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Cr1.A.No. 1002-1004 OF 2000
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ITEM NO.102 COURT NO.10 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 NOS.1002-1004 OF 2000@@
CC

VIJAY PAL SINGH & ANR. ... APPELLANT(S)

VERSUS

STATE OF HARYANA ... RESPONDENT(S)

(With Office Report)

Date: 21/11/2001. This/These matter(s) were called on for hearing today.@@
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CORAM:

HON'BLE MR. JUSTICE U.C. BANERJEE
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Appellant(s) Mr.C.N. Sree Kumar, Adv.
Ms. Deepa, Adv.

For Respondent (s) Mr. J.P. Dhanda, Adv.
Mr. K.P. Singh, Adv.
Mr. Dhan Singh Nagar, Adv.
Mrs. R.R. Dhanda, Adv.

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

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.SP2

The appeals are dismissed in terms of the
signed order.

.SP1

(K.K. Chawla) (D.D. Jindal)@@
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Court Master Assistant Registrar

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

VIJAY PAL SINGH & ANR.

... APPELLANT(S)

VERSUS

STATE OF HARYANA

... RESPONDENT(S)

O R D E R@@
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These appeals are directed against a common order of dismissal of Criminal Appeal being No.6-DB of 1995, Criminal Appeal No.7-DB of 1995 and Criminal Appeal No.8-DB of 1995 passed by the High Court of Punjab and Haryana at Chandigarh.

The prosecution's case mainly runs as below:-

On 10th May, 1992 at about 8 P.M. one Khazan Singh PW.6 accompanied by his brother Sultan and son Jasbir Singh PW.7 was sitting at his tubewell when his brother Jai Pal deceased also came there. Thereafter, three accused persons being Kiran and his two sons Vijay Pal and ...2/-

-2-

Sat Pal arrived there armed with 'ballams'. Some altercation took place and Kiran and Vijay Pal then gave 'ballam' blows on the stomach of Jai Pal, as a result of which he fell down and while he lay fallen Sat Pal accused gave him certain kick blows. Jai Pal was thereafter taken to Hospital where he was declared dead on arrival. The accused persons ran away but subsequently arrested and charges were framed.

The Trial Judge with meticulous care and caution analysed the entire evidence and came to a conclusion as regards the guilt of the accused persons though, however, Sat Pal was acquitted on the question of benefit of doubt.

An appeal therefrom against the order of conviction and punishment before the High Court was also dismissed and hence the special leave petitions and the subsequent grant of leave by this Court.

Incidentally, there are two eye witnesses who have been examined in detail, namely, PW.6, ...3/-

-3-

Khazan Singh and PW.7, Jasbir. The High Court has analysed the evidence and came to a conclusion that their evidence does not leave any scope for any doubt as regards the incident or the guilty of the accused persons.

The learned advocate appearing in support of the appeals have taken us through the evidence as well. We also do not find any reason to have a counter view in the matter on a perusal of the evidence on record. The plea raised by the accused in their defence was of self defence before the Trial Judge as also before the High Court but the same were negatived and the same plea was also raised before us and we do not find any justifiable reason to accept the same. As a matter of fact, a perusal of the cross-examination of eye witnesses reveals that the defence has from time to time did shift their case from one to the other without any hesitation whatsoever. The same conclusion was also arrived at by the High Court and High Court did not pay any credence thereto. We also do not see any reason to lay any emphasis thereon, since there is no factual support in the plea of self-defence.

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On the wake of the aforesaid, we do not find any infirmity in the order of dismissal of the appeals by the High Court. The appeals therefore fail and are dismissed accordingly.

.SP1

.....J.
(U.C. Banerjee)

.....J.
(Y.K. Sabharwal)

New Delhi,
November 21, 2001.