

## **Bikkar Singh vs State Of Punjab on 28 March, 1989**

**Equivalent citations: AIR1989SC1440, JT1989(3)SC70, 1989(1)SCALE731, 1989SUPP(1)SCC265, 1989(1)UJ734(SC), AIR 1989 SUPREME COURT 1440, 1989 SCC (SUPP) 1 265, (1989) 2 CRIMES 1, (1989) 3 JT 70 (SC), 1989 SCC (CRI) 414**

**Bench: B.C. Ray, K. Jagannatha Shetty Shetty**

### **JUDGMENT**

Ray, J.

1. This appeal by special leave is directed against the judgment and order made on February 24, 1982 by the High Court of Punjab and Haryana, in Criminal Appeal No. 688 of 1981 affirming the judgment and order dated November 7, 1981 rendered by the Sessions Judge, Faridkot convicting the appellant under Section 302 I.P.C. and sentencing him to imprisonment for life and also convicting him under Section 2 of the Arms Act and further sentencing him to rigorous imprisonment for one year. Both the sentences were directed to run concurrently.

2. The prosecution case as unfurled in brief is that the deceased, Jagjit Singh, son of Jugraj Singh went on March 29, 1981 at about 6.30 p.m. along with Mela Singh to the liquor vend of Bikkar Singh in village Rode for purchase of a bottle of liquor. Jagjit Singh quarrelled with Bikkar Singh that he was selling adulterated liquor. On hearing about the quarrel Jugraj Singh, father of Jagjit Singh, since deceased, came there. Both the accused-appellant and his son, Sikandar Singh were armed with .12 bore guns and one Mukhtiar Singh was also armed with a .12 bore gun. They surrounded Jagjit Singh. Sikandar Singh raised a lalkara that Jagjit Singh should not be spared. Then Bikkar Singh fired one shot from his double barrel gun which hit the right side chest of Jagjit Singh who tried to run away when another shot was fired from behind. Jugraj Singh and Mela Singh raised an alarm whereon the accused fled away with their weapons towards the village. Jugraj Singh left his wife near the dead body of Jagjit Singh and he went to the Police Station, Baghapurana and lodged F.I.R., Exhibit P.K. at about 7.15 p.m.

3. P.W. 5, A.S.I. Ram Parkash immediately came to the spot and made an inquest of the dead body of Jagjit Singh (Exh. P.C.). He picked up two empty cartridge cases (Exh. P. 7 and P. 8) from the spot. The accused was arrested on April 4, 1981. Bikkar Singh made a disclosure statement that he handed over his gun to his brother, Gurdial Singh. On April 12, 1981 Gurdial Singh, produced the gun in the police station. The gun and the empty cartridge cases were sent to the Forensic Science Laboratory, Chandigarh. It appears from the report given by the Director of Laboratory that the two cartridges were fired from the gun marked 'A' of the appellant.

4. P.W. 1, Dr. B.K. Goyal who conducted autopsy on the dead body of the deceased, Jagjit Singh found three gun shot injuries and he opined that death was due to shock and hemorrhage as a result of the said injuries which were sufficient to cause death in the ordinary Judgment dated March 28, 1989 in Criminal Appeal No. 63 of 1983. course of nature. He further stated that injury No. 1 was individually sufficient to cause death.

5. P.W. 2, Dr. Anoop Sood examined Bikkar Singh, accused on March 29, 1981 and found multiple blisters and swellings and contusions on the left side of chest.

6. The accused was examined under Section 313 of the CrPC and he denied prosecution allegations. Sikandar Singh pleaded alibi. Accused Bikkar Singh in reply to question No. 16 pleaded as follows :-

Jagjit Singh, deceased alone came to my liquor vend. He quarrelled with me and he fired two shots at me while I was standing in the liquor vend and I was injured. In self-defence I took my licensed gun and fired two shots one after the other at Jagjit Singh and he ran away. Sikandar Singh and Mukhtiar Singh were not present there nor the P.Ws. I was admitted that very evening in the Civil Hospital. My injuries were examined. I was X-rayed for my injuries. The police influenced the doctors, after my bail application was argued and they came to know of my defence.

7. The Sessions Judge after considering the evidences of eye-witnesses, P.Ws. 3 and 4 and the evidences of the doctors P.Ws. 1 and 2 disbelieved the defence story that the accused fired two shots in self-defence and convicted the accused under Section 302 I.P.C. for murder of Jagjit Singh and sentenced him to rigorous imprisonment for life. The Sessions Court further convicted the accused under Section 27 of the Arms Act and sentenced him to rigorous imprisonment for one year. Both the sentences were ordered to run concurrently. Accused, Sikandar Singh was acquitted.

8. Against this judgment and order the accused Bikkar Singh preferred an appeal being Criminal Appeal No. 688 of 1981 in the High Court, Punjab and Haryana. High Court dismissed the appeal and upheld the conviction and sentence awarded by the Trial Court. High Court held that :-

As is inevitable in a case of the present kind, the ocular account is the core of the prosecution case. Jugraj Singh and Mela Singh PWs have given an account thereof which is remarkable in its consistency.... It is borne out from the record that Mela Singh had accompanied the deceased to the liquor vend, the appellant to purchase a bottle of liquor and in the meanwhile Jugraj Singh, PW also reached there. In the circumstances, the presence of these two eye-witnesses at the alleged time and place of occurrence cannot be doubted. The circumstances of the lodging of the first information report with promptitude and mentioning therein the names of the appellant and his two associates, the eye-witnesses and the rest of the incriminating circumstances that have been deposed to at the trial by the witnesses lends guarantee to the truthfulness of the version deposed to by the witness. The medical evidence also lends necessary assurance to the conclusion that it was the appellant who perpetrated the crime.

9. The High Court also considered the evidence of P.W. 2, Dr. Anoop Sood who opined that the injuries on the appellant could not be caused by a fire-arm but the same could be the result of some blunt weapon and held that the defence version that the accused fired two shots in self-defence appeared to be a cock and bull story.

10. We have carefully considered the facts and circumstances of the case as well as the evidences on record and we do not find any infirmity in the judgment and order of the High Court. Accordingly, we dismiss the appeal.