

Gian Singh

Vs

State of Punjab

Criminal Appeal No. 221 of 1984

(M. P. Thakkar, K. N. Singh JJ)

14.10.1986

JUDGMENT

The appellant has been found guilty of the murder of his uncle Hardit Singh. The conviction has been built on circumstantial evidence which the trial court as well as the High Court have considered sufficient to establish beyond reasonable doubt the guilt of the appellant. The evidence of PW 4 Des Raj who was working in his field at about 5 or 5.30 p. m. shows he had seen the deceased going on a cycle towards Burj Raike with a "jhola". He had witnessed appellant, Buta Singh and Avtar Singh having a quarrel with the deceased. The appellant had a kirpan with him at that time. The evidence of PW 5 Jagdev Singh shows that at about 7 p. m. when he was returning to his home from his fields he had seen appellant Gian Singh armed with a kirpan and holding a cycle in his hand. When PW 4 saw the appellant he had no cycle. When PW 5 saw him later on, he had a cycle. There is also evidence regarding the recovery made at the instance of the appellant. The cycle which has been proved to be the cycle belonging to the deceased was recovered in the wake of the disclosure statement made by the appellant. A kirpan, a shirt, a pajama and a small stick were also recovered at the instance of the appellant. The evidence of PW 4 and PW 5 which has been accepted by the trial court and the High Court establishes that the deceased was last seen with the appellant. He was seen with a cycle later on though he did not have one when PW 4 saw him. The evidence pertaining to the recovery of the cycle belonging to the deceased in view of his disclosure statement lends strength to the prosecution case. It has been further reinforced by the evidence showing that the appellant was absconding for 13 days. Both the courts have considered the circumstantial evidence and have recorded a finding of guilt against the appellant on being satisfied that the offence has been proved beyond reasonable doubt. We do not see any justification for interfering with the concurrent findings recorded by the trial court and the High Court. The appeal therefore fails and is dismissed.

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