

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CRAA No. 35/2007

Date of pronouncement: 26.02.2026.
Date of uploading:

State of J & K and others

.....Applicant(s)/Appellant(s)

Through :- Mr. Nirmal K Kotwal, Advocate vice
Mr. Ravinder Gupta, AAG

v/s

**Amarjeet Singh S/o Maan Singh R/o Amar
Singh Ahata, Jammu**

.....Respondent(s)

Through :- Mr. Rahul Raina, Advocate

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER (ORAL)

SANJEEV KUMAR J

1. This appeal by the State of J&K, now the Union Territory of J&K, arises from a judgment of acquittal dated 26.04.2007, passed by the Court of learned 2nd Additional Sessions Judge, Jammu [“the Trial Court”], in file No. 84/Sessions, titled “State of J&K and others Vs. Amarjeet Singh”.
2. The impugned judgment has been assailed by the appellants on multiple grounds. However, before we advert to the grounds of challenge urged by learned counsel appearing for the appellants, we deem it appropriate to take note of the prosecution story as was projected by the prosecution before the Trial Court.
3. The Police of Police Station, Pacca Danga, Jammu registered an FIR on 27.12.2004, on the basis of a verbal report lodged by PW-Rajan Khonja,

stating therein that on 27.12.2004 around 8:45 pm, he along with PW-Narinder Singh, PW-Narotam Sharma, PW-Sanjeev Singh Jamwal and some other boys, was standing at the gate of Ahata Amar Singh. The respondent, who was having a long-standing enmity with Narinder Singh, came on spot and started abusing him. He extended Narinder Singh life threats to which Narinder Singh objected.

4. It was further stated that the respondent left the place in annoyance after threatening Narinder Singh. The respondent, however, came back on the spot once again and this time carrying a Kirch in his hand. He stabbed Narinder Singh in his chest and belly with Kirch and injured him seriously. PW further stated that he along with others tried to intervene and even chased the respondent, but he somehow managed to escape. The injured was shifted in autorickshaw to the Govt. Medical College, where he later succumbed to his injuries.
5. Upon registration of FIR No. 296/2004, initially under Section 307 RPC and 4/25 Arms Act, and later under Section 302 RPC and 4/25 Arms Act, the investigation was set in motion. The Investigating Officer got the post-mortem of the deceased conducted through PW-Dr. Anayat Ullah Sheikh. The wearing apparels of the deceased were seized. The statements of the witnesses under Section 161 Cr.P.C were recorded and on completion of other requisite formalities, the chargesheet was laid before the Court. The respondent was charged for Commission of offences punishable under Section 302 RPC read with 4/25 Arms Act. The respondent pleaded not guilty to the charge and claimed to be tried.

6. With a view to prove its case, the prosecution examined PW-Sanjeev Kumar, PW-Rajan Khonja, PW-Narotam Sharma, PW-Romesh Kumar, PW-Rajesh Gupta, PW-Anoop Singh, PW-Sanjeev Singh Jamwal, PW-Jyoti Billoria, PW- Updesh Singh, PW-Amar Nath Badyal, PW-Mool Raj and PW- Dr. Anayat Ullah Sheikh.
7. On closure of the prosecution evidence, the incriminating evidence was put to the respondent and his statement under Section 342 Cr.P.C was recorded. He branded all the witnesses a liars and claimed innocence. He, however, chose not to lead any evidence in defence.
8. The Trial Court appreciated the oral as well as documentary evidence on record and came to the conclusion that the evidence on record was contradictory in nature and did not inspire the confidence of the Court. The Trial Court was of the opinion that only two witnesses i.e., PW-Sanjeev Singh Jamwal (maternal cousin of the deceased) and PW-Jyoti Billoria (wife of the deceased) to some extent supported the prosecution case, but there were inherent contradictions in their statements which made their presence on the scene of occurrence highly doubtful. Disbelieving the prosecution evidence, the Trial Court gave benefit of doubt to the respondent and acquitted him of the charge in terms of the judgment impugned.
9. The impugned judgment has been challenged by the appellants primarily on the ground that the Trial Court has failed to appreciate in right perspective the oral as well as documentary evidence on record, in particular, the statements of eye witnesses, PW-Sanjeev Singh Jamwal, and PW-Jyoti Billoria. The Trial Court has thrown out the case of the

prosecution on finding minor contradictions in the statement of the aforesaid two witnesses.

10. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgment of acquittal passed by the Trial Court is perfectly legal and does not suffer from any infirmity. The Trial Court has appreciated evidence in correct perspective and has rightly concluded that the testimonies of the two eye witnesses i.e., PW-Sanjeev Singh Jamwal, and PW-Jyoti Billoria, the only eye witnesses who have supported the case of prosecution are fraught with serious contradictions making their presence on the scene of occurrence highly doubtful.
11. We have gone through the judgment as also evidence on record. It needs to be stated that PW- Rajan Khonja, who claimed to have witnessed the commission of crime and lodged FIR with the Police Station on the date of occurrence itself, has turned hostile. He has even denied having lodged any FIR with regard to the incident. He was also a witness to the disclosure statement made by the respondent and the recovery of Kirch allegedly recovered at his instance, but did not support the prosecution case when he entered the witness box before the Trial Court. He has denied having seen the respondent making any disclosure statement or any recovery of weapon of offence made at his instance. The other witnesses like PW-Sanjeev Kumar, PW-Narotam Sharma, PW-Romesh Kumar, PW-Rajesh Gupta, and PW-Anoop Singh have either turned hostile or have indicated their presence on the spot after the occurrence had happened.

12. PW-Anoop Singh is brother of the deceased and was cited as an eye witness by the prosecution. In his deposition before the Trial Court, he has denied having seen occurrence and has stated that at the time of occurrence, he had gone to the house of his father's sister and was informed about the occurrence by his sister. This way he too did not support the prosecution case.
13. The Trial Court was, thus, left with testimony of PW-Sanjeev Singh Jamwal, and PW-Jyoti Billoria. Although PW-Sanjeev Singh Jamwal has to some extent supported the prosecution case and stood by his statement that he had seen the respondent inflicting Kirch injury on the deceased, but his presence on the spot has been seriously doubted by the Trial Court for the reason that he was a chance witness and it was highly improbable that he was present on the spot on three occasions under similar set of circumstances and in the presence of similar set of witnesses and people.
14. The Trial Court has also found his statement in serious contradiction with the statement of PW-Jyoti Billoria. Similarly the statement of PW-Jyoti Billoria, too has not been believed by the Trial Court. On appreciation of the evidence, the Trial Court was of the opinion that had the PW-Jyoti Billoria been present on spot, the other eye witnesses in particular PW-Sanjeev Singh Jamwal, would have spoken about her presence in his statement made before the Police under Section 161 Cr. P.C or in their testimony made before the Trial Court.
15. The Trial Court has, thus, rightly came to the conclusion that PW-Sanjeev Singh Jamwal, a close relative of the deceased (a cousin), was introduced

as the eye witness by the Police to strengthen its case. Similar is the view of the Trial Court with regard to PW-Jyoti Billoria.

16. We have gone through the testimonies of PW-Sanjeev Singh Jamwal, and PW-Jyoti Billoria, and we see no good reason to differ with the view taken by the Trial Court upon appreciation of their testimonies. Apart from the aforesaid witnesses, there is no other material evidence on record which would connect the respondent with the commission of murder of the deceased Narinder Singh.
17. Needless to reiterate that the scope of interference by the appellate Court with the judgment of acquittal rendered by the Trial Court is limited and well-circumscribed. Even if the appellate Court, on appreciation of evidence, is of the opinion that a view other than the one taken by the Trial Court is possible yet it would tend to take the view taken by the Trial Court and the view that goes in favour of the accused. Undoubtedly, there is a presumption of innocence in favour of the accused, and such presumption gets fortified when he earns acquittal from the Trial Court.
18. For all these reasons we are not inclined to interfere with well-reasoned judgment of acquittal passed by the Trial Court. The appeal is found devoid of any merit and is, accordingly, dismissed.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
26.02.2026
Shafqat

Whether this order is reportable: Yes/No

Whether this order is speaking: Yes/No