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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Reserve:09.10.2025

Date of Decision: 14.10.2025

(I) CRA-D-264-DB-2004

Rajinder Singh

...Appellant

Vs.

State of Haryana

...Respondent

(II) CRA-D-616-DBA-2004

State of Haryana

...Appellant

Vs.

Ran Singh and Anr.

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat
Hon'ble Ms. Justice Sukhvinder Kaur

Present: Mr. R.S Mamli, Advocate
for the appellant(s) in CRA-D-264-DB-2004.

Mr. Rajinder Kumar Banku, Sr.DAG,Haryana with
Mr. Rajiv Sidhu, Sr. DAG, Haryana.

Mr. P.K.S Phoolka, Advocate
for the respondents in CRA-D-616-DBA-2004.

N.S.Shekhawat J.

1. By way of common judgment, this Court shall dispose of two appeals i.e. CRA-D-264-DB-2004 titled as “**Rajinder Singh Vs. State of Haryana**” and CRA-D-616-DBA-2004 titled as “**State of Haryana Vs. Ran Singh and Anr.**”

2. Since, both the appeals involve common questions of facts and law and arise out of the same FIR, both the appeals are being disposed of,



simultaneously.

3. Rajinder Singh, appellant/accused in criminal appeal No. **CRA-D-264-DB-2004** has challenged the impugned judgment of conviction and order of sentence dated 20.01.2004, passed by the Court of Additional District & Sessions Judge (Adhoc), Jhajjar, whereby, he was convicted for the offence punishable under Sections 302/34 of IPC and was sentenced to undergo imprisonment for life and to pay a fine of Rs.5000/-, in default of payment of fine, he would further undergo rigorous imprisonment for a period of six months, whereas, in criminal appeal No.CRA-D-616-DBA-2004, the State of Haryana has challenged the acquittal of respondents No.1 & 2/accused by the same Court.

4. The FIR Ex.PD/2 in the present case was registered on the basis of the statement Ex.PD made by Ranbir Singh son of Shish Ram, resident of Village Dhakla and the statement Ex.PD is reproduced below:-

“Statement of Ranbir Singh s/o Shish Ram Jat r/o Dhakla aged 40 years and stated that I am the resident of above address and do agricultural work. We are two brother. Elder brother of mine is Ram Singh, who is residing separately for the last 20-21 years. My mother has already expired. My father was alive. My father's Sister(Buwa) Bhagwani had 16 Killas of land in her name. Who had quathed her land in half share i. e 8 killas each in the name of two brother but my father had 16 killas of land in his name. Whole of that land has been given to me. No share was left in this land for my brother Ran Singh. My father had suffered a decree of 16 killas of land in favour of my three sons. My brother Ran Singh and his family member had grudge for this. They used to threat him time and again that they would not let him deprive them from their right in ancestral land. Today previous night my father



went to sleep in the garrage near the tractor as usual. I, my wife Ram Bateri and my daughter Krishna after having our meals slept at about 10.P.M.(night) on the roof. At about 11.30 P.M. we heard the noise of 'Bachao.-Bachao' from the garrage. I, my wife and my daughter came in the stair and saw that Krishna w/o my brother was catching hold my father and Rajender son of Chander Jat r/o chara brother-in-law of Ran singh was having a pharsa in his hand. Satbir son of my brother Ran Singh was having a pistol in his hand. They were giving injuries to my father. They were exclaiming that they are teaching lesson for suffering a decree of ancestral land in favour of one side. We gave a call that we are coming and raised alarm of BachaoBachao. Then they ran away with their respective weapons. Thereafter, Deep Chand s/o Daya Nand and Ranbir S/o Teka, Jat of the same village also reached at the spot. My father expired at the spot. Because of being fears stricken and raining at the night I could not come to make a report. Now I was going to police station to make a report that you have met me. Ranbir and Deep Chand are left at the spot with the dead body. I have got recorded my statement to you. Heard and correct. Legal action may be taken.”

5. After the registration of the FIR Ex.PD/2, Sumer Singh, S.I along with other police officials went to the spot and inspected the site. He prepared the inquest report Ex.PN, which was identified by Ranbir Singh and Deep Chand and also sent the dead body to Civil Hospital, Jhajjar for post mortem examination. The blood stained earth was picked from the spot and was taken into possession vide the recovery memo Ex.PK. The site plan Ex.PM of the place of occurrence was also prepared. Thereafter, he arrested Ran Singh and Krishna, respondents No.1 and 2 in criminal appeal No. CRA-D-616-DBA-2004 on the same day and were interrogated by the police



team. Ran Singh, respondent No.1 made a disclosure statement Ex.PO and got recovered a *phawra (spade)*, used in the occurrence from his house, vide the recovery memo Ex.PO/1. On 05.06.2002, Sumer Singh, S.I, arrested Rajinder, appellant/accused in criminal appeal No.CRA-D-264-DB-2004 and in pursuance of his disclosure statement Ex.PH, he got recovered a *pharsa (axe)* with a long handle, which were taken into possession vide the recovery memo Ex.PH/1, after preparing its rough sketch Ex.PH/2. The site plan Ex.PH/3 of the place of occurrence was also prepared. On 25.06.2002, Sumer Singh, SI moved an application before the doctor for obtaining their opinion as to whether the injuries found on the person of the deceased could be caused with a *phawra and pharsa* produced before them and the doctor had opined that the injuries No.1 to 10 on the person of the deceased could be possible with those weapons. After concluding the investigation, Ran Singh, Krishna and Rajinder were challaned. The co-accused Satbir, could not be arrested and since he had absconded, he was declared as a proclaimed offender in the present case.

6. After the presentation of the challan, a prima facie case under Sections 302/34 of IPC was made out against three accused, for which they were charge-sheeted, however, all the accused pleaded not guilty and claimed that they may be tried by the Trial Court.

7. In support of the prosecution case, the prosecution had relied upon 14 witnesses.

8. The prosecution examined PW-1, Dr. Surender Kumar, who was part of Board of the doctors, who conducted the post mortem on the dead body of Shish Ram. The relevant extract of his statement has been reproduced



below:-

“On that day we conducted the post mortem on the above said body and found the following:- The length of the body was 5'6". There was no ligature mark on the neck. The dead body was moderately and nourished wearing white kurta, white baninyan, white doti, a black thread around waist, a white thread around the waist and a key tied to the white thread. A hole in the kurta corresponding to the left anterior abdominal wall was present blackening around the hole was present. Another hole was present in the kurta corresponding to the right lower chest posteriorly. A hole in the Baniyan was present corresponding to left anterior andominal wall blackening around the hole was present. Another tear was present over the back of Baniyan corresponding to right lower chest. Blood stains around this hole was the present. Rigor mortis was present in all the limbs. Bilateral black eyes were present. Post Mortem staining was present over the back.

- 1. An abrasion of size 4x3cm. was present longitudinally over the superior aspect of right shoulder extending posteriorly. Clotted blood was present.*
- 2. A red contusion of size 12x1 cm. was present on superior aspect of left shoulder longitudinally extending anteriorly and posteriorly, on exploration fracture left scapula was present.*
- 3. An abrasion of size 2x5 cm. was present on superior aspect of left shoulder, 1cm.medial to injury no.2. Clotted blood was present.*
- 4. A lacerated wound of size 12x1.5cm. 75cm. on right side of longitudinally over scalp over vertex 3cm. on right side of midline. Clotted blood was present.*
- 5. A lacerated wound of size 1.5x.5cms. was present over forehead obliquely on left side of midline 1cm. above the nasion. Clotted blood was present.*
- 6. A transversly placed lacerated wound of size 2x. 5x.5cma. was present in left post auricular region. Clotted blood was present.*



7. A lacerated wound of 3x.5x. 5cm. transversly placed in left occipital region of scalp. 5cm.posterior to the upper part of left pinna. Clotted blood was present.

8. At ranversly placed lacerated sound 4.5x. Sarx, an. 5 in left occipital region of scalp. 1.5cm below Injury no.7. Crocted blood was present.

9. A lacerated wound transversly placed 5.5.x.5cms. in left occipital region of scalp. 1.5cm below injury no.8. Clotted blood was present.

10.A red contusion of size 19×10cm. Obliquely placed in left hypochondrium, extending over left lower chest and an epigastrioum.

11.Megantry of small intestines was proturuding outside the left lumbar rigion anteriorly at the level of unblicus on reducing the mesentry into abdominal cavity alacerated would 3.5x2.5 cm wa present at the level of wablicus and 5cm. from umblicus and left lumbar region. Margins of the wound were contured and inverted. Blackening and tattooing was present. On exploration the wound was extending medially and upwards in the subcutaneous tissues, muscles, pertiticnium and entering the abdominal cavity in midline, 3cm. above the anblimus, Blackening was present in such cutaneous tissues from muscles and peritonius. On opening yhr abdominal cavity a through and through puferahar was present in the stomach and right lob of the liver. and diaphragm. Hemoperitonium was present(1000ml.) semi digested food was leaking out from the stomach in the abdominal cavity.

12. A lacerated wound 2x1x2.5cm. in right infra-scapular regioir 12.5cm. below and 6cm.medial to posterior right axillary fold. Margins were everted and blood was oozing out.On exploration fracture of 10th and 11th ribs on right side vere present posteriorly. This injury was communicating with the injury no. 11.



On exploration of the chest fracture of 3rd, 4th, 5th and 6th ribs were present anteriorly on left side. On exploration of the skull depressed fracture of left occipital bone was present. A sub-dural hemetoma of 10x7.5 x3.5cm.was present in left partietal region. extending to left occipital region. Spleen, kidney, pleura, both lungs are organs of generation external and internal all healthy. The cause of death in our opinion was due to injury to the vital organs i.e. liver and brinl.leading on to hemorrhage shock and death. All the injuries were antemortem in nature and were insufficient to cause of death in the ordinary course of nature”.

9. As per PW-1, Dr. Surender Kumar, on 25.06.2002, Sumer Singh, S.I moved an application before the doctors and sought the opinion of the doctors. The doctors opined that injuries No.1 to 10 on the person of Shish Ram could possibly be caused with *pharsa* and *phawra*. Even, injuries No.11 and 12 were caused with some firearm and injury No.11 alone could be sufficient to cause death. As the *pharsa* was having blunt edge blade side, so it was not necessary that it could cause an incised wound. PW-2, Jai Chand Constable, Draftsman had prepared a scaled site plan Ex.PC, whereas, PW-3, Azad Singh, ASI had sent a ruqa to the police station and he had recorded the FIR Ex.PD/2 in the police station. PW-4, Surender Singh, Photographer had taken the photographs of the dead body Ex.P1 to Ex.P6 and negatives were exhibited as Ex.P7 to Ex.P12. Further, Head Constable, Surender Singh was examined as PW-5, who had taken the clothes of the deceased into possession vide the recovery memo Ex.PE. The testimony of PW-6, Bijender Singh, Constable and PW-7, Vijay Singh, Head Constable are formal in nature. Still further, the prosecution examined Ranbir son of Shish Ram, complainant as PW-8 and he



reiterated the version as mentioned in the FIR Ex.PD/2. Similarly, PW-9, Darshana daughter of Ranbir and PW-10 Bhateri wife of Ranbir had also supported the testimony of PW-8, Ranbir. The prosecution further examined PW-11, Deep Chand, neighbour of the deceased, however, he did not support the case of the prosecution and was declared hostile. Similarly, PW-12, Rajender, another witness refuse to support the case of the prosecution. The prosecution further examined Sumer Singh as PW-13, SI, who had initially investigated the matter. He had recorded the statement of Ranbir Singh complainant as Ex.PD and had made his endorsement as Ex.PD/1. He reached at spot and took into possession the incriminating evidence from the place of occurrence. He had also arrested Ran Singh and Rajinder, accused and recoveries made from them. The prosecution further examined Raghubir Singh PW-14, who was part of the police party and remained associated, during the process of recovery. In his presence, *phawra* was recovered from Ran Singh and the same was taken into possession by the police.

10. After the completion of the prosecution evidence, the statement of accused Ran Singh was recorded under Section 313 Cr.P.C, wherein, he stated that the injuries were caused to the deceased by Satbir @ Kala and his friend, whose name he did not know. His co-accused Krishna and Rajinder had caused no injuries to the deceased.

11. Similarly, Rajinder, appellant/accused in criminal appeal No. CRA-D-264-DB-2004 also pleaded his false implication and he supported the statement made by Ran Singh, accused. Krishna, respondent No.2 also stated



that she had been falsely implicated and injuries were caused by Satbir @ Kala and one of his co-accused.

CRA-D-264-DB-2004

1. Learned counsel has vehemently argued that the entire prosecution case was based on the testimonies of interested and official witnesses. The whole prosecution case was based on the statements of PW-8 Ranbir, PW-9 Darshana daughter of Ranbir and PW-10 Bhateri wife of Ranbir and the testimonies of such inimical witnesses are liable to be scrutinized with care and caution. He further submits that even the above stated 03 witnesses had not witnessed the occurrence at all and their presence at the place of occurrence was highly doubtful. In fact, it has been stated that all the three witnesses had heard the cries of the deceased, while he was being attacked by the accused. Surprisingly, none of them had either raised the noise to save the deceased nor tried to apprehend any of the accused. Still further, Ranbir Singh PW-8 was already inimical towards Ran Singh and due to the said enmity, he had named Ran Singh, his wife Krishna, Rajender his brother-in-law and Satbir @ Kala his son. Consequently, a futile attempt has been made to involve the entire family as well as their relative in a false criminal case. Learned counsel further contends that in fact, the Trial Court had rightly disbelieved the version of the prosecution qua two accused namely Ran Singh and Krishna and the appellant was also liable to be acquitted by this Court.

2. On the other hand learned State counsel has vehemently opposed the submissions made by the appellant on the ground the three witnesses namely PW-8 Ranbir, PW-9 Darshana and PW-10 Bhateri wife of Ranbir had



made specific allegations against Rajinder Singh, who had caused repeated blows on the person of Shish Ram with a *pharsa*, whereas, Satbir @ Kala son of Ran Singh, accused had fired a shot at Shish Ram and Shish Ram had expired at the spot. He further contends that the version of the eye witnesses has been duly supported by the statement of PW-1, Dr. Surender Kumar, who stated that the injuries No.1 to 10 could be caused from the blunt side of *pharsa*, whereas, injuries No.11 and 12 were firearm injuries and could have been caused with a firearm. Still further, the statements of such witnesses have been further corroborated by the testimony of PW-13 Sumer Singh, SI, who had conducted the investigation in the present case. Thus, the appellant has been rightly convicted by the Trial Court in the present case.

3. We have heard learned counsel for the parties and perused the record carefully.

4. In the present case, Shish Ram was the father of Ran Singh, co-accused as well as Ranbir Singh. Bhagwani sister of Shish Ram owned 16 *killas* of land, who had transferred 8 *killas* each in the names of Ran Singh, co-accused as well as Ranbir Singh, complainant, whereas, Shish Ram had suffered a decree of 16 *killas* of land in favour of three sons of Ranbir Singh, complainant and Ran Singh, co-accused was deprived of the land. It is also apparent from the record that the entire land was transferred by Shish Ram in favour of the sons of the Ranbir Singh, complainant by way of civil Court decree in the year 1991, when, Ran Singh, accused was deprived of half share in the land. Consequently, the Trial Court has rightly held that for almost 11 years, Ran Singh, accused had neither raised any protest against his father nor



had picked any fight with him. Thus, this clearly shows absence of motive on the part of Ran Singh, accused in the present case. However, at that time, Satbir was a young boy and after a gap of about 11 years, there was escalation in the prices of the land and he might have been aggrieved of the act of Shish Ram, whereby, he had transferred the entire parcel of land in favour of three sons of complainant. Thus, it is apparent that Satbir had joined hands with Rajinder and had caused injuries to Shish Ram. Even, it is also apparent that the deceased had suffered 10 injuries, besides the fire arm injury and as per the statement of PW-1, Dr. Surender Kumar, all the said injuries could have been caused from the blunt side of the *pharsa*, which was carried by Rajinder Singh.

5. Apart from that, the prosecution has examined three witnesses namely PW-8 Ranbir, PW-9 Darshana and PW-10 Bhateri wife of Ranbir, who had been subjected to lengthy cross-examination by learned defence counsel before the Trial Court, however, the testimonies of all the three witnesses could not be shattered in any manner.

6. As a consequence, we have no hesitation to hold that Rajinder Singh has been rightly convicted and sentenced by the Trial Court.

7. As a consequence of the above discussion, the present appeal fails and is accordingly, ordered to be dismissed.

8. The impugned judgment of conviction and order of sentence dated 20.01.2004, passed by the Court of Additional District & Sessions Judge (Adhoc), Jhajjar are ordered to be upheld.

9. The appellant may be taken in custody forthwith, if not in custody, to serve the remaining sentence.



(II) CRA-D-616-DBA-2004

1. By way of the present appeal, the State of Haryana has challenged the acquittal of the Ran Singh and Krishna, respondents No.1 &2 by the Trial Court.

2. Learned State counsel has vehemently argued that the Trial Court did not appreciate the testimonies of PW-8 Ranbir, PW-9 Darshana and PW-10 Bhateri, who had categorically deposed that both the respondents had also participated along with Rajinder, co-accused. Even, Ran Singh, respondent No.1 was the principal accused, who was having enmity with Shish Ram, since deceased as he had not transferred the land in favour of the respondent No.1. Due to this, both the respondents had joined the hands with their son Satbir @ Kala and Rajender, brother-in-law of respondent No.1. All the accused including respondents No.1 & 2 had gone at the place of occurrence and after reaching there, Krishna had caught hold of Shish Ram, whereas, Ran Singh, respondent No.1 had caused injuries on the person of Shish Ram, with a *phawara* (spade). His co-accused Rajender caused injuries to Shish Ram with a *pharsa* (axe) with a long handle, whereas, Satbir son of Ran Singh, fired a shot from the pistol, which had hit Shish Ram on his stomach. Thus, Shish Ram had expired at the spot on account of injuries sustained by him. Learned State counsel vehemently argued that the testimonies of eye witnesses were duly supported by the statement of PW-1, Dr. Surender Kumar, who clearly stated that injuries No.1 to 10 on the person of Shish Ram could possibly be caused with a *pharsa* and *phawra*. Thus, the trial Court had committed grave error in acquitting the respondents in the present case.



3. On the other hand learned counsel appearing on behalf of respondents has supported the findings recorded by the Trial Court by submitting that the Trial Court had recorded detailed reasons while acquitting both the respondents. He further contends that in fact, the land dispute had created backblood between the complainant and the respondent No.1, i.e two real brothers. Even, the motive alleged against respondent No.1 was non-transfer of land in favour of respondent No.1 and transfer of entire land of Shish Ram in favour of sons of the complainant. Shish Ram had transferred the land in favour of sons of the complainant, by way of a civil Court decree in the year 1991 and both the respondents had never raised any objection to the same. Thus, the impugned judgment is legally sustainable.

4. We have heard learned counsel for the parties and perused the record carefully.

5. As per the case of the prosecution, both the brothers i.e. complainant as well as respondent No.1 were residing separately and their father Shish Ram, since deceased was residing with complainant. Shish Ram had transferred his entire 16 acres of land in favour of sons of complainant by way of civil Court decree, which was suffered by him in the year 1991, whereas, in the present case, the occurrence had taken place on 29.05.2002 i.e almost 11 years. Still further, even as per the admitted case of the prosecution, the said transfer of land by Shish Ram was the motive for causing injuries to Shish Ram. However, the Trial Court has rightly observed that in the past 11 years, Ran Singh, respondent No.1 had never objected to the said land as the prices of the said land in those days was highly insignificant. However, after 11



years Satbir @ Kalla son of respondent No.1 had attained majority and probably, he was aggrieved of the transfer of land in favour of sons of the complainant as by that time the prices of land had escalated.

6. Apart from that, the complainant was admittedly highly inimical towards both the respondents due to the ongoing land dispute between the parties. Thus, the possibility of false implication of respondents No.1 and 2 could not be ruled out. Apart from that, we have also perused the detailed findings recorded by the Trial Court in favour of the respondents and find no reasons to deviate from the same.

7. It has been held by the Hon'ble Supreme Court in the matter of **“Bhaskarrao and others Vs. State of Maharashtra”, 2018 AIR (Supreme Court) 2222; 2018 (5) RCR (Criminal) 228** as follows:-

*“14. As the trial court and High Court, having appreciated the evidence on record, has come to diametrically opposite conclusions, mandating herein to observe certain witness statements which may have an important bearing in this case. In the processes of appreciating the evidence at the appellate stage, we need to keep in mind the views of this court as expressed in **Tota Singh and Anr. v. State of Punjab, 1987(2) RCR (Criminal) 35 : 1987 CriLJ 974** -*

"The High Court has not found in its judgment that the reasons given by the learned Sessions Judge for discarding the testimony of PW2 and PW6 were either unreasonable or perverse. What the High Court has done is to make an independent reappraisal of the evidence on its own and to set aside the acquittal merely on the ground that as a result of such reappraisal, the High Court was inclined to reach a conclusion different from the one recorded by



the learned Sessions Judge. This Court has repeatedly pointed out that the mere fact that the Appellate Court is inclined on a reappraisal of the evidence to reach a conclusion which is at variance with the one recorded in the order of acquittal passed by the Court below will not constitute a valid and sufficient ground for setting aside the acquittal. The jurisdiction of the Appellate Court in dealing with an appeal against an order of acquittal is circumscribed by the limitation that no interference is to be made with the order of acquittal unless the approach made by the lower Court to the consideration of the evidence in the case is vitiated by some manifest illegality or the conclusion recorded by the Court below is such which could not have been possibly arrived at by any court acting reasonably and judiciously and is, therefore, liable to be characterized as perverse. Where two views are possible on an appraisal of the evidence adduced in the case and the court below has taken a view which is plausible one, the Appellate Court cannot legally interfere with an order of acquittal even if it is of the opinion that the view taken by the Court below on its consideration of the evidence is erroneous."

8. 15. In **Ramesh Babulal Doshi v. State of Gujarat, 1997(3) RCR (Criminal) 62 : 1996 CriLJ 2867**, this Court observed:

"This Court has repeatedly laid down that the mere fact that a view other than the one taken by the trial Court can be legitimately arrived at by the appellate Court on reappraisal of the evidence cannot constitute a valid and sufficient ground to interfere with an order of acquittal unless it comes to the conclusion that the entire approach of the trial Court in dealing with the evidence was patently illegal or the conclusions arrived at by it were wholly untenable. While sitting in judgment over an acquittal the appellate Court is first required to seek an answer to the question whether the findings of the trial Court are palpably wrong, manifestly erroneous or demonstrably unsustainable. If the appellate court



answers the above question in the negative the order of acquittal is not to be disturbed."

9. As an upshot of the above discussion, the present appeal fails and is accordingly ordered to be dismissed.

(N.S.SHEKHAWAT)
JUDGE

(SUKHVINDER KAUR)
JUDGE

14.10.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No