

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 938 OF 2006

(@ SPECIAL LEAVE PETITION (CRL.) NO.6651 OF 2005)

HARDIP SINGH @ KALA

APPELLANT(S)

VERSUS

STATE OF PUNJAB

RESPONDENT(S)

O R D E R

Leave granted.

Heard both sides.

Two brothers, namely, Kuldip Singh @ Giani and Hardip

Singh @ Kala were tried by the Sessions Court for having caused the

death of Arvinder Singh. Both were found guilty of offence punishable

under Section 302 IPC and they have filed the present special leave

petition. As regards the first petitioner-Kuldip Singh @ Giani, the

special leave petition was dismissed and as against the 2nd petitioner,

leave has been granted.

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As per the evidence adduced before the Sessions Court, it

appears that the appellant Hardip Singh has not caused any injury to

the deceased but the allegation is that he caused injury to Iqbal Singh-

PW-3, who tried to rescue the deceased at the time of causing the injury

and in that process he gave the dang blow on the left limb of Iqbal

Singh. The Sessions Court as well as the High Court invoked Section 34

of the IPC on the ground that they have shared the common intention

in causing the death of the deceased but it appears that the incident

has happened at the time when the agricultural operations were being

done by the deceased family. In the circumstances, we do think that it

is difficult to hold that the appellant herein was guilty of the offence

punishable under Section 302 read with Section 34 of IPC as the

common intention cannot be spelt out from the circumstance of case

and the manner in which the incident happened.

In the result, we find him guilty of offence punishable under

Section 324 Part-II of IPC and acquit him of the offence punishable

under Section 302 read with Section 34 of IPC. We are told that the

appellant has already undergone a sentence for a period of more than

two years and, in our opinion, it is sufficient to meet the ends of justice.

3

We direct that the appellant be released forthwith, if not required in any

other case.

The appeal is disposed of accordingly.

.....J.

(K.G. BALAKRISHNAN)

.....J.

(D.K. JAIN)

NEW DELHI;

8TH SEPTEMBER, 2006.

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ITEM NO.210

COURT NO.2

SECTION IIA

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).6651/2005

(From the judgement and order dated 29/08/2005 in CRLA No. 501/2004 of The HIGH COURT OF

PUNJAB & HARYANA AT CHANDIGARH)

HARDIP SINGH @ KALA
(s)

Petitioner

VERSUS

STATE OF PUNJAB

Respondent(s)

(With appln(s) for bail and office report)

(FOR FINAL DISPOSAL)

Date: 08/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s)

Mr.Ranjit Kumar, Sr.Adv.

Mr.Dhiraj, Adv.

Mr.R.K.Joshi, Adv.

Mr.Sarabjit Singh, Adv.

Mr. P.N. Puri,Adv.

For Respondent(s)

Mr.Aswini Sood, Adv.

Mr.Charan Singh Verma, Adv.

For Mr. Rakesh K. Sharma,Adv.

Mr.Manu Mridul, Adv.

Mr.Anant Vats, Adv.

For Mr. Arun K. Sinha ,Adv

UPON hearing counsel the Court made the following

O R D E R

Heard both sides.

Leave granted.

The appeal is disposed of in terms of the signed order.

(G.V.Ramana)

(Veera Ver

ma)

Court Master

Court M

aster

(Signed order is placed on the file)