



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

I. CRA-S-1650-SB-2005

PARMINDER KUMAR ... APPELLANT

VS.

STATE OF PUNJAB ... RESPONDENT

II. CRR-2057-2005

HARI KRISHAN ... APPELLANT

VS.

STATE OF PUNJAB AND OTHERS ... RESPONDENTS

Reserved on:27.05.2025
Pronounced on: 29.05.2025

CORAM: HON’BLE MR. JUSTICE DEEPAK GUPTA

Argued by:- Mr. Liaqat Ali, Advocate,
for the appellant in CRA-S-1650-SB-2005.

Ms. Pratibha Bali, AAG, Punjab.

Mr. NPS Mann, Advocate,
for the complainant in CRA-S-1650-SB-2005 and
for the petitioner in CRR-2057-2005

DEEPAK GUPTA, J.

The above two cases i.e. CRA-S-1650-SB-2005 and CRR-2057-2005 have arisen out of the same judgment.

2. Four accused namely, Harjinder Singh, Parminder Kumar, Ranjit Singh and Sulakhan Singh faced trial in the Court of learned Additional Sessions Judge (Ad hoc), Jalandhar in a case arising out of FIR No.56 dated 10.05.2002 registered under Section 307/34/120B/114 IPC and Section 25 of the Arms Act, at Police Station Bilga.

3. Vide judgment dated 30.07.2005, accused, Harjinder Singh was held guilty and convicted under Section 307 IPC; whereas accused Parminder Singh was held guilty and convicted under Section 307 read with Section 34 IPC. However, two other accused namely, Ranjit Singh and Sulakhan Singh were acquitted. Vide a separate order of the even date, the convicts i.e. Harjinder Singh and Parminder Singh were convicted as under: -

Accused	Offence under Section	Period of imprisonment	Fine (in ₹)	Default sentence
Harjinder Singh	Section 307 IPC	Five years RI	2000/-	6 months RI
Parminder Singh	Section 307 read with Section 34 IPC	Five Years RI	2000/-	6 months RI

4. Against the aforesaid judgment, one of the convicts Parminder Singh filed Appeal bearing CRA-S-1650-SB-2005. On the other hand, complainant - injured of the case namely Hari Krishan filed revision bearing CRR-2057-2005 against the acquittal of accused Ranjit Singh and Sulakhan Singh.

5. As per the prosecution case, Hari Kishan son of Pritu Ram resident of village Gumtali was posted as Development Officer in Oriental Insurance Company at Phagwara. He used to go for morning walk daily at 6:15 AM. On 10.05.2002, he was on his usual morning walk. As he reached near Gurudwara Shaheedanwala in the area of Village Gumtali along with the railway line, about a distance of 1½ furlongs from the village, at about 6:45 AM, two unknown gentlemen riding a Kawasaki Bajaj motorcycle of red colour, without bearing any registration plate, were found standing near the railway line. As Hari Krishan crossed them, said persons started firing at him from the pistol. The bullet hit the complainant at his back. He ran towards Shaheedanwala Gurdwara. Assailants followed him and fired four more shots at him. Some of the bullets hit him on different parts of his body. Both the assailants fled away on their motorcycle presuming the complainant to be dead. The sound of bullets attracted Jaswinder Singh son of injured Hari

Krishan; besides *Baba* of Gurdwara Shaheedanwala, who reached the spot, picked the injured and got him admitted in the hospital. ASI Rur Singh of Police Station Bigla received information about the firing incident. Accompanied by other police officials, he reached village Gumtali and came to know that injured Hari Krishan was initially taken to Nurmahal hospital for treatment and then taken to DMC Hospital, Ludhiana. He went to DMC Hospital, Ludhiana and obtained opinion of the Doctor regarding fitness of the injured to make the statement. Injured Hari Krishan was declared fit. ASI Rur Singh then recorded the statement of Hari Singh, who narrated the incident to him. FIR was registered. Investigation was initiated.

6. During investigation, supplementary statement was made by Hari Krishan on 12.05.2002, in which he suspected the role of Sulakhan Singh, the Sarpanch, and Ranjit Singh of Village Gumtali in the incident due to enmity. On the same day i.e. 12.05.2002, Balbir Chand son of Jaswant Rai of the Village Gumtali made statement identifying the assailants as Harjinder Singh and Parminder Singh. He also disclosed that on the front number plate of the motorcycle used by the assailants, it was inscribed as "*it is my style*". All the accused were arrested. Necessary investigation was carried out and then final report under Section 173 CrPC was filed before the Magistrate, who made statutory compliances under Section 207 CrPC and committed the Court of Sessions.

7. All the four accused were charge-sheeted under Section 307 and 120B IPC, to which they pleaded not guilty and claimed trial.

8. Prosecution examined as many as 10 witnesses in support of its case. All the accused in their respective statements recorded under Section 313 CrPC pleaded false implication. In particular, accused Ranjit and Sulakhan claimed to be innocent having been implicated due to election rivalry. Accused examined three witnesses in defence and produced some documents. After hearing both the sides, learned trial Court held two of the accused Harjinder and Parminder to be guilty and convicted them, as already

stated; whereas two of the accused Ranjit and Sulakhan were found innocent and so, were acquitted.

9. Parminder Singh, who was convicted under Section 307 IPC read with Section 34 IPC, did not contest his conviction before this Court. Rather, learned counsel representing him made a specific statement before this Court that appellant does not want to contest his conviction. However, learned counsel made a prayer to sentence the appellant for the period already undergone by him considering his age at the time incident; and the fact that incident had taken place more than 23 years ago and further that he had not used the fire-arm so as to cause bullet injuries to the injured.

10. Neither learned State counsel nor counsel for the complainant has opposed the above said prayer.

11. However, learned counsel for the complainant i.e. petitioner of CRR-2057-2005 has contested the revision. It is contended by learned counsel that accused Ranjit and Sulakhan had been wrongly acquitted by the trial Court despite sufficient evidence against them; and that they should have been convicted u/s 307 IPC with the aid of Section 120B IPC.

12. This Court has considered submissions of both the sides and have appraised the record carefully.

13. As far as appellant-Parminder Singh is concerned, in view of the statement made by learned counsel for the said appellant, his appeal against conviction is hereby dismissed as withdrawn.

14. As far as the impugned order of sentence qua the appellant-Parminder Singh is concerned, he has been convicted under Section 307 IPC read with Section 34 IPC, as he was accompanying the main assailant-Harjinder Singh at the relevant time. The shots were fired by said Harjinder Singh, which had caused fire arm injuries to the complainant-Hari Krishan. Out of 5 years sentence, as imposed by the trial Court, the appellant has already undergone custody period of 3 years 5 months and 12 days, though

he is found to be involved in some other cases as well. The incident had taken place in May 2002 i.e. 23 years back. The sentence of the appellant was suspended way back in September 2005.

15. Having regard to the role played by the appellant in commission of crime, the fact that he has already undergone substantial period of sentence and that his sentence was suspended approximately 20 years back, this Court is of the opinion that no purpose shall be served by sending him behind the bars. As such, the impugned order of sentence passed by the trial Court is modified and the appellant is sentenced to imprisonment for the period already undergone by him.

16. **CRA-S-1650-SB-2005** is hereby disposed of accordingly.

18. As far as CRR-2057-2005 filed by the complainant-injured-Hari Krishan is concerned, said petitioner seeks setting aside the acquittal of two of the accused Ranjit Singh and Sulakhan Singh, who were found innocent by the trial Court.

19. Allegations against both the said accused (respondents No.2 and 3 in the revision) was to have conspired in committing the crime.

20. As rightly noticed by learned trial Court, there was no credit-worthy evidence against these two accused. PW1-Hari Krishan-injured (*petitioner herein*) had only suspected the involvement of these accused Ranjit Singh and Sulakhan Singh in the crime due to some old enmity/election rivalry. PW3-Balbir, who identified the main assailants-Harjinder Singh and Parminder Singh, while riding the motorcycle, only stated that the said assailants used to visit the house of Ranjit Singh and Sulakhan Singh. Although, it is proved on record that Balbir was a rival candidate in the Panchayat elections against wife of the complainant, but even if the statement of Balbir is considered to be true on its face value, this in itself does not prove the conspiracy on the part of Ranjit Singh and Sulakhan Singh

simply for the reason that Harjinder Singh and Parminder Singh used to visit them.

21. The other piece of evidence relied by the prosecution was the extra judicial confession, allegedly made by accused, before PW4-Rachpal Singh and PW5-Bhagwan Dass. It has been rightly observed by the trial Court that it does not appeal to the reason that extra judicial confession will be made by the said accused Ranjit Singh and Sulakhan Singh before strangers, particularly the persons, belonging to the opposite party, as was proved on record.

22. In the aforesaid facts and circumstances, this Court does not find any ground to interfere in the reasoning given by the trial Court in extending the benefit of doubt to the respondents-accused Ranjit Singh & Sulakhan Singh so as to acquit them.

23. As such, holding the revision [CRR-2057-2005] to be devoid of any merit, the same is hereby dismissed.

29.05.2025
Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>