

Jaskaran Singh

Vs

State of Punjab

Criminal Appeal No. 151 of 1982

(K. Jayachandra Reddy, G. N. Ray JJ)

23.09.1992

JUDGMENT

1. This is an appeal under Section 379. Cr. P.C. read with Section 2 of the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act. The sole appellant is convicted under Section 302, I.P.C. and sentenced to imprisonment for life for causing the death of Lakha Singh. The occurrence is said to have taken place on 22-7-1979 at about 6.45 p.m. in village Alamwala. The two eye-witnesses, PWs 6 & 7, the deceased and the accused belonged to the same village. PWs 6 and 7 were married to two real brothers and Kahan Singh is the husband of PW 7. It is alleged that the accused came from the side of the house of one Mst. Guddi who was leading an immoral character. There was an objection to his visits to her house. On the day of occurrence, PWs 6 and 7 were present outside their house in the street. The deceased after taking his bath went to the temple situated in the street and when he reached the temple he saw Jaskaran Singh, accused, coming from Guddi's house. The deceased objected to his visits as it left a most unhealthy effect on the young girls living in the neighbourhood. The accused took it otherwise and started quarrelling with the deceased. Hearing the quarrel PWs 6 and 7 came out in the street and they saw the accused shooting the deceased with the firearm. The deceased fell down. PWs 6 and 7 went near the spot. They were also threatened by the accused saying that they too would be dealt with likewise if they came near him. Soon after the occurrence, Jagrup Singh also came there and all of them went to the police station. PW 6 gave a report. The case was registered and the accused was arrested and the doctor who conducted the post-mortem found on the person of the deceased a lacerated wound with inverted margins on the right side of back. Blackening and tattooing were present. There was also a corresponding hole in the shirt. The post-mortem evidence conclusively established that the deceased died because of the fire-arm injuries which were sufficient in the ordinary course of nature to cause death.

2. The prosecution mainly relied on the evidence of PWs 6 and 7, the eye-witnesses. The accused pleaded not guilty and stated that he was implicated in the case falsely.

3. The trial Court rejected the evidence of PWs 6 and 7 on the basis of minor discrepancies. The learned trial Judge mainly relied on the sketch and observed that because of small bend in the street these two witnesses could not have witnessed the occurrence from the place where they were standing. The trial Judge commented on the delay in giving the FIR. He ultimately held that their evidence cannot be accepted and, accordingly, gave benefit of doubt to the accused.

4. The appellate Court held that PWs 6 and 7 are the natural witnesses and their houses are nearby

and they have categorically stated that they came out of their houses hearing the quarrel and clearly saw the accused firing at the deceased. In the cross-examination PW 6 has stated that she could not see whether the shot was fired by the accused while sitting over the back of the deceased or from some distance. She could not also see anything falling on the ground from the fire-arm of the accused on the same being reloaded. On the basis of this admission and also on the admission of PW 7 in the cross-examination, the learned counsel submitted that the trial Court has rightly rejected the evidence. We see no force in the submission. The evidence of PWs 6 and 7 is cogent and convincing. The defence suggestion that the entire thing has been fabricated by the police and that these two witnesses are put up as eye-witnesses is without any substance. This is a simple case where the occurrence had taken place in the village at about evening time. PWs 6 and 7 who lived in the vicinity figured as natural witnesses. There is no reason why the police put up only two ladies as eye-witnesses. We have gone through the cross-examination of these witnesses. We do not find any fault in the evidence.

5. There is no merit in the appeal and the same is dismissed as such. Appeal dismissed.

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