

Sukhdev Singh and Others

Vs

State of Punjab

Criminal Appeal No. 390 of 1977

(A. P. Sen, V. B. Eradi JJ)

27.02.1987

ORDER

1. Special leave was granted to the appellant Sukhdev Singh and the petition for grant of special leave by the other co-accused Harnek Singh and Deepa alias Ranjit Singh against their conviction under Section 302 read with Section 34 of the Indian Penal Code, 1860 for having committed the murder of Dr. Harbans Singh in furtherance of their common intention has been dismissed.

2. In this appeal, the only question involved is whether the conviction of the appellant Sukhdev Singh under Section 302 read with Section 34 of the Indian Penal Code for the murder of Dr. Harbans Singh could be sustained. His conviction rests upon the direct testimony of the two eye-witnesses PW 2 Gian Singh and PW 3 Darshan Singh. Their evidence shows that on February 2, 1976 at about 6.30 p.m., the two co-accused Harnek Singh and Deepa entered the dispensary situate in a busy locality of village Shanewal and shot Dr. Harbans Singh with their pistols at close range. The appellant stood guard outside the dispensary and exhorted them to kill the deceased. The first information report was lodged at the nearby police station within minutes which directly implicates the appellant. The prosecution evidence discloses that there was long-standing dispute over property between the appellant and the deceased and thus he had strong motive to kill the deceased. The appellant was the real person behind the murder of Dr. Harbans Singh and the two co-accused apparently were hired assassins. The learned Sessions Judge as well as the High Court have given cogent and convincing reasons for acting upon the testimony of PW 2 Gian Singh and PW 3 Darshan Singh who were both natural witnesses and there is a ring of truth in their testimony. We agree with the reasoning and conclusion reached by the learned Sessions Judge and the High Court and there is no reason for us to come to a contrary conclusion.

3. The appeal is accordingly dismissed. The bail bond of the appellant stands cancelled and he shall be taken into custody forthwith to serve out the sentence.

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