

ITEM NO.103

COURT NO.6

SECTION IIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 661 OF 2003

GURCHARAN SINGH @ CHANNA

Appellant (s)

VERSUS

STATE OF PUNJAB

Respondent(s)

(With office report)

Date: 16/08/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mrs M. Qamaruddin,Adv.

For Respondent(s) Mr. Kuldip Singh,Adv.

UPON hearing counsel the Court made the following
O R D E R

The Appeal is allowed in terms of the signed order.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 661 OF 2003

Gurcharan Singh @ Channa

..Appellant

versus

State of Punjab

..Respondent

O R D E R

Heard learned counsel for the parties.

This Appeal has been filed against the judgment and
order dated 09th July, 2002 passed by the High Court of
Punjab and Haryana at Chandigarh in Criminal Appeal No.213
of 1992.

The facts have been set out in the impugned judgment and hence we are not repeating the same here.

On the facts of the case, we are of the opinion that the benefit of doubt has to be given to the appellant. He was acquitted by the trial Court but the High Court reversed that judgment. The High Court has observed that the gun and the empty cartridge were sent to the ballistic expert. There is nothing on record to show that the ballistic expert has given his opinion that the gun shot was fired from the gun of the appellant. The only evidence in this case is alleged to be that the empty cartridge recovered at the spot came from his gun. In our opinion, we cannot rule out the possibility that this evidence may have been planted and hence benefit of doubt has to be given to the appellant-accused. We order accordingly.

CRIMINAL APPEAL NO. 661 OF 2003

-2-

The Appeal is allowed. The impugned judgment is set aside.

By order dated 25th August, 2003, the appellant was released on bail. His bail bonds shall stand discharged.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
AUGUST 16, 2010

.....J.
[T.S. THAKUR]