

Jarnail Singh

Vs

State of Punjab

Criminal Appeal No. 443 of 1981

(P. N. Bhagwati, A. Varadarajan JJ)

15.04.1981

JUDGMENT

BHAGWATI, J. -

1. We are of the view that having regard to the circumstances in which the offence took place it is not possible to convict the appellant Jarnail Singh of the offence under Section 302 read with Section 34 of the Indian Penal Code since there was no pre-concert between Sarwan Singh and the appellant nor a meeting of minds between them before the offence took place. We, therefore, set aside the conviction of the appellant under Section 302 read with Section 34 Indian Penal Code, and since he merely gave a takwa blow on the ear and caused simple injuries, we alter his conviction to one under section 324 of the Indian Penal Code. We are told that the appellant has already been in jail for about two and a half years and we, therefore, reduce the sentence imposed upon him to that already undergone by him and direct that he may be set at liberty forthwith.

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