

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.977 OF 2000

Gurdev Singh & Ors.

...Appellant(s)

Versus

State of Punjab

...Respondent(s)

With Criminal Appeal No.101 of 2001

O R D E R

Heard learned counsel for the parties.

All the three appellants of Criminal Appeal No.977 of 2000, namely, Gurdev Singh, Harpal Singh and Jugraj Singh, along with two respondents of Criminal Appeal No.101 of 2001, namely, Balbir singh and Ajmer Singh, were tried and, by judgement rendered by the Trial Court, were acquitted of all the charges. On appeal being preferred by the State of Punjab, High Court upheld the order of acquittal in relation to accused Balbir Singh and Ajmer Singh whereas convicted appellants of Criminal Appeal No.977 of 2000 under Section 302 read with Section 34 of the Indian Penal Code, 1860, and sentenced them to undergo rigorous imprisonment for life and to pay fine of Rupees five thousand each; in default, to undergo further rigorous imprisonment for a period of six months. Against the order of acquittal, Criminal Appeal No.101 of 2001 has been filed on behalf of the State of Punjab whereas three convicted accused persons have filed Criminal Appeal No.977 of 2000 challenging their conviction.

Conviction of the appellants of Criminal Appeal No.977 of 2000 is based upon the evidence of two eye-witnesses, namely P.W.2 [Balaaur Singh] and P.W.3 [Chand Singh]. We have been taken through the evidence of these witnesses and, according to us, they have consistently supported the prosecution case disclosed in the First

....2/-

Information Report as well as police statements made by them on material particulars. In our view, the Trial Court was not justified in refusing to place reliance upon their evidence on minor contradictions.

Having perused the judgements rendered by the two courts below, we are of the view that the judgement of acquittal in relation to accused Gurdev Singh, Harpal Singh and Jugraj Singh suffered from the vice of perversity; as such, the High Court was quite justified in interfering with the same. So far as accused Balbir Singh and Ajmer Singh are concerned, it appears that the view taken by the Trial Court was a possible one and benefit of doubt could have been given to them; as such, the High Court confirmed the same. We are of the view that the prosecution has succeeded in proving its case beyond reasonable doubt against accused Gurdev Singh, Harpal Singh and Jugraj Singh. The order of acquittal and its confirmation by the High Court in relation to accused Balbir Singh and Ajmer Singh cannot be said to be perverse in any manner. In view of these facts, we do not find any ground to interfere with the impugned order. In the result, the appeals fail and the same are dismissed.

Bail bonds of the three appellants of Criminal Appeal No.977 of 2000, namely, Gurdev Singh, Harpal Singh and Jugraj Singh, who are on bail, are cancelled and they are directed to be taken into custody forthwith to serve out the remaining period of sentence for which the matter must be reported to this Court within one month from the date of receipt/ production of copy of this order.

[B.N. AGRAWAL]J.

[G.S. SINGHVI]J.

New Delhi,
December 10, 2008.