
(2011) 01 P&H CK 0253

In the Punjab And Haryana At Chandigarh

Case No : Criminal Revision No. 2812 of 2010 (O and M)

Kulwant Singh and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 12-01-2011

Acts Referred:

Arms Act, 1959 — Section 25, 27

Penal Code, 1860 (IPC) — Section 120B, 148, 149, 302, 307

Prevention of Damage to Public Property Act, 1984 — Section 3, 4

Citation : (2011) 01 P&H CK 0253

Hon'ble Judges : Alok Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Alok Singh, J.—Present petition is filed challenging the framing of charges under Sections 436/149, 435/149, 429/149, 427/149, 450/149, 506, 148 I.P.C.

2. Perusal of the record reveals that initially, a case F.I.R. No. 40, dated 29.04.2006, under Sections 302, 307, 148, 149, 435, 436, 427 IPC read with Sections 25, 27, 54, 59 of the Arms Act, was registered at Police Station Maur, District Bathinda against Respondents Gurcharan Singh and others. The contents of the F.I.R. are as under:

State that I am resident of the address noted above and am doing the work of electrician in Maur Mandi. I have four sons. The eldest is Raju @ Jagraj Singh. He has taken Amrit (i.e. has undergone a pious religious ceremony of Sikh religion) he was doing the work of gas welding. He was unmarried. There is a Gurudwara Sahib of Nauvi Patshahi in our village. The management of the Gurudwara is being looked after by Mahant Pritam Singh Chela Basant Singh, resident of Maur Kalan, for the last 30/35 years. There was a land measuring about 150 kallas in the name of Gurudwara Sahib and its entire income was being taken by Pritam Singh and his sons Gurcharan Singh alias Billu. They were not doing any expenditure for the development of Gurudwara. For that reason the residents of

the village were annoyed. About one week ago a meeting of the residents of the village was held to review the income and management of the Gurdwara. In concurrence with the residents of the village, I, Kulwant Singh son of Hakam Singh, Hardip Singh son of Bhola Singh, Jaswinder Singh son of Gurmeet Singh jointly asked Pritam Singh and his son Gurcharan Singh alias Billu to produce the accounts of income of the Gurdwara and detail of other expenses incurred on Gurdwara. They asked as to who they were to ask for the accounts. It is their will to manage the income and expenses in the manner they like. Thereafter we came back. Today again at about 12.30 p.m. all residents of the village including myself and my son Raju alias Jagran Singh, my elder brother Jang Singh, went to Gurdwara Sahib for holding discussions again. When we entered from the main gate, we saw that Gurcharan Singh alias Billu son of Pritam Singh armed with 12 Bore gun, Darshan Singh son of Sinder Singh, Jat, resident of Khial Khurd armed as 12 Bore Double Barren Gun, Labh Singh son of Mehar Singh, Jat resident of Bhutiwal Kalan, Joga Singh son of Gurbaksh Singh, Jat, resident of Khiala Kalan armed with 12 Bore double barren gun, Harnek Singh son of Arjan Singh, Jat, resident of Maur Kalan, armed with 12 Bore double barrel gun, Gaira Singh son of Ram Singh, resident of Chnarthala armed with 12 Bore double barren gun, Inderjit Singh son of Gurcharan Singh, resident of Maur Kalan, Manjit Singh son of Dharam Singh, resident of Bhatre Bhai-Ke, Varinder Singh son of Makhan Singh, resident of Maur Kalan, Varinder Singh son of Bagicha Singh, resident of Chando Kalan, Mithu Singh son of Jarnail Singh, resident of Maur Kalan, Bhajan Singh son of Gajjan Singh, resident of Maur Kalan, Rajinder Singh son of Jaswant Singh, resident of Jangpur Pakhar, Charanjit Singh son of Harbhajan Singh, resident of Maur Kalan and Kabal Singh son of Jangir Singh, resident of Maur Khurd armed with Dangs, Kirpans, were standing on the chaubara. Billu Singh father, Mahant Pritam Singh Chela Basant Singh was also standing there. When we reached near the main gate of Gurdwara Sahib building, Mahant Pritam Singh suddenly raised a lalkara that Gurdwara Sahib accounts be given to them immediately. On saying so, Gurcharan Singh alias Billu aforesaid fired with his 12 Bore double barren gun towards us which hit my son Raju alias Jagraj Singh on the left side of his chest, left neck, left eye and left side of forehead. Immediately on getting fire arm injuries, my son fell on the ground. The aforesaid armed personnel fired shots with their respective weapons with an intention to kill us as a result of which I Kulwant Singh and six other persons of the village got injured. I, with the help of my brother Joga Singh, took my son on scooter to civil Hospital, Maur for treatment, where my son died because of having sustained fire arm injuries. After leaving my brother Joga Singh in the hospital to guard the dead body of my son, I was going to police station to report the matter when you have met and recorded my statement. I have got my statement recorded. At that time there were other persons with Mahant Pritam Singh, whom I can identify in case they are produced before me. Mahant Pritam Singh and his other companions have fired arm shots on the villagers with common intention to kill them for having asked for the accounts of income and expenditure of Gurdwara Sahib, and have killed my son Raju and caused injuries to seven other residents

of the village. Action may be taken against the aforesaid accused persons. I have heard the statement which is correct. LTI/-Kulwant Singh aforesaid. Attested. Sd/-Manjit Singh, Station House Officer, Police Station Maur, 29.04.2006.

3. After the occurrence, large number of persons who had gathered there lost control over themselves due to death of Jograj Singh and injuries to seven persons at the hand of Gurcharan Singh etc. and set on fire vehicles standing at the back courtyard of the Gurdwara. For the said occurrence of setting vehicles etc. on fire, Gurcharan Singh lodged complaint with S.I. Manjit Singh which was converted into DDR No. 31 dated 30.4.2006 disclosing offence under Sections 435, 436, 427, 148, 149 IPC, at Police Station Maur.

4. A complaint was filed by the Respondent against the Petitioners u/s 307, 435, 436, 427, 429, 450, 452, 506, 148, 149, 120B IPC and Section 11 of the Prevention of Cruelty to Animals Act and Sections 3 and 4 of the Prevention of Damages to Public Property Act.

5. Learned Trial Court having perused the police report, has found that prima face case under Sections 436, 435, 429, 427, 450, 506, 148 and 149 IPC is made out against the accused. Thereafter, charges were framed against the accused vide impugned order dated 10.09.2010. Undisputedly, Petitioners are on bail.

6. Having perused the record and after hearing learned Counsel for the Petitioners, I do not find any illegality or jurisdictional error in the impugned order.

7. Dismissed in limine.