. Sukhwant Singh @ Tati inflicted three-four blows on the back and abdomen of his father with the handle of spade. Two unknown persons who were armed with handles of spade inflicted many blows on Ranjit Singh hitting on his legs, arms and thighs. Then Gurlal Singh uncle of complainant went forward to rescue Ranjit Singh and Hazura Singh. Jaswinder Singh @ Chhinda, who was armed with handle of spade, Mohinder Singh @ M.P who was armed with dang, Lekh Ram siri of Dara Singh and Happy r/o Lalgarrh who were both armed with kirch and Dara Singh who was armed with gandasi inflicted injuries to Gurlal Singh with their respective weapons. On receiving the injuries Gurlal Singh fell down. The complainant, Gagandeep Singh and other relatives accompanying them raised alarm. Thereafter, all the accused fled away from the spot in two gypsies of white color. They left behind some of their weapons and one motorcycle Hero Honda of black and red color. Ranjit Singh and Hazura Singh had died at the spot. Gurlal Singh was badly injured. He was taken to Civil Hospital, Abohar by Gagandeep Singh after arranging a vehicle. On reaching the hospital, Gurlal Singh died. That night due to fear the complainant did not go to the village. Next morning, he was going to police station and on the way he met Inspector Satpal SHO where he got his statement (Ex.P.1) recorded on the basis of which FIR (Ex.P-26) was recorded.

Singh had tried to take possession of the land after getting a sale deed registered in his favour from Bhagwan Kaur and Rupinder Kaur residents of Bhalla, District Bathinda who were relatives of the complainant .

42. While deposing in Court as PW1 he reiterated the same version giving details of the injuries caused to the deceased by the various accused. He deposed that accused Jagsir Singh @ Sira who was armed with gandasi inflicted two blows on the head of Hazur Singh, Balbir Singh@ Midda who was also armed with gandasi gave two blows on the head of Hazur Singh. Hazur Singh fell down. Then accused Surjit Singh @ Kala Singh started hitting Hazur Singh with the handle of spade. Nachhatar Singh and Jaskaran Singh who were armed with dangs also started beating Hazur Singh. Ranjit Singh, father of the complainant, stepped forward to save Hazur Singh. Then Gurdial Singh @ Puppi who was armed with gandasi gave one blow on the forehead of Ranjit Singh. Accused Dara Singh gave gandasi blow on the head of Ranjit Singh. Manjit Singh @ Meena gave a gandasi blow on the left arm of Ranjit Singh. Sukhwant Singh @ Tati gave 3-4 blows with the handle of spade hitting Ranjit Singh on the abdomen, back side and legs. Sandeep Kumar and Pawan Kumar who were armed with handle of spade gave 3 to 4 blows on the legs and thighs of Ranjit Singh. Then Gurlal Singh stepped forward to rescue Hazur Singh and Ranjit Singh. Accused Jaswinder Singh @ Chhinda who was armed with handle of spade, Mohinder Pal Singh @ M.P who was armed with dang, Lekh Raj armed with kirch, Harwinder @ Happy who was armed with kirch, Dara Singh armed with gandasi started beating Gurlal Singh. Gurlal Singh received multiple injuries. Then the complainant, his cousin Gagandeep Singh, Gurdas Singh and Gurmel Singh raised raula.

the PW3 the complainant party had been in possession of the land for the last about 40 years. Hazura Singh had filed a civil suit for permanent injunction against Bhagwan Kaur for restraining her from taking possession. An ad-interim injunction (Ex. P-86) was granted in his favour by the Ld. Addl. Civil Judge (Sr. Division) Abohar on 8.3.2008. Despite that order defendant Bhagwan Kuar sold the land to Dara Singh on 09.07.2008. PW5-Iqbal Singh Registration Clerk, office of Joint Sub Registrar Khuyian Sarvar proved the sale deed Ex. P22/ PW 5 of land measuring 12 kanal 19 marla situated in revenue estate of village Usman Khara executed by Bhagwan Kaur and Rupinder Kaur in favour of Dara Singh son of Vijay Singh. Pursuant to this sale deed the accused party had pitched in their tents and come in full strength to take forcible possession despite an interim injunction in favour of the complainant party and regardless of the force required to used even causing the death of the deceased. As rightly held by the Ld. Trial Court they formed an unlawful assembly and every member of the unlawful assembly was guilty of the offence committed or likely to be committed in prosecution of the object of the assembly.

44. It has been argued on behalf of the accused that the prosecution version appears doubtful. The turn of water of the complainant party was on 18.07.2008. There was no occasion for them to go the fields the previous evening accompanied by 3-4 relatives who had allegedly come to visit them just then. There is no weight in this submission. There was litigation going on regarding the land. Despite an interim order in favour of the complainant party, the defendant in the civil suit had sold the land to Dara Singh. In these circumstances it was natural for the complainant party to be apprehensive that the vendors may take forcible

possession and try to prevent the complainant party from irrigating the land. If

some close relatives had come to visit them the complainant party would desire that they accompany them to the fields in view of the aforesaid background.

45. The appellants have also argued that there is delay in lodging the FIR. The alleged incident took place on 17.07.2008 at about 7.15 PM. But the statement Ex.P1 of Gursahib Singh was recorded at about 8.15 PM on 18.07.2008. The alleged delay is adequately explained. The complainant party consisted of the seven persons. The complainant, his father Ranjit Singh, uncles Hazura Singh and Gurlal Singh, cousin Gagandeep Singh and two relatives Gurmail Singh and Gurdas Singh. The father and uncle of the complainant Gursahib Singh were brutally done to death in front of his eyes. The other uncle Gurlal Singh was badly injured and was rushed to hospital by his son Gagandeep Singh. Only the complainant, Gurmail Singh and Gurdas Singh remained behind. In his statement Ex. P1 he stated that due to fear they did not go back to the village at night. This conduct cannot be said to be unnatural.

46. Ld. Counsel for accused argued that the prosecution version is false and concocted. The prosecution witnesses were not present at the spot. They argued that as per the prosecution Lekh Ram was armed with Kirch. However no injury with kirch has been found on the body of Gurlal Singh whom Lekh Ram allegedly assaulted. Similarly accused Harwinder Singh @ Happy was also alleged to be armed with Kirch. However, no injury with kirch has been found on the body of Gurlal Singh to whom Harwinder Singh @ Happy allegedly caused injuries. There is no merit in these submissions. As per the PWs when Gurlal Singh stepped forward to save his brothers accused Jaswinder Singh @ Chhinda who was armed with handle of spade, Mohinder Pal Singh @ M.P who was armed

Withdang, Lekh Raj armed with kirch, Harwinder @ Happy who was armed with

kirch, Dara Singh armed with gandasi started beating Gurlal Singh. There was no allegation that the kirch was used from the sharp end. As per PW1 Dr. Parshotam Ram, Retired Medical Officer, Civil Hospital, Abohar there were nine injuries on the body of Gurlal Singh. He has also deposed that lacerated wounds are possible when a spade is used from the reverse side. Similar would be the case of a kirch.

47. The eyewitness account is supported by the medical evidence. As per the PW 3 and PW 4 the accused were armed with gandasas, handles of spades, kirch, dangs etc. and they caused injuries to the deceased with their respective weapons. They were fixing a tent in the fields. The post mortem reports of the deceased indicate that there were 14 injuries on the body of Hazura Singh, which included five incised wounds. There were 9 injuries on the bodies of Ranjit Singh and Gurlal Singh. It was also opined that these injuries were collectively sufficient to cause death in the ordinary course of nature.

48. Bloodstained earth was collected from near the place where dead bodies were lying. Plain earth was lifted from near the place where dead bodies were lying. Eight bloodstained sticks, sotas, handles of spade etc were taken into possession from the spot. Two empty cartridges of .12 bore make RC Italy were taken into possession. One bloodstained turban of shardai color was taken into possession from the place where the dead body of Ranjit Singh was lying. One tent, bamboo sticks having length of 9 feet 10 inches and one having length of eight feet eight inches, one broken iron bucket, one plastic cup, one camper in broken condition, one spade with broken handle, a handle of spade in broken condition, a handle of spade two feet eight inches long, one handle of spade broken in four pieces, two bamboos in broken condition, one tarpulin plastic were

turban, the sota, broken handle of spade, the gandas metal blade were found stained with human blood. These recoveries and the report of FSL also corroborate the version of the prosecution. The motorcycle recovered from the spot was in the name of Dara Singh.

49. PW3 has named the other accused- appellants in his statement Ex.P1 and also described the injuries inflicted by them. Other than minor discrepancies regarding parentage and the alias which have been duly clarified by him, their identity has been duly established. In the said statement he had stated that one unknown person who was armed with dang also started beating and causing injuries to Hazura Singh. While deposing as PW 3 he stated that Nachhatar Singh and Jaskaran Singh who were armed with dangs also started beating Hazura Singh.

50. Regarding injuries caused to his father Ranjit Singh, in his statement Ex.P1 Gursahib Singh had stated that two unknown persons who were armed with handles of spade inflicted many blows on Ranjit Singh hitting on his legs, arms and thighs. While deposing in Court as PW3 he named those two unknown persons as Sandeep Kumar and Pawan Kumar who were armed with handles of spade and gave 3 to 4 blows on the legs and thighs of Ranjit Singh.

51. PW8 Inspector Satpal Singh the Investigating Officer in cross examination admitted that in the statement Ex.P1 of Gursahib Singh the name of Nachhatar Singh was not mentioned. It was not mentioned even in the statements dated 19.07.2008 and 20.07.2008 of Gursahib Singh. He also admitted that in the statement Ex.P1 of the complainant and in the statement of Gurmail Singh he had not mentioned the description of the unidentified persons nor the PWs had

disclosed the same. He had not got conducted the identification parade of the

accused who were unknown. He admitted that accused Sandeep Singh, Pawan Kumar and Rajinder Kumar were not named in the FIR. He admitted that he did not get the identification parade of these three accused conducted. He also admitted that the residential address of these accused is about 70 kms from the place of occurrence. The disputed land was not purchased by these accused.

52. In view of the aforesaid, the presence of the accused appellants Nachhatar Singh, Sandeep Singh and Pawan Kumar has not been proved beyond doubt and they are acquitted giving them the benefit of doubt. Thus, the appeals (CRA-D-725-DB-2013, CRA-D-1037-DB-2013 and CRA-D-1058-DB-2013) of Nachhatar Singh, Pawan Kumar and Sandeep Singh are allowed. They are acquitted of the charges. The appeals (CRA-D-707-DB-2013, CRA-D-856-DB-2013, CRA-D-857-DB-2013, CRA-D-892-DB-2013 and CRA-D-924-DB-2013) of the remaining accused are dismissed. The appeal (CRA-D-1470-DB-2013) of the complainant for enhancement of compensation is also dismissed.

(RAJIV SHARMA)

JUDGE

(HARINDER SINGH SIDHU)

JUDGE

July 15, 2020

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No