

Gurcharan Singh And Others vs State Of Punjab on 25 November, 1993

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Author: N Venkatachala

Bench: N Venkatachala

PETITIONER:
GURCHARAN SINGH AND OTHERS

Vs.

RESPONDENT:
STATE OF PUNJAB

DATE OF JUDGMENT 25/11/1993

BENCH:
REDDY, K. JAYACHANDRA (J)
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REDDY, K. JAYACHANDRA (J)
VENKATACHALA N. (J)

CITATION:
1994 SCC Supl. (1) 515 JT 1993 Supl. 1
1993 SCALE (4) 529

ACT:

HEADNOTE:

JUDGMENT:

The Judgment of the Court was delivered by K. JAYACHANDRA REDDY, J.- These two appeals arise out of a common judgment of the Punjab & Haryana High Court. Gurcharan Singh, Bharpur Singh and Jagwinder Singh, original accused 2 to 4 are the appellants in Criminal Appeal No. 555 of 1984. Mohinder Singh, original accused I is the appellant in Criminal Appeal No. 840 of 1985.

Gurcharan Singh, A-2 died during the pendency of the appeal. All these four accused were tried for offences punishable under Sections 302/34 IPC for causing the death of Mander Singh and Bhura Singh, sons of Sarwan Singh by shooting them and under Sections 307/34 for attempted murder of one Gurjant Singh, PW 6. The trial court convicted Mohinder Singh, A-1 under Section 304, Part I, IPC and sentenced him to undergo seven years' RI and acquitted the others. The State preferred an appeal. Mohinder Singh, A-1 also preferred an appeal challenging his conviction under Section 304, Part I, IPC. The High Court allowed the appeal filed by the State and dismissed the appeal filed by A-1. The High Court reversed the order of acquittal and convicted Mohinder Singh, A-1 and Gurcharan Singh, A-2 under Section 302 IPC for committing the murder of Mander Singh and sentenced each of them to undergo imprisonment for life and for the same offence Bharpur Singh, A-3 and Jagwinder Singh, A-4 were convicted under Sections 302/34 IPC and sentenced to undergo imprisonment for life and also to pay a fine of Rs 5,000 each in default of payment of which to further undergo six months' RI. For the murder of Bhura Singh, the High Court convicted A-1 and A-2 under Section 302 IPC and sentenced them to undergo imprisonment for life and for the same offence A-3 and A-4 were convicted under Sections 302/34 IPC and sentenced to undergo imprisonment for life and to pay a fine of Rs 5,000 each in default of payment of which to further undergo six months' RI. For murderous assault on Gurjant Singh, PW 6, Jagwinder Singh, A-4 was also convicted under Section 307 IPC and sentenced to undergo five years' RI and for the same offence A-1, A-2 and A-3 were also convicted under Section 307 IPC and sentenced to undergo five years' RI. Each of the accused was further sentenced to pay Rs 2,000 as fine failing which to undergo two months' RI. Each of them was further convicted under Section 27 of the Arms Act and sentenced to undergo one year's RI. All the sentences were directed to run concurrently. Hence the present appeals have been filed by the convicted accused under Section 2 of the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act read with Section 379 CrPC.

2. The prosecution case is as follows : All the accused, the deceased and the material witnesses belong to Village Mohalan. Pratap Singh, Bala Singh and Kirpal Singh were real brothers. A-1 and one Govind Singh are the sons of Pratap Singh. A-2 and A-3 are the sons of Bala Singh. A-4 is the son of Gurcharan Singh, A-2. About 30 to 35 years back, Pratap Singh, father of A-1 and Kirpal Singh, his uncle were murdered. Sarwan Singh, father of Mander Singh, deceased 1 ('D-1' for short) and Bhura Singh, deceased 2 ('D-2' for short) were prosecuted for those murders. PW 7, Sham Kaur is the widow of Sarwan Singh and mother of deceased 1 and 2. Ronak Singh, PW 5 is the son of Mander Singh, deceased 1 and Gurjant Singh, PW 6 is his partner in cultivation. Bhura Singh, D-2 lived at Village Mohalan and his brother D-1 and Jasdev Singh lived at Village Dhunika at a distance of 1 1/2 miles from Village Mohalan as they owned land there. PW 7, Sham Kaur and PW 6 lived at Village Dhunika.

3. On February 24, 1979 at about 6.30 a.m. Bhura Singh, D- 2 was going on his tractor in Village Mohalan. When he was near the Dharamshala of the village, Gobind Singh s/o Partap Singh and Gurdev Singh s/o Gel Singh came out of the Dharamshala armed with gandasa. Gurdev Singh flung a gandasa blow towards Bhura Singh, but he ducked. He, however, got a minor injury near the ear. Govind Singh caused an abrasion on the right side of his back. Bhura Singh jumped out of the tractor. Govind Singh shouted that he would take revenge of his father on that day. Ronak Singh, PW 5, nephew of Bhura Singh raised alarm. At that stage, Nachhattar Singh, came there and

intervened. The two assailants while leaving threatened that they would see the end of Bhura Singh some other time. Bhura Singh went to the police station and made a report. This was said to be the immediate motive for the occurrence. Bhura Singh was sent for medical examination and the doctor found a lacerated wound near the right ear. PW 12, ASI went to Village Mohalan for inquiring into that incident and he arrested Gobind Singh and Gurdev Singh and locked them up in the police station. PW 5 went to Village Dhunika and informed his father Mander Singh, D-1 about the morning incident. Mander Singh, D-1, PW 5, Ronak Singh, PW 6, Gurjant Singh and PW 7, Sham Kaur came to Village Mohalan to enquire about the health of Bhura Singh. At about 6.30 p.m. on that very day, they were going back to Village Dhunika from Village Mohalan on the tractor driven by PW 5. Mander Singh, D-1 was sitting on the right side of the mudguard of the tractor and PW 7 was sitting on the left side. Bhura Singh, D-2 was standing and PW 6 was sitting in the trailer attached to that tractor and was facing towards the driver's seat. When the tractor reached near the house of Jagga Mistri, PW 5 and his companions saw A-1 and A-2 standing towards their right side armed with 12 bore D.B.B.L. guns. A-4 armed with a 12 bore D.B.B.L. gun and A-3 armed with a pistol were standing on the left side. The accused were standing at a higher elevation on both the sides. A-3 fired a shot which hit the tyre of the tractor and the same got deflated. A-2 fired a shot hitting Mander Singh, D-1 on the neck who clumped down over the tractor. A-2 fired another shot hitting Bhura Singh, D-2 in the abdomen. A-1 fired a shot hitting Bhura Singh on the front side of the left shoulder who fell down on the ground from the trailer. A-1 fired another shot which hit Mander Singh on the back. PW 6 jumped from the trailer on the ground and A-4 fired towards PW 6 hitting him on the right leg. PWs 5 and 7 jumped from the tractor and ran away. They reached the house of Baldev Singh, PW 8, a member of the Gram Panchayat of Village Mohalan. The accused kept firing and raising shouts. PW 6 narrated the incident to PW 8. But meanwhile the firing was going on and when the same stopped PW 5 left the house of PW 8 and reached the Police Station, Sangat and reported the matter to SI, PW 15 who recorded the FIR and went to the scene of occurrence in the morning of February 25, 1979. The SI inspected the place of occurrence, got the same photographed and he found the dead body of Mander Singh, D-1 in front of the tractor and the dead body of Bhura Singh, D-2 behind the trailer. Inquests were held and the dead bodies were sent for postmortem. From near the dead body of Mander Singh, the SI picked up a Mauser pistol and a holster containing 20 rounds. One 12 bore empty cartridge was also recovered along with 12 wads, 9 lead pieces, and one brass empty cartridge. PW 6 was sent for medical examination. He was examined by PW 3 who found on him a penetrating wound with inverted margins on the lateral aspect of the right lower leg above the ankle joint and there was a corresponding injury. There was another penetrating wound with inverted margins on the lateral aspect of the right foot of PW 6. The doctor, PW 2, who conducted the postmortem on the dead body of Bhura Singh, D-2 found 10 injuries which could have been caused by a firearm and which were sufficient in the ordinary course of nature to cause death. Likewise on the dead body of Mander Singh, D-1, another doctor, PW 1 found five gunshot injuries which were sufficient in the ordinary course of nature to cause death. On February 27, 1979 Harnek Singh, SI, PW 13 arrested A-1 and A-3. A-1 produced 12 bore gun Ex. P-9 and A-3 produced his licenced pistol Ex. P-10. The empty cartridges were sent to the ballistic expert who after test firing gave the opinion that the empty cartridges were fired through the gun belonging to A-1 and another shell was fired from the pistol of A-3. The expert also gave the opinion that the metallic piece recovered from the tube of the front tyre of the tractor was not a bullet but was a pellet. He found that the empty cartridge shell has been fired through Mauser pistol Ex. P-12.

During the course of the investigation, however, the police did not send A-2 and A-4 for trial. The learned committing Magistrate, however, did not agree with the police and he committed all the four accused to the Sessions Court.

4. The prosecution mainly relied on the evidence of PWs 5, 6 and 7, who figured as eyewitnesses and out of them PW 6 was the injured witness. The accused pleaded not guilty and stated that PW 6 was a lessee of Mander Singh, D-1 and PW 7 lived at Village Dhunika and they also stated that there was factionalism between Gurcharan Singh and others and they were falsely implicated. They also gave a history about the previous case. A-4 Jagwinder Singh also stated on the same lines but added that on February 24, 1979 he had gone to Samrala to purchase a thrasher and he was at that place for purchasing the same on that day thereby pleading alibi. A-], however, stated that on February 24, 1979, the day of occurrence at about 9 a.m. he was sitting in his house and he heard some lalkaras that he should be burnt down. Then he looked over the courtyard wall and he was fired at by Mander Singh, D- 1 who was equipped with a Mauser and also by Bhura Singh, D-2 who was carrying a gun and some of the pellets hit the wall and to save himself he fired some shots towards the side of the assailants and he did not know anything else and he was arrested by the police. The accused in support of their defence examined DWs. 1 to 8. DW 1, Surjit Singh, is the owner of a workshop at Samrala and he testified to the alibi of A-4. DW 2, Ramesh Lal, a clerk of Rajinder Government College, Bhatinda, where PW 5 was studying, produced an attendance register to show that he attended his college on that day. DW 3, Kulwinder Singh, a Professor in the same college testified that he had taken the Economics period on February 24, 1979 at 9.30 a.m. and Ronak Singh, PW 5 was present in that class during that period. DW 4 Surinder Singh, Assistant Station Master spoke about the departure of train No. 339 on February 24, 1979 from Sangat Railway Station for Bhatinda at 7.15 p.m. DW 5, Hans Singh, a member of the Panchayat of Village Kot Guru stated to have travelled on the day of occurrence at about 8 p.m. in the tractor driven by Mander Singh from Sangat Railway Crossing to Village Kot Guru and Bhura Singh, D-2, Baldev Singh, PW 8 and Master Kaur Singh were also travelling in that tractor. DW 6, Teja Singh, Sarpanch of Village Kot Guru stated that he had seen Mander Singh, D- 1, Bhura Singh, D-2 and a few others drinking at the house of Master Kaur Singh at Village Guru Ke on the date of occurrence at about 8 p.m. DW 7, Darshan Singh styled himself as a full-fledged eyewitness of the occurrence and stated that on the day of occurrence he was at his baithak, when he saw the two deceased persons and three/four other persons going on a tractor towards the house of the deceased. Shortly thereafter he heard some gunshots from the side of the house of the deceased. He saw that Mander Singh, D-1 had a pistol and Bhura Singh, D-2 had a gun and the tractor proceeded towards the house of A-1 who was present in the courtyard of his house. The deceased fired towards the house of A-1. Some gunshots were also fired from the house of A-1. At that time he went inside the house. He also stated that PWs 5, 6 and 7 were not present. In other words he supported the statement of A-1. The learned trial Judge found that PWs 5, 6 and 7, the eyewitnesses were chance witnesses and were interested in the deceased. He also found that Ronak Singh, PW 5 had attended the college at Bhatinda on that day and therefore he could not have been present in the village. He further found D- 1 was armed with a pistol and the gunshots at the deceased were fired from a higher level as opined by the medical evidence. Therefore the version of the eyewitnesses does not tally and that also makes their presence doubtful. The trial court also believed the evidence of alibi. He, however, held that A- 1 had a right of private defence as per his own version but exceeded the same and accordingly convicted him under Section 304, Part 1,

IPC.

5. At this stage it may be stated that the appeal filed by the State and the appeal filed by A-1 were heard together by a Division Bench of the High Court which remanded the matter back to the trial court observing that the trial court should write a fresh judgment after considering the entire evidence. The remand order was challenged in the Supreme Court, which after setting aside the judgment remanding the case, remitted the case to the High Court with the direction that the High Court itself should dispose of the appeals. Accordingly the High Court after considering the evidence of the eyewitnesses as well as the evidence of the defence witnesses and the reasoning of the trial Judge held that the evidence of the eyewitnesses is believable and convicted the appellants as stated above.

6. Shri A.N. Mulla and Shri R.K. Jain, learned counsel appearing for the appellants submitted that the trial court has given good reasons for not believing the evidence of PWs 5 to 7 namely that PW 5 could not have been present in view of the evidence of DWs 2 and 3 which shows that he was in the college on that day and that the version of the eyewitnesses is in conflict with the medical evidence and that the recovery of pistol of Mander Singh, D-1 would show that the deceased party was the aggressor. The further submission is that these circumstances coupled with the fact that PWs 5 and 7 were not injured, would show that they were not at the scene of occurrence and PW 6 and the two deceased persons might have received the injuries when A-1 fired from his house in self-defence and that the evidence of DW 1 which proves alibi of A-4, leads to the conclusion that he was falsely implicated by the alleged eyewitnesses on which ground also their evidence is liable to be rejected.

7. Shri Suri, learned counsel appearing for the State and Shri Kohli, learned counsel appearing for the complainant, on the other hand, submitted that the occurrence as such is not in dispute and mere marking of attendance of PW 5 in the register cannot be a conclusive proof that he was not present at the scene of occurrence and that PW 5 was only a student and he gave the FIR and if he was not present it is highly improbable that he would have been brought from the college and made to give the earliest report and that the alibi evidence in favour of A-4 is highly artificial and just by the track of injuries, the positions of the accused at the time of shooting cannot strictly be inferred and that the trial court on some surmises acquitted the accused.

8. We have carefully gone through the judgment of the trial court. The learned trial Judge after extracting the prosecution case proceeded to consider 521 the plea taken by A- 1 and the evidence of the defence witnesses thereafter and also considered the medical evidence and certain other circumstances like PWs 5 and 7 not having received injuries. The trial Judge thereafter accepted the alibi evidence and also the evidence of the other defence witnesses to exclude the presence of PW 5. Likewise on such general grounds, he excluded the evidence of PWs 6 and 7 also. We do not find any discussion on the evidence of the eyewitnesses. Therefore the High Court was right in saying that the judgment of the trial court is not based on evidence and legitimate inferences deducible from the evidence on record. The High Court also observed that reasoning of the trial court was erroneous and perverse. As noted above, it is for these reasons that on an earlier occasion, the High Court even remanded the matter to the trial court to write a proper judgment after discussing the evidence but the Supreme Court, however, set aside the remand order and asked the High Court to consider the

evidence and dispose of the appeals. We have gone through the judgment of the High Court and we find that the entire evidence has been discussed in great detail. However, since this is a regular appeal, we shall also consider the evidence of the eyewitnesses and other aspects to the extent necessary.

9. PW 5 was a student studying B.A. in Rajinder Government College, Bhatinda, which is stated to be about 25 miles away from the place of occurrence. He is the son of Mander Singh, D- 1 and nephew of Bhura Singh, D2. PW 5 deposed about the morning incident during which Bhura Singh, D-2 was injured and a report was also given and PW 5 was also shown as a witness to that incident. Therefore he must have been in the village. PW 5 thereafter gave all the above mentioned details about the evening occurrence. He deposed that along with him PWs 6 and 7 were also present in the tractor and he also deposed as to how his father Mander Singh, D- 1 and his uncle Bhura Singh, D-2 were shot dead by the accused. He also deposed about A-4 shooting at PW 6. He was cross-examined at length but we do not find anything significant which affects his veracity. PW 5 asserted that two of the accused persons were on the left side and the other two were on the right side and they were on a higher level. PW 5 denied that the ground was even. Learned counsel relied on the evidence of PW 4 who prepared the rough sketch of the place of occurrence and in the cross-examination he stated that the ground was even. Any way, we will advert to this aspect namely the track of the injuries at a later stage. PW 5 consistently deposed that he was in the village itself and that he was not in the college and that he did not attend the college on that day. Much of the cross examination was with reference to his earlier statement and some details and omissions. We have carefully gone through the cross-examination and we do not find any material discrepancy. It may be that some of the details were not mentioned in the FIR or in his statement under Section 161 CrPC but they do not affect his veracity. We are satisfied that he was in the village itself on that day, otherwise he could not have figured as an eyewitness to the morning incident and that at any rate unless he was present in the village and witnessed the occurrence, he could not have given the earliest report on that very night in which all the details of the occurrence were mentioned in the most natural way. PW 6 is the next important witness who was also injured. In his chief examination he has given all the details of the occurrence. He is not related to the deceased and he was only a partner of Mander Singh, D-1 in cultivation. The presence of gunshot injuries on him confirms his presence at the scene of occurrence. Therefore his evidence is entitled to a great weight. He was also cross-examined at length much of which was about whether he was actually standing, and whether he was facing the driver's seat or not with a view to show that the injuries found on him could not have been received if he was facing the driver's seat. It must be remembered that when such an incident took place, one cannot expect him to sit in a stationary position. There is every possibility of his turning around and a vague submission is made that he was not present at the scene of occurrence. PW 7 is an old lady aged about 65 years and mother of the two deceased persons. She has given all the above-mentioned details of the occurrence. The main criticism against her evidence is that as an old lady she could not have been sitting in the tractor in the manner stated by her. We do not find any impossibility of an old lady travelling in a tractor in that manner namely sitting on the mudguard since it is a common thing in the villages. Her cross-examination is very brief and the general suggestion is that she was not present.

10. The presence of the eyewitnesses is mentioned in the FIR and their evidence is sought to be challenged only on some general grounds. So far as PW 5 is concerned, the submission is that he must have attended the college and in this context much reliance has been placed on the evidence of DWs 2 and 3. DW 2 was a clerk in Rajinder Government College, Bhatinda of which admittedly PW 5 was a student. He produced the attendance register relating to February 24, 1979 and he deposed that DW 3, the Professor has marked presence against Roll No. 1102 of Ronak Singh. In the cross-examination he admitted that he did not know how many sections were there in the class and he admitted that attendance of Roll No. 1102 appears to have been marked with an ink of deeper shade than the rest of the entries and that he could not say whether the entries in the columns have been erased and that the register has been handed over to him by the Professor. DW 3 deposed that he used to teach Economics to B.A. Part-1 students and that PW 5 was his student with Roll No. 1102 and on that day the roll call of the students was taken by him by calling the roll numbers or their names and if the student was present, the mark of presence is made in the register. Having seen the register he deposed that he maintained the register on that day and he also delivered the lecture in the classroom and Ronak Singh, appearing at Roll No. 1102 was marked as present. He was cross examined by the prosecution and he admitted that the register was with him till yesterday i.e. till a day before when he gave the evidence. He also admitted that the attendance entry pertaining to this particular roll number is in deeper shade as compared to the other entries and tried to explain it away by saying that it must be due to some casual circumstances such as ink in the pen having been exhausted and then the pen having been dipped in ink again. He further admitted that he was not aware of this feature till he deposited this register in the office a day before. It was suggested to him that this entry was manipulated later but he denied. We think we need not go into further detailed discussion of the evidence of these two witnesses. There are some suspicious features about the entry. Even otherwise, the mere marking of such attendance by itself is not a conclusive proof of the presence of Ronak Singh, PW 5 in the college. Somebody else having answered for him or some mistake being committed cannot be ruled out. DWs 2 and 3 do not say that they have seen PW 5 being present in the classroom. That being the position, the presence of PW 5 in the village on that day cannot be doubted in view of other strong circumstances which are conclusive. Further we may point out that PW 5 was not confronted with this so-called entry in the register when he was in the witness box. Now coming to the evidence of DW 1 who spoke about the alibi of A-4, we are of the view that the same has been rightly rejected by the High Court. DW 1 deposed that he is a resident of Samrala and he manufactures thrashers at his workshop and he knew A-4 who ordered manufacture of a thrasher and that A-4 approached him 10 to 15 days prior to February 24, 1979 and placed an order and he made an entry in the notebook and he delivered the same to A-4 on the evening of February 24, 1979 and has given the details of the price etc. In the cross-examination he admitted that most of the pages preceding to the page on which the relevant entry has been found in the notebook, were vacant and this particular entry was made at page No. 180 and that page No. 179 was vacant. He also admitted that he did not issue any receipt to A-4 for the advance made by him. From the cross-examination it appears that this notebook cannot be treated as one maintained during the regular course of business and it has been rightly suggested to him that this entry has been manipulated. DW 4 is the Assistant Station Master who spoke about the train timing from Bhatinda. He was examined only to show that the train was in the evening time and if PW 5 has come to the village, it should have been only later in the night. This evidence is not very helpful to the defence in view of above discussion in respect of evidence of PW 5. DW 5 is a member of the Panchayat who

deposed that he saw a tractor coming from the side of Sangat mandi in which the deceased and one Master Kaur Singh of Kot Guru Village were travelling. Likewise DW 6 is the Sarpanch of Village Kot Guru. He deposed that he saw the deceased and others coming in a tractor and then taking liquor. These two witnesses are examined to show that the deceased party could have been the aggressor. DW 7, a resident of the same Village Mohalan deposed that on that night at about 9 p.m. when he was at his house, he saw the two deceased persons and four others coming in a tractor being driven by Mander Singh, D- 1 and he was having a pistol and they were shouting lalkaras and some firing took place. He was examined to support the version of A-1. In the cross-examination he admitted that he did not go to anyone to give information about the occurrence and he did not go out of the house. His evidence is vague and the cross-examination shows that he is not a truthful witness. DW 8, the SHO spoke about the murder of one Durga Singh of Kot Guru Village and he was examined to show that there was enmity and factionalism between Gurcharan Singh and his brothers on one side and Master Kaur Singh, Baldev Singh and others on the other side.

11. It can thus be seen that the evidence adduced by DWs 1 to 8 does not in any manner render the evidence of the eyewitnesses unacceptable. Now, we shall consider some of the general submissions. Learned Counsel placed considerable reliance on the evidence of the doctors who conducted the postmortem. PW 1 Dr Ved Bhushan conducted the postmortem on the dead body of Mander Singh, D-1 and he found five gunshot injuries. In the cross-examination he stated that the injury Nos. 4 and 5 could have been caused if the assailant was standing at a higher level compared to the victim and that if the victim had been sitting on the tractor and the assailant was standing on the ground, the injuries could not have been caused by the shots fired by the assailants. This is only an opinion evidence and it cannot be imagined that the victims could have been just sitting and could not have stood up or moved this way or the other. It is also possible that the pellets having hit the bone could have deflected. The whole basis for this argument is that PW 4 who prepared the site plan stated that the ground was even but we cannot give much importance to this submission. The undisputed fact is that the two deceased were shot at by firearms and the same is established by the medical evidence. When that is the position the manner in which the assailants shot at and how they took their positions while shooting and in what positions the injured persons were sitting or standing, cannot be fixed in a mechanical manner. There are any number of possibilities and such medical opinion does not in any manner conflict with the oral evidence. The doctor, who conducted the postmortem, found some partly digested food in the stomach of Mander Singh, D-1. Relying on this, it is submitted that the occurrence must have taken place late in the night. We see no force in this submission. The deceased having eaten something earlier cannot be ruled out. On the same lines, reliance is placed on the evidence of PW 2, another doctor who conducted the postmortem on the dead body of Bhura Singh, D-2 and for the same reasons, we do not find any merit in this submission.

12. Now coming to the case of A-1, as mentioned above, he stated that at about 9-10 p.m. he was in his courtyard and heard some lalkaras and when he just raised his head, he saw Mander Singh, D- 1 and Bhura Singh, D-2 firing and to save himself he fired some shots in self-defence. It is rather curious that he did not receive any injury. The counsel, however, submitted that there is evidence to show that the deceased was having a pistol with him which was recovered from the scene of occurrence and this shows that he must have fired at A-1. It looks as though in this village the people

carry with them these firearms in a normal manner but on that alone it cannot be said that he shot at A-1. It must be remembered that two persons were killed by gunshot injures and there is no scope of plea of right of self- defence. The plea of A- 1 that he fired five shots without knowing where he was firing and at whom he was firing is highly artificial and should be rejected outright.

13. Having given our earnest consideration, we find that the view taken by the High Court is the most reasonable one and the only view possible. Therefore we see no merits in these appeals. In the result the appeals stand abated so far as Gurcharan Singh, A-2 is concerned and dismissed so far as A-1, A-3 and A-4 are concerned.