

Laljit Singh

v.

State of Punjab

(Supreme Court Of India)

HON'BLE MR. JUSTICE K. JAYACHANDRA REDDY HON'BLE MR.  
JUSTICE G.N. RAY

Criminal Appeal No. 518 Of 1980 | 15-02-1994

Jayachandra Reddy, J.

The sole appellant Laljit Singh (Original accused No. 1) was tried along with three others for offences punishable under Sections 302 and 307 read with 34 Indian Penal Code and Sections 27, 29 and 30 of the Arms Act. The learned Sessions Judge acquitted the other three accused but convicted the appellant under Section 302 Indian Penal Code and sentenced him to undergo imprisonment for life. He was further convicted under Section 307 Indian Penal Code and sentenced to undergo seven years R. I. and to pay a fine of Rs. 1,000/- in default of payment of which to further undergo six months' R.I. He was, however, acquitted of the offences punishable under the provisions of the Arms Act. He preferred an appeal and the High Court dismissed the same. Hence the present appeal.

2. The proceeding case is as follows :

In respect of picking of Narma in the Village, there was enmity between the accused and the deceased. On 27.12.77 at about 7.30 p.m. Laljit Singh, the appellant armed with a gun belonging to his father Karnail Singh accompanied with Mukand Singh and Jagrup Singh, the other accused, came in the Village Sath and started abusing. In the meanwhile the deceased Jagir Singh along with P.Ws. 2 to 6 came there. The deceased asked the accused not to abuse. Thereupon Mukand Singh and Jagrup Singh (original accused Nos. 2 and 3) exhorted Laljit Singh to teach them a lesson for demanding more charges for harvesting Narma, upon which Laljit Singh appellant fired at Jagir Singh, who fell down and died. Laljit Singh also fired thrice causing injuries to P.Ws. 2 to

6. Thereafter the accused party left towards the house of Laljit Singh -appellant. P.W. 15, the Chowkidar, arrived there and P.W. 2 narrated the occurrence to him and a report was given in the Police Station. P.W. 21, A.S.I. came to the spot, held the inquest and sent the injured to the hospital. The dead body was also sent for post-mortem. The Doctor, who conducted the post-mortem, found fire-arm injuries on the deceased and opined that he died because of those injuries. He also examined P.Ws. 2 to 6 and found on all of them fire-arm injuries. After completion of the investigation, the charge-sheet was laid. During the investigation the gun was also seized. When examined under Section 313 Criminal Procedure Code the accused denied the offence and pleaded not guilty. The trial court relying on the evidence of the eye-witnesses convicted Laljit Singh and acquitted others since they did not participate in the occurrence as such. The High Court also after having examined the evidence of the eye-witnesses agreed with the trial Court.

3. Shri Kohli, learned counsel appearing for the appellant submitted that though there are injured witnesses, they are all interested and their evidence has not been relied upon in respect of the other three accused and that the investigation in the case has been highly unsatisfactory and one-sided and the acquittal of the accused under the Arms Act would go to show that the prosecution case that the appellant used gun of his father, is falsified. Learned counsel also submitted that it was a dark night when the occurrence took place and the firing is said to have taken place from behind the bricks that were stacked upto 3 feet height and the witnesses could not have identified as to who the culprit was.

4. This is a case where admittedly one person died and five people received injuries in the occurrence which took place in the village on that day at about 7.30 p.m. Therefore, the occurrence as such is not in dispute. The main submission is that though there are five injured witnesses, the findings of the courts below in respect of them would render their evidence unreliable.

5. In other words the submission is that the identification of the appellant as the assailant is doubtful. It must be remembered that the appellant is not a stranger to the witnesses. They all belong to the same village. Merely because the accused are acquitted of the charges under the Arms Act, that does not mean that no fire-arm was used. The medical evidence is clear on this aspect and there is absolutely no doubt at all that the deceased and the injured witnesses were

shot at by the assailant. All the five witnesses have uniformly deposed that it was the appellant who shot at the deceased and at the witnesses. We have perused the evidence of these five eye-witnesses and they have given a natural version about the whole occurrence. They have clearly stated that it is only the appellant who shot at and they did not attribute overt acts to others not even to the father of the appellant and we do not find any indications of false implication in their evidence. Both the courts below have given valid reasons for accepting their evidence. We see no grounds to interfere with the concurrent findings of fact. Accordingly the appeal is dismissed.

Appeal dismissed.