

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1968 OF 2010

SHER SINGH

APPELLANT (S)

VERSUS

THE STATE OF PUNJAB & ORS.

RESPONDENT (S)

O R D E R

The appellant-Sher Singh is one of the six accused convicted by the Trial Court for the offence under Sections 302, 406, 454 and 455 read with Section 149 of Indian Penal Code and sentenced to undergo life imprisonment for an offence under Section 302 IPC and sentenced for varying periods for the other offences.

The allegation against the present appellant is that on the intervening night of 2/3 March 2003, 10 to 12 persons intruded in the house of the deceased Shadi Ram Saini. The intruders removed the ring of the informant Umesh Saini and also other jewellery articles. The intruders also injured - Jarnail Kaur mother of Umesh Saini and wife of deceased

Shadi Ram Saini. The allegation against them is also of taking stereo and CDs of the car owned by the informant.

Umesh Saini appeared as PW-5, whereas Jarnail Kaur appeared as PW-6. Both have identified the present appellant as one of the intruders. There is no cross examination conducted on the witness which can throw any doubt about the identification of the appellant as one of the assailants.

In the absence of any evidence of creating a doubt regarding the presence of the appellant at the time of intruding into the house of the deceased, the finding of fact recorded by the Courts below cannot be said to be suffering from any illegality.

The judgement of this Court reported in 1998 (3) SCC 625 titled as "*Ronny Alias Ronald James Alwaris & Ors. Vs. State of Maharashtra*" is enunciation of settled principle of law that test identification parade is a weak type of evidence and is part of the investigation. However, PW-5-Umesh Saini has deposed that he identified the accused during the investigation and such part had gone unrebutted in the cross-examination.

In view of the above, we do not find any error in the order passed by the High Court. Hence, this appeal is dismissed.

Pending applications, if any, stand disposed of.

.....,J.  
(HEMANT GUPTA)

.....,J.  
(VIKRAM NATH)

NEW DELHI  
AUGUST 10, 2022.

ITEM NO.104

COURT NO.8

SECTION II-B

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

Criminal Appeal No(s). 1968/2010

SHER SINGH

Appellant(s)

VERSUS

THE STATE OF PUNJAB &amp; ORS.

Respondent(s)

Date : 10-08-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MR. JUSTICE VIKRAM NATH

For Appellant(s)

Mr. Santosh Mishra, Adv.

Mr. Surya Kant, AOR

For Respondent(s)

Ms. Jaspreet Gogia, AOR

Ms. Varnika Gupta, Adv.

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

The appeal is dismissed in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)  
COURT MASTER (SH)(RENU BALA GAMBHIR)  
COURT MASTER (NSH)

[Signed order is placed on the file]