

In the High Court of Punjab and Haryana, at Chandigarh

1. Criminal Appeal No. S-351-SB of 2002

Gurdip Singh
... Appellant(s)

Versus

State of Punjab
... Respondent(s)

2. Criminal Appeal No. S-526-SB of 2002

Baljinder Singh
... Appellant(s)

Versus

State of Punjab
... Respondent(s)

AND

3. Criminal Appeal No. S-1273-SB of 2002

Darshan Singh
... Appellant(s)

Versus

State of Punjab
... Respondent(s)

RESERVED ON: 06.11.2025
PRONOUNCED ON: 29.11.2025

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Nayandeep Rana, Advocate
for the appellant(s) (In CRA-S-351-SB-2002).

Mr. Premjit Singh Hundal, Senior Advocate
with Mr. Arshpreet Kaur and Mr. Gursahib Singh Hundal,
Advocates, for the appellant(s) (In CRA-S-526-SB-2002).

Mr. Sandeep Sharma, Advocate
Amicus Curiae for the appellant(s) (In CRA-S-1273-SB-2002).

Mr. Eklavya Darshi, Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. With the consent of the learned counsel for the parties, all the three appeals, i.e. CRA-S-351-SB-2002, CRA-S-526-SB-2002 and CRA-S-1273-SB-2002 shall stand disposed of by this common judgment.
2. A trial conducted by the Court of Sessions, i.e. the learned Additional Sessions Judge, Ludhiana, for the commission of offence punishable under Sections 307 and 397 of the Indian Penal Code, 1860, hereinafter being referred to as “IPC”, culminated into conviction of all the four accused and as a consequence thereof, by virtue of order of even date, the following sentences have been awarded to them:-

Sr.No .	Name of Accused	Punishable under Section	Sentence awarded
1.	Darshan Singh	307 IPC	To undergo rigorous imprisonment for five years and to pay a fine of ₹500/-. In default of payment of fine to further undergo rigorous imprisonment for one month.
		397 IPC	To undergo rigorous imprisonment for seven years and to pay a fine of ₹500/-. In default of payment of fine to further undergo rigorous imprisonment for one month.
2.	Jaswinder Singh	307 IPC	To undergo rigorous imprisonment for five years and to pay a fine of ₹500/-. In default of payment of fine to further undergo rigorous imprisonment for one month.
		397 IPC	To undergo rigorous imprisonment for seven years and to pay a fine of ₹500/-. In

Sr.No .	Name of Accused	Punishable under Section	Sentence awarded
			default of payment of fine to further undergo rigorous imprisonment for one month.
3.	Gurdip Singh	307/34 IPC	To undergo rigorous imprisonment for five years and to pay a fine of ₹500/-. In default of payment of fine to further undergo rigorous imprisonment for one month.
		397 IPC	To undergo rigorous imprisonment for seven years and to pay a fine of ₹500/-. In default of payment of fine to further undergo rigorous imprisonment for one month.
4.	Baljinder Singh	307/34 IPC	To undergo rigorous imprisonment for five years and to pay a fine of ₹500/-. In default of payment of fine to further undergo rigorous imprisonment for one month.
		397 IPC	To undergo rigorous imprisonment for seven years and to pay a fine of ₹500/-. In default of payment of fine to further undergo rigorous imprisonment for one month.

3. In nut-shell, the facts emerging from record are that on 10.10.1999 the FIR No. 231 dated 11.10.1999 was lodged in Police Station Focal Point, District Ludhiana, Punjab, for the commission of above mentioned offences. It was alleged therein that on 10.10.1999, ASI Dulla Singh, Incharge Police Post Tajpur was heading a police party deputed on a barricade/picket near Amrit Dharam Kanda, Tajpur Road. The above mentioned police party was comprising of ASI Dulla Singh, HC Ranjit Singh, C. Baldev Singh and PHG Inderjit Singh. According to prosecution, at about 10:00 P.M. four persons riding on two scooters approached the

above mentioned picket and when a signal was given to them to stop their vehicles, instead of stopping their vehicles, they speeded up their vehicles and tried to run away towards Jamalpur side.

4. It has been further alleged by the prosecution that in view of above mentioned suspicious conduct all the above mentioned four police officials chased them on two different scooters, carrying two police officials each, but the scooter driven by ASI Dulla Singh lost track of the scooterists, whereas C.Baldev Singh, who was on another scooter with PHG Inderjit Singh, continued to follow the scooterists.

5. It is the case of prosecution that in Moti Nagar Market the scooterists stopped their vehicles and exhorted to kill them and snatch the weapon and thereafter launched an attack upon them, wherein one clean-shaven person driving a scoote, and the Sikh gentleman on his pillion, hit the scooter of above named police official due to which they fell down and thereafter they picked up two daggers in their hands and inflicted injuries on the person of C.Baldev Singh. According to persecution, the carbine of C.Baldev Singh was also snatched by the above mentioned assailants and when PHG Inderjit singh screamed for help all the four persons fled from the spot. As per prosecution, thereafter, C.Baldev Singh was admitted in Mohan Dai Oswal Hospital, and from there shifted to C.M.C. Hospital, Ludhiana for treatment.

6. It has been alleged by the prosecution that with regard to above mentioned incident, the statement of C.Baldev Singh was recorded and the FIR pertaining to present case was lodged and the investigation was conducted. As per prosecution, during the course of investigation, usual

formalities of investigation, such as spot inspection, collection of medicolegal report, recording of statements of witnesses, preparing of site plan etc. were undertaken and thereafter, the final report was submitted in the court of learned Area Judicial Magistrate who committed the same to the Court of Sessions.

7. In order to prove the above mentioned incident, the prosecution examined the following witnesses:-

Witness Number	Name of the Witness
PW-1	Constable Baldev Singh
PW-2	Constable Gianjit
PW-3	SI Balwinder Singh
PW-4	ASI Dulla Singh
PW-5	C-I Rajinder Singh
PW-6	PHG Inderjit Singh
PW-7	Rajinder Kaur, Sister Incharge, Casualty Ward, Oswal Cancer Hospital, Ludhiana.
PW-8	Dr. Vikash Kapoor
PW-9	Constable Ravinder Singh
PW-10	Harwinder Singh, Draftsman
PW-11	Inspector Paramjit Singh
PW-12	Constable Nazer Singh
PW-13	HC Kuldip Singh
PW-14	HC Tarsem Singh

8. Heard.

9. It has been contended by learned counsel for the appellants that the appellants are innocent having no nexus, whatsoever, with the commission of crime, and that they have been falsely implicated in the present case. According to learned counsel for the appellants, the first and foremost defect in the entire prosecution case which erodes the very foundation of prosecution’s claim is the absence of evidence with regard to

identity of the persons, who, had allegedly attacked the police officials.

According to learned counsel for the appellants, the entire FIR is silent about the names and identity of the persons who were responsible for the attack. With regard to above, it has been specifically pointed out by learned counsel for the appellants that the mere allegation that one of the persons was clean-shaven and another one was Sikh gentleman does not meet the requirement meant for proving the identity of the assailants.

10. It has also been argued by learned counsel for the appellants that in the present case, the allegations levelled by the prosecution are, too, vague and inconclusive that even the description of the vehicles being used by the assailants, i.e. colour, registration number and make, have not been mentioned in the FIR.

11. According to learned counsel for the appellants, one of the glaring defect in the prosecution story, which shatters its very credibility, is the fact that as per claim of the prosecution the incident had taken place in a market which must be a crowded place, but no independent witness had been joined in the investigation. As per learned counsel for the appellant, even the test identification parade had not been conducted and the prosecution story fails to inspire confidence with regard to the manner in which the identity of the assailants was established and they were arrested after identification. The learned counsel for the appellants have further contended that a false story has been cooked up by the prosecution just to pin-down the appellants.

12. In addition to above, the learned counsel for the appellants have also contended that the learned trial court has ignored all the above mentioned relevant factors and adopted a wrong approach with regard to

appreciation of evidence adduced by the prosecution. As per learned

counsel for the appellants, merely on the basis of presumptions and assumptions this conclusion has been drawn by the learned trial court that the evidence adduced by the prosecution was sufficient and good enough to prove charges against the appellants. With regard to above, the learned counsel for the appellants have pointed out that the well established golden principle enshrined in Indian jurisprudence, i.e. that the prosecution has to prove its case beyond the shadow of all reasonable doubt has been ignored by the learned trial Court and that merely on the basis of conjectures and surmises, the story set out by the prosecution has been believed which has resulted into conviction of the appellants.

13. The learned counsel for the appellant-Baljinder Singh has also pointed out that in the present case, the allegations with regard to use of deadly weapons are qua appellants, namely Darshan Singh only and therefore, the appellants, namely Gurdip Singh and Baljinder Singh could not have been held guilty for the commission of offence punishable under Section 397 IPC. In support of above mentioned arguments, the learned counsel for the appellant, namely Baljinder Singh has referred to the principles of law laid down by the the Hon'ble Supreme Court of India in the case of *Phool Kumar v. Delhi Administration AIR 1975 SC 905* wherein this principle has been propounded by the Hon'ble Supreme Court of India that if at the time of committing robbery deadly weapon is used by one offender, Section 397 IPC cannot be attracted for imposing minimum punishment on another offender, who did not use any deadly weapon.

14. The arguments addressed by the learned counsel for the appellants have been controverted by the learned State counsel. The learned

State counsel has contended that the instant case is a well proved case, wherein all the essential ingredients meant for the commission of offence punishable under Sections 307 & 397 IPC have been proved by the prosecution, and that the remarkable consistency available in the depositions of prosecution witnesses proves beyond the shadow of all reasonable doubts that with an intention to kill the police officials, firstly a dangerous attack was launched by the appellants with the help of sharp edged weapon resulting into dangerous to life injury, and secondly the weapon of police officials was snatched. With regard to above, the learned State counsel has argued that the act committed by the appellants in itself speaks in volume the gravity of offence committed by the appellants, and that on proper analysis of the fact and proper appreciation of evidence adduced by the prosecution, a right conclusion has been drawn by the learned trial Court.

15. The learned State counsel has further argued that in the present case in order to prove charges against the appellants, as many as 14 witnesses were examined by the prosecution and that each and every event, right from the moment when the appellants were spotted at the picket by a police party till the conclusion of investigation, were duly proved with the help of reliable evidence. According to learned State counsel, the oral testimonies of official witnesses are not only thoroughly consistent but also find support and corroboration from the medical and other supportive evidence. As per learned State counsel, there is no scope for indulgence or interference in the findings recorded by the learned trial Court with regard to conviction of the appellants. While claiming that there is no merit in the

three appeals.

16. The record has been perused carefully.

17. In the present case, in order to establish the charges framed against the appellants, the star witness examined by the prosecution was C. Baldev Singh. He was examined as PW-1. The PW-1, in his examination-in-chief, had reproduced the allegations contained in his statement recorded by the Investigating Officer, which served as a foundation for the FIR. The above mentioned statement was proved by PW-1 as Ex. PG. The PW-1 had specifically and categorically deposed that when he was following the scooterists, they went towards Moti Nagar and in the above mentioned chase ASI Dulla Singh, who was on a separate scooter, could not keep the track.

18. As per PW-1, while chasing the scooterists when they reached Moti Nagar main market, the scooterists exhorted that the police officials were alone and they should be killed. The PW-1, had reproduced the allegations contained in the FIR that thereafter his scooter was hit by the assailants by their own scooter and when he fell down he was assaulted and injuries were inflicted on his person with the help of daggers. The PW-1 had also supported the prosecution case qua the fact that his weapon, i.e. carbine was forcibly taken away by the above mentioned assailants, and that on the call for help of his colleague the above said scooterists fled from the spot.

19. In order to provide support and corroboration to the testimony of PW-1, PHG Inderjit Singh, who was accompanying the PW-1 at the time of incident had been examined as PW-6. The PW-6, had duly supported the prosecution case with regard to the fact that the above mentioned incident

categorically deposed that when he along with C. Baldev Singh was chasing four persons riding on two scooters, he (PW-6) and C. Baldev Singh were assaulted by the scooterists, who inflicted injuries on the person of C. Baldev Singh with the help of knife, snatched his carbine and fled from the spot.

20. The PW-6 by reproducing the same set of allegations has provided due support and corroboration to the deposition of PW-1. The most significant fact with regard to the testimony of PW-6 was that he, like PW-1, had successfully faced the test of cross-examination. Despite sustained and probing cross-examination, there was no fisher in the consistency of the testimony of PW-6, which could have impeached the credibility of testimony of PW-6.

21. To support the above eye-witness account, the prosecution has examined ASI Dulla Singh as PW-4. The PW-4 had provided a limited support to the prosecution case, i.e. with regard to the incident from the moment the scooterists were spotted by the police party at the picket till the event of chasing them. However, his testimony was not of much help with regard to the manner in which the injuries on the person of PW-1 were inflicted and also qua the identity of particular assailant who caused injury on the person of C. Baldev Singh.

22. According to PW-4, being Incharge of Police Post Tajpur, Police Station Focal Point, Ludhiana, he was heading a team comprising of HC Ranjit Singh, C. Baldev Singh and PHG Inderjit Singh at police picket near Amrit Dharam Kanda. According to PW-4 at about 02:00 P.M. they had

spotted two scooters approaching the barricade, and that on each scooter

there were two persons. The PW-4 during the course of his deposition had identified the driver of one scooter as Darshan Singh, however, he could not disclose the name of driver of another scooter. The PW-4 had identified the remaining two accused, i.e. Gurdip Singh and Darshan Singh at the time of his deposition.

23. It was further stated by PW-4 that when the signal was given to the scooterists to stop for checking they tried to run away towards Jamalpur side and therefore, the above mentioned police party chases them on two scooters. As per PW-4, one scooter was being driven by him and HC Ranjit Singh was pillion rider thereupon, whereas another scooter was being driven by C. Baldev Singh and PHG Inderjit Singh was the pillion rider on the same. It was also stated by the PW-4 that when they were chasing the scooterists he lost track, and that on the way at T-point, ASI Balwinder Singh, Incharge Police Post Vardhman along with one Head Constable met him. According to PW-4 he narrated the entire incident to ASI Balwinder Singh and therefore, ASI Balwinder Singh rushed towards Moti Nagar and PW-4 towards Jamalpur. According to PW-4 later on he came to know that the scooterists spotted by them at the picket had injured C. Baldev Singh and stolen his carbine.

24. As far as the above mentioned testimonies of three prosecution witnesses, i.e. PW-1, PW-6 and PW-4 are concerned a careful analysis of the same shows that the above mentioned testimonies were remarkably consistent with regard to the following facts:-

- i) that a team headed by PW-4 was performing duty on a
barricade near Amrit Dharam Kanda;

- ii) that the above mentioned team comprised of ASI Dulla Singh, Incharge of the Police Post, HC. Ranjit singh, C. Baldev Singh and PHG Inderjit Singh;
- iii) that at the above mentioned picket at about 10:00 P.M. four persons riding on two scooters, approaching the barricade, were spotted;
- iv) that the signal was given to them to stop, but instead of stopping they tried to turn towards Jamalpur and therefore, they were chased by the police party;
- v) that the above said persons were identified by all the above named three witnesses in the Court.

25. In addition to above, it is also relevant to mention here that the testimonies of PW-1 and PW-6 were consistent qua the following facts:-

- I) that while chasing the above mentioned four scooterists, ASI Dulla Singh could not keep the track and strayed away in some other direction;
- II) that the PW-1, carrying the PW-6 as pillion rider, continued to follow the scooterists;
- III) that all the four scooterists and the above named two police officials had reached Moti Nagar Market;
- IV) that in Moti Nagar Market, the scooterists assaulted C. Baldev Singh, inflicted injuries with knives on his person, and then fled from the spot;
- V) that the carbine of C. Baldev Singh was also snatched by the above said scooterists.

26. Since the testimonies of above mentioned three prosecution witnesses were consistent with regard to above mentioned facts, and no major point of contradiction had surfaced in their testimonies, despite sustained cross-examination, it is hereby held that the above mentioned testimonies, despite being the testimonies of official witnesses not duly supported by independent witnesses, were good enough to inspire confidence. In this regard, the Hon'ble Supreme Court of India has repeatedly observed that simply because any independent witness has not been joined, the testimonies of official witnesses, which are otherwise consistent and reliable, should not be discarded. The relevant law, in this regard, has been laid down by the Hon'ble Supreme Court of India in various judicial pronouncements. In the case of *Kashmiri Lal v. State of Haryana (2013) 6 SCC 595*, the Hon'ble Supreme Court of India has laid down that "there is no absolute command of law that the police officers cannot be cited as witnesses and their testimony should always be treated with suspicion. It has been further observed that ordinarily, the public at large show their disinclination to come forward to become witnesses and that, if the testimony of the police officer is found reliable and trustworthy, the court can definitely act upon the same. As per Hon'ble Supreme Court of India if in the course of scrutinizing the evidence the court finds the evidence of the police officer as unreliable and untrustworthy, the court may disbelieve him but it should not do so, solely on the presumption that a witness from the department of police should be viewed with distrust. The Hon'ble Supreme Court of India has propounded this view on the basis of the principle of quality of the evidence weighs over the quantity of

evidence”.

27. Similar situation was dealt with by the Hon’ble Supreme Court of India in the case of *State Govt. of NCT of Delhi v. Sunil (2001) 1 SCC 652*, wherein the Hon’ble Supreme Court of India ruled that “if no witness was present or if no person had agreed to affix his signature on the document it is difficult to lay down, as a proposition of law, that the document so prepared by the police officer must be treated as tainted and the relevant evidence unreliable. The court has to consider the evidence of the investigating officer who has deposed to the fact of recovery based on the statement elicited from the accused on its own worth.”

28. According to Hon’ble Supreme Court of India when a police officer gives evidence in court that a certain article was recovered by him on the strength of the statement made by the accused, it is open to the court to believe the version to be correct if it is not otherwise shown to be unreliable, and that it is for the accused, through cross-examination of witnesses or through any other materials, to show that the evidence of the police officer could certainly take into account the fact that no other independent person was present at the time of recovery. As observed by the Hon’ble Supreme Court of India it is not a legally approvable procedure to presume the police action as unreliable to start with, nor to jettison such action merely for the reason that police did not collect signatures of independent persons in the documents made contemporaneous with such actions”.

29. The principles laid down in the above mentioned case have been followed by the Hon’ble Supreme Court of India in the case of *Munish*

30. In the case of *Raveen Kumar v. State of Himachal Pradesh (2021) 12 SCC 557*, the Hon'ble Supreme Court of India has held that "it would be gainsaid that lack of independent witness are not fatal to the prosecution case. As laid down by the Hon'ble Supreme Court of India such omissions cast an added duty on the Courts to adopt a greater degree of care while scrutinizing the testimonies of the police officers, which if found reliable can form the basis of a successful conviction.

31. In order to provide support and corroboration to the testimonies of above named three witnesses, the prosecution in the present case had examined SI Balwinder Singh as PW-3. The PW-3 had supported the prosecution case qua the fact that on 10.10.1999 when he along with PHG Kulbir Chand was on patrolling duty at Jamalpur T-point, ASI Dulla Singh had met him and told about the incident involving four persons riding on two scooters. According to PW-3 he and ASI Dulla Singh had approached Moti Nagar Market from two different directions and when they reached Moti Nagar Market, they saw a gathering and found that C. Baldev Singh was lying injured there. According to PW-3 he had shifted C.Baldev Singh to Mohan Dai Hospital, Ludhiana and at that point of time he was conscious. The PW-3 had successfully faced the test of cross-examination and therefore, his testimony provided thorough support to the version projected by PW-1, PW-4 and PW-6, respectively.

32. The testimonies of above mentioned four police officials was not the only evidence adduced by the prosecution, rather to corroborate the above mentioned evidence, the Medical Officer, who had medico-legally

the prosecution case qua the fact that on 11.10.1999 C.Baldev Singh was brought to the hospital, and that the injured was examined by Dr. Lavi Mark of C.M.C. Hospital, Ludhaina, who had prepared his medicolegal report. According to PW-8, Dr. Lavi Mark had left the hospital.

33. In his testimony, the PW-8 had deposed that two injuries were found on the person of C. Baldev Singh, and that in that regard, the entire report Ex.PE was prepared by the doctor. The PW-8 had also deposed that on 11.10.1999, on the application Ex.PF, he had given his opinion Ex.PF/1, qua the fact that the injured was fit to give statement. In his cross-examination, the PW-8 categorically deposed that first aid to the injured, namely C.Baldev Singh was given by him.

34. The Sister Incharge, Causality Ward, Oswal Cancer Hospital, Ludhiana, was examined by the prosecution as PW-7, who, on the basis of summoned record, had deposed that on 10.10.1999 at 10:30 .M. C. Baldev Singh was admitted in their hospital against CR No. 274223, and that on 02.11.1999 the blood stained shirt of C.Baldev Singh was handed over by her to ASI Nishan Singh who had prepared a memo in this regard which was signed by her. The PW-7 had proved the above said memo as Ex.PD.

35. If the above mentioned medical evidence would have been examined in the light of eye-witness account, it transpired that it was thoroughly consistent qua the fact that the injuries on the person of C. Baldev Singh were found in the intervening night of 10th/11th October, 1999. In addition to above, the nature of injury deposed by PW-8 was corresponding to the description of injuries given by the eye-witnesses, and

witnesses. Thus, the eye-witness account coupled with the medical evidence had culminated into a piece of evidence which was quite reliable.

36. Here it shall not be out of place to mention that other supportive evidence, too, was examined by the prosecution. Amongst them the most important was PW-11 Inspector Paramjit Singh. The PW-11 had deposed that on 11.10.1999, when he was working as SHO, Police Station Focal Point, Ludhiana, he had received a report in writing (ruqa) about the incident, and that he had visited the hospital and sought the opinion of doctor with regard to fitness of injured to give statement. As per PW-11 once the injured was declared fit for statement he had recorded his statement Ex.PG and recorded his endorsement on the above mentioned statement as Ex.PG/1. According to PW-11, he had sent the same to the police station where the FIR of this case Ex.PG/2 was lodged. It was also deposed by the PW-11 that remaining part of the investigation was performed by him. As per PW-11 he had also inspected the spot and prepared the rough site plan Ex.PH and lifted the blood stained earth from the spot.

37. The PW-11 had further deposed that on 14.10.1999 in a case pertaining to FIR No. 230 accused Jaswinder Singh and Darshan Singh were arrested by ASI Darshan Singh and that during the course of investigation, they had admitted that they were involved in the incident pertaining to present case. According to PW-11, thereafter, he had taken the accused into custody, interrogated them and completed usual formalities of the investigation.

38. Other supporting evidence, too, was adduced by the prosecution, which comprised of the testimony of PW-2 C. Gianjit Singh.

The PW-2 had simply proved that he had delivered the special report of the case on 11.10.1999, and on 14.12.999. As per PW-2 he had delivered the parcels pertaining to present case to the Chemical Examiner.

39. The PW-5, C.Rajinder Singh, had proved the Daily Diary Reports No. 16 and 18 both dated 10.10.1999, respectively, by producing the Daily Diary Register. The above said reports were proved as Ex.PC and Ex.PD, respectively.

40. The next formal witness examined by the prosecution was PW-9, C.Ravinder Singh. The PW-9 deposed that in his presence, the blood stained shirt of injured C.Baldev Singh was seized by ASI Nishan Singh in his presence. According to PW-9, the above mentioned shirt along with the name badge of C. Baldev Singh was handed over by PW-7 Mrs. Rajinder Kaur and in that context the seizure memo Ex.PD was prepared.

41. The PW-10 Harwinder Singh was the Draftsman who had deposed that he had visited the place of occurrence on 18.12.1999 and prepared the site plan Ex.PE.

42. The next formal witness PW-12 C. Nazer Singh, on the basis of 'Daily Diary Register' of Police Post Tajpur, had deposed about entry No. 16 dated 10.10.1999. According to PW-12, as per above mentioned report, on that day HC Ranjit Singh, C. Baldev Singh and PHG Inderjit Singh had left the police post at 05:00 P.M. for the picket near Amrit Dharam Kanda on Tajpur Road.

43. The next formal witness PW-13 HC Kuldip Singh had deposed that on 11.10.1999 being MHC of Police Station Focal Point, Ludhiana, he had received the parcel containing blood stained earth handed over by

Inspector Paramjit Singh. According to PW-13, on 17.10.1999, another parcel containing a dagger, one carbine and ten cartridges were also deposited in the store room of the police station and on 02.11.1999 ASI Nishan Singh had deposited the blood stained uniform of C. Baldev Singh. The PW-13 had established the link with regard to delivery of above mentioned parcels to the concerned quarters. As per PW-9, on 09.11.1999, through C. Gianjit Singh he sent the parcel deposited in the office of SSP Ludhiana, and on 16.11.1999 through the same constable another parcel to Chemical Examiner, Patiala.

44. The next formal witness HC Tarsem Singh (PW-14) had, on the basis of FIR, proved the FIR of this case as Ex.PM.

45. As far as the above mentioned evidence adduced by the prosecution was concerned, a careful scrutiny of the same was good enough to show that:-

- a) there was a consistent eye-witness account comprising of three police officials, i.e. PW-1 C. Baldev Singh, PW-4 ASI Dulla Singh and PW-6 PHG Inderjit Singh. All the above mentioned three witnesses in a very consistent terms had categorically reproduced the facts identical to the contents of FIR. All the three witnesses faced the test of cross-examination and despite comprehensive cross-examination no material point of contradiction or any fisher had surfaced in their testimonies. Thus, in view of the principles of law laid down by the Hon'ble Supreme Court of India in *Kashmiri Lal (supra)*, *Sunil (supra)*

and *Raveen Kumar (supra)*, the testimonies of above mentioned police officials deserve to be believed;

- b) secondly, in the present case, this argument of learned counsel for the appellants does not hold good that there was no independent witness, despite the fact that the incident had taken place in a market. Qua above mentioned aspect, this fact cannot be ignored that the incident had taken place in winter season, and that, too, after 10:00 P.M. In the above mentioned season, at that point of time, expecting the presence of private witnesses on the spot was foregone conclusion;
- c) thirdly, there is a consistent medical evidence duly supporting the prosecution case qua the fact that the injuries on the person of C. Baldev Singh were inflicted, and that those injuries were caused with sharp edged weapons;
- d) fourthly, the recovery of weapon of offence from the possession of the appellants supported the prosecution case qua the fact that the appellants were responsible for the incident;
- e) fifthly, the appellants were duly identified by two prosecution witnesses in the Court, i.e. PW-1 and PW-6, respectively. The above mentioned evidence with regard to identity of the appellants, as accused for the commission of above mentioned offence, was further

supported and corroborated from the fact that the carbine of the injured C.Baldev Singh was recovered from the possession of appellants;

- f) sixthly, in the cross-examination or defence version, nothing had surfaced to show that the police officials, who deposed against the accused, had any kind of motive or ill intentions to falsely implicate the accused in a false criminal case. Thus, the consistent testimonies of all the three eye-witnesses could not have been ignored.

46. Taking into consideration the cumulative effect of all the above mentioned factors, in the present case, it is hereby held that the prosecution had been successful to prove beyond the shadow of reasonable doubts that:-

- A) firstly, with an intention to kill C. Baldev Singh a deadly attack was launched upon him by the appellants;
- B) secondly, for the commission of above mentioned offence, a sharp edged weapon was used;
- C) thirdly, while committing the above mentioned act, all the above mentioned appellants were having common object and common intention to inflict injuries on the person of C. Baldev Singh, and also to snatch his carbine.

47. As a sequel to above mentioned observations, it is hereby held that the learned trial Court while holding the accused, namely Darshan Singh and Jaswinder Singh guilty for the commission of offence punishable under Sections 307 and 397 of IPC and other appellants, namely Gurdip

Section 307 read with Section 34 IPC and Section 397 IPC had not committed any error of judgment. As far as the principles laid down in the case of *Phool Kumar (supra)* referred to above by learned counsel for the appellants are concerned, the factual matrix of the present case being different in view of above mentioned discussion, it is hereby held that the appellants are not entitled of the benefit of principles laid down in the above mentioned case.

48. Taking into consideration the cumulative effect of all the above mentioned factors, it is hereby held that there is no scope for indulgence and interference in the judgment dated 07.02.2002 rendered by the learned trial Court, and that all the three appeals are devoid of merit and deserve dismissal. Hence, all the three appeals are hereby dismissed, accordingly.

**(Surya Partap Singh)
Judge**

**November 29, 2025
“DK”**

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