

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-619-DB-2004
Date of Reserve:03.11.2025
Date of Decision: 10.02.2026
Uploaded on: 13.02.2026

(i) CRA-D-619-DB-2004
Mam Chand and Anr. ...Appellants

Vs.

State of Haryana ...Respondent

(ii) CRR-2000-2004
Raghbir Singh ...Petitioner

Vs.

State of Haryana and Ors. ...Respondents

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

Present: Ms. Anju Arora, Advocate (Amicus Curiae) with
Ms. Alisha Arora, Advocate
for the appellant in (CRA-D-619-DB-2004).

Ms. Gurneet Sagoo, Advocate as Amicus Curiae
for the petitioner in CRR-2000-2004.

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

N.S.Shekhawat J.

1. This judgement shall dispose of two cases i.e. **CRA-D-619-DB-2004** titled as “Mam Chand and Anr. Vs. State of Haryana” and CRR-2000-2004 titled as “Raghbir Singh Vs. State of Haryana and Ors,” simultaneously,



as both the cases arise out of common impugned judgment of conviction and order of sentence dated 07.06.2004, passed by the Court of Additional Sessions Judge, Kaithal.

2. Vide the impugned judgment of conviction and order of sentence dated 07.06.2004, passed by the Court of Additional Sessions Judge, Kaithal, the appellants in criminal appeal No.CRA-D-619-DB-2004 were convicted for the commission of offence punishable under Section 302 IPC and were sentenced to undergo life imprisonment and to pay a sum of Rs.10,000/- each as fine, in default of payment of fine, they would further undergo rigorous imprisonment for a period of six months and challenging their conviction and sentence, they have preferred the appeal before this Court.

3. On the other hand, Raghbir Singh, complainant/petitioner in Criminal Revision No.CRR-2000-2004 has filed the revision petition before this Court with a prayer to enhance the sentence imposed on the accused/respondents in the present case and to award a sum of Rs.2,00,000/- as compensation.

4. During the pendency of appeal/revision before this Court, appellant No.2 Ramesh @ Mesha in CRA-D-619-DB-2004 and respondent No.3 in CRR-2000-2004 had already expired and the appeal/revision qua him stood abated.

5. The FIR (Ex.PF/1) was ordered to be registered on the basis of the statement made by Raghbir Singh son of Gian Singh, resident of Dhand, Police Station Dhand, District Kaithal and the said statement has been reproduced below:-

“It is stated that I am resident of above noted address



and doing the work of agriculture. We are two brothers and four sisters. I am eldest, younger to me two sisters namely Saroj and Shakuntla, younger to them my brother is Karambir, then my sister Santosh and youngest is Kamlesh. We both brothers and three sisters are married and my younger sister Kamlesh is unmarried. We have 11 killas of land. Out of this, we cultivate 5 killas of land and Mam Chand @ Duta son of Puran Chand Caste Jhinwer, resident of Chur Majra is cultivating the remaining 6 Killas of land on 1/2 share for the last three years and from this time he is also looking after the cattle and it was also his duty to put the fodder to the cattle. Mam Chand @Duta is in the habit of taking liquor. Yesterday, he had started taking liquor since morning. At about 7.30 P.M, I, Pala Ram son of Ram Dhari, Deba son of Dalla Ram Caste Gujjar, residents of Dhand were talking in front of the gate of my Bara which is situated on Kaithal Dhand road. My father Gian Singh was standing in the Bara and in the meantime, Mam Chand @ Duta son of Puran Chand Jhinwer and his son Mehsha came from the side of field, then my father told Mam Chand @ Duta that the cattle were standing hungry and thirsty throughout the day and you are wandering taking liquor. Mam Chand started abusing which was restricted by my father from abusing. On that Mehsha gave a fist blow on the abdomen of my father and Mam Chand @ Duta picked up an iron rod which was lying in the Bara and gave a blow on the left side of the head my father and blood started oozing out from his head. My father fell down. I, Pala and Deba came into Bara while running, Thereafter, Mam Chand @ Duta and his son after scaling the wall escaped towards the field alongwith iron Rod. I left Pala Ram and Deba with my father and went to arrange for the vehicle at bus stand Dhand and also in village, when I returned my father had succumbed to the



injuries which were received in the head. The death of my father occurred due to injuries caused by Mam Chand @ Duta. I waited for my brother Karamvir and then after leaving Pala and Deba on the spot. I was going to Police Station for giving information and you met me. You wrote my statement which was read over and found correct. Sd/ Rajbir Singh, Attested Dharam Singh SI/SHO, Police Station Dhand dated 22.4.2002.

POLICE PROCEEDING:- Today, I the SI/SHO alongwith Jasmer Singh No. 661, HC Kehar Singh No. 416, C-Raghbir Singh 484, C-Bhim Singh, 526 were present at Panchmukhi Chowk Dhand in a Govt. Vehicle No. HR-08B-4902 being driven by Karam Singh then Raghbir Singh son of Gian Singh, caste Gujjar, resident of Dhand met me and got recorded his above noted statement which was read over word by word to him and after admitting it as correct he put his signatures on it in English, I attested the same. From the above statement an offence under section 304/34 IPC is made out. Therefore, the writing is being sent into police station through C-Raghbir Singh, 484 for registration of case. After registration of case, its number be intimated and copies of F.I.R. as special report be sent through special constable to the concerned Officers. Photographer and ASI Sultan Singh be sent at the spot. I, SI/SHO alongwith officials and complainant proceeded to the spot. Sd/- Dharam Singh, SI/Incharge Police Station Dhand dated 22.4.2002 at 1.15 A.M. Today, from Panchmukhi Chowk Dhand, in the police station:-on receipt of above writing, offence case is registered. Copy of F.I.R. alongwith original writing is being sent at the spot to the SI/SHO, through coming constable, Copies of F.I.R. as special report are being sent through C-Kuldeep Singh No. 629 to the Illaqa Magistrate. S.P Kaithal and DSP Guhla.



POLICE

INVESTIGATION:-

Because the offence has been committed as per report, under the section mentioned at Sr. No. 2. As such the case was registered and investigation started Sh. Dharam Singh, Sub-Inspector/Incharge, Dhand is directed to investigation who refused to investigate/under the police station Dhand in view of Jurisdiction of the matter.”

6. After the registration of the FIR, the police reached at the place of occurrence and found the dead body of Gian Singh was lying there. Sub Inspector Dharam Singh inspected the place of occurrence and also prepared the inquest proceedings and got the spot and dead body photographed. On police request, the post mortem examination was conducted on the dead body of Gian Singh. During, initial investigation, the rough site plan was prepared and the blood stained earth was lifted from the spot vide a separate memo. The statements of eye witnesses Pala Ram, Deba and Karambir were recorded. On 27.04.2002, Mam Chand, accused was arrested and on interrogation, he suffered a disclosure statement and in pursuance of the disclosure statement, he got recovered an iron rod from his residential house. The rod was converted into parcel and was sealed. After necessary investigation, the report under Section 173 Cr.P.C was prepared and presented in the Court of the Area Magistrate.

7. After committal proceedings, the Trial Court found a prima facie case under Section 302 IPC against both the accused and they pleaded that they had been falsely involved in the present case and claimed trial by the Trial Court.



8. During the course of the trial, the prosecution examined 12 witnesses to support the charge.

9. The statement of PW-1 HC, Om Parkash was formal in nature. PW-2, Husan Singh, Photographer took seven photographs of the dead body at the spot, which were exhibited as Ex.P-1 to Ex.P-7. The prosecution examined Pala Ram Patwari as PW-3, who visited the spot and prepared the scaled site plan Ex.PB on the pointing of Raghbir Singh son of Gian Singh. The prosecution examined Dr. Lajja Ram as PW-4, Medical Officer, General Hospital, Kaithal, who had conducted the post mortem examination on the dead body of Gian Singh at 08:30 A.M on 22.04.2002. The relevant extract of his testimony is reproduced below:-

“I conducted the post mortem examination at 8.30 A.M. on 22.4.2002. On examination, a 60 years male dead body which was moderately built, moderately nourished, mouth and both eyes were closed, wearing white shirt and Matiala Chaddar, Rigor mortis was present all over body. Post mortem staining was present all over back and bucket. On examination:

- 1. There was lacerated wound 6 cm x 2 cm over left parietal region in high position which was obliquely placed towards mid-line.*
- 2. Lacerated wound 6 cm x 2 cm over left parietal region with angulation to injury no.1 and met in mid-line to injury no.1.*

On exploration of these injuries, there was fracture of left parietal bone with extra dural haematoma just beneath the fracture side and of size 300 CC.

- 3. There was contusion 3 x 3 cm over left hypochondrium, on exploration, there was a laceration of spleen on its supero*



lateral surface of size 3 cm x 1 cm with haemoperitoneum of about 100 CC. Rest of the viscera was pale and healthy.

In my opinion, the cause of death was due to shock and haemorrhage which was due to injury to vital organs like brain and spleen and these injuries were ante mortem in nature and sufficient to cause death in normal course of law.

Handed over to police:-

- 1. Well sutured dead body after conducting post mortem.*
- 2. Police papers numbering 16 duly signed by me.*
- 3. Copy of PMR no.LR/52/2 dated 22.4.2002.*

Duration between injuries and death immediate and between death and post mortem within 24 hours. My report is with me in original, copy of MLR is Ex.PE. Inquest papers Ex. PD also bears my signatures.

At this stage, a sealed parcel bearing the seal of FSL opened. Dhoti is Ex. P12, shirt is Ex.P13 which are the same which were handed over by me to the police.

At this stage, another parcel sealed with seal of FSL opened. Iron rod is Ex. P14. I have seen today in the court. Injury no.1 and 2 are possible to be caused by Englaran Rod Ex. P14”.

10. The prosecution further examined PW-5 Constable Raghbir Singh, who was part of the initial investigation. Randhir Singh son of Nanha Ram appeared as PW-6, who stated that he was partner in a commission agent firm M/s Nanha Ram Randhir Singh. Gian Singh, since deceased used to sell his crops at his shop and he had given his six acres of land to Mam Chand, accused



on lease. Mam Chand was having dealings with him and on 24.04.2002, a sum of Rs.23,715/- was outstanding towards Mam Chand, accused. Gian Singh, since deceased had stood surety for the payment, which was to be paid by Mam Chand to him. Gian Singh, since deceased, told Mam Chand to sell his crops at his shop and to clear his account. However, Mam Chand told him that Gian Singh had spoken ill about him and he would see Gian Singh. On 24.04.2002, he handed over *Bahi* entries Ex.PH and Ex.PH-1 to the police. The prosecution further examined Nar Singh as PW-7, who stated that his land abutted the land of Gian Singh and six acres of land were given by Gian Singh, since deceased to Mam Chand on half share *Batai*. 3-4 days prior to the death of Gian Singh, Gian Singh had asked Mam Chand to clear the account of Raghbir, Commission Agent after harvesting the crop. However, Mam Chand told him that he would sell his crop as per his wish and this led to an altercation between Mam Chand and Gian Singh, since deceased. He also persuaded Mam Chand to settle the account, but Mam Chand told him that he was insulted and he would take revenge from Gian Singh, since deceased. The prosecution further examined Shishpal Sarpanch as PW-8, who also supported the case of the prosecution. The complainant Raghbir Singh was examined as PW-9 and he supported the averments made in the FIR Ex.PF/1. The prosecution further examined Pala Ram an eye witness as PW-10, who supported the testimony of PW-9 Raghbir Singh, complainant and reiterated his version. Dharam Singh, S.I, the then SHO, Police Station Dhand was examined as PW-11. He had initially conducted the investigation and recovered the incriminating material from the spot. He also arrested the accused in the present case and had recovered an iron rod from Mam Chand. The prosecution further examined PW-12 Dharam Pal,



H.C, who had deposited the sealed parcels with F.S.L Madhuban and no objection was raised by FSL.

11. After the closure of prosecution evidence, the statements of appellants namely Mam Chand and Ramesh @ Mesha were recorded under Section 313 Cr.P.C. The accused stated that they were innocent and had been falsely involved in the present case.

12. Learned counsel appearing on behalf of appellant No.1 contends that the alleged occurrence had taken place at about 07:30 P.M on 21.04.2002, whereas, the FIR in the present case was got registered at 01:20 A.M on 22.04.2002. Consequently, there was considerable delay in lodging the FIR in the present case. Rather, the delay was utilized by the complainant in ensuring the false implication of the appellant. She further contends that there was no common intention on the part of both accused and there was no occasion for prior meeting of minds with the accused. Consequently, both the accused are liable to be convicted for the offences punishable under Section 325/323 IPC. Further, even the prosecution could not prove any motive on the part of the appellants to commit the offence. Initially, in the FIR Ex.PF/1, it was alleged that Gian Singh had taunted Mam Chand, accused, that the cattle were hungry and thirsty throughout the day and he was wandering and taking liquor. Ultimately, Mam Chand started abusing and Gian Singh restrained him from doing so, on this both accused caused injuries to Gian Singh, since deceased. However, during the course of trial, the prosecution examined PW-6 Randhir Singh and a new motive was introduced. It was alleged that a sum of Rs.23,715/- was outstanding towards Mam Chand and Gian Singh, since deceased was pressing Mam Chand hard to make the said payment. Even, the



original *bahi* writing Ex.PH and Ex.PH-1 were produced on record in this regard. She further contends that there were contradictions in the statements of various prosecution witnesses and it was a case of blind murder. However, due to enmity, both the accused were falsely involved in the present case.

13. On the other hand, learned State counsel assisted by learned counsel for the complainant/petitioner has vehemently opposed the submissions made by learned counsel for the appellant and submitted that the occurrence was reported to the police without any undue delay and the delay of six hours in lodging the F.I.R was insignificant. Apart from that, even the motive on the part of the appellants to commit the crime stood proved. Apart from that, both the accused had reached the spot and had caused severe injuries to the deceased. Even sometimes, it is possible that the common intention is shared by all the accused at the spur of the moment and they can always join hands to commit the crime.

14. We have heard learned counsel for the parties and perused the record carefully; with their able assistance.

15. The first submission was raised by learned defence counsel with regard to the delay in registration of the FIR. The occurrence had taken place at around 07:30 P.M on 21.04.2002, whereas, the FIR was got registered by the complainant at 01:20 AM on 22.04.2002. However, we find that keeping in view the peculiar facts of the case, it was a case of prompt reporting to the police. The occurrence took place at about 07:30 PM and after the injuries were caused to Gian Singh, since deceased, his son Raghbir Singh, complainant went to the police station and reported the matter to the police. Since, his father had succumbed to the injuries, he waited for his younger brother Karambir to reach



immediately at the spot and after the arrival of his younger brother, the complainant reported the incident to the police. Even otherwise, after such a heinous crime, the complainant is clearly in a state of shock as his father was murdered in his presence. Consequently, we are of the considered opinion that the delay in reporting the matter to the police stood properly explained by the prosecution.

16. We find no force in the submissions made by learned counsel for the appellants that the murder might have been committed by some strangers and the complainant side has falsely involved the appellants in a crime. In fact, there was no evidence on record to suggest that the complainant side was inimical towards the appellants in the present case. Even, both the accused shared common intention as Mam Chand was having enmity with Gian Singh, since deceased. In fact, Gian Singh was pressing Mam Chand to make payment of Rs.23,715/- to PW-6 Randhir Singh.

17. Still further, in the present case, the statements of eye witnesses namely PW-9 Raghbir Singh and PW-10 Pala Ram proved the case of the prosecution. Both the witnesses had categorically stated that on 21.04.2002, Raghbir Singh, Pala Ram and Deba were standing on the road and were talking to each other. Gian Singh was standing in the *bara* at some distance. In the meantime, both the accused reached there. Gian Singh, since deceased asked Mam Chand as to how he was moving there, after consuming liquor and the cattle were standing thirsty and hungry. On this, Mam Chand started abusing Gian Singh and when he stopped the accused from doing so, Ramesh @ Mesha, accused gave a fist blow on the stomach of Gian Singh and Mam Chand after picking an iron rod gave a blow on the head of Gian Singh. Thus, it is apparent



that the occurrence was witnessed by PW-9 Raghbir Singh and PW-10 Pala Ram. It is also apparent that Gian Singh had succumbed to the injuries and his dead body was found at the spot. The testimonies of PW-9 Raghbir Singh and PW-10 Pala Ram, both witnesses is duly corroborated by the statement of PW-4 Dr. Lajja Ram, who had conducted the post mortem examination on the dead body of Gian Singh, on examination he found the following three injuries:-

1. There was lacerated wound 6 cm x 2 cm over left parietal region in high position which was obliquely placed towards mid-line.

2. Lacerated wound 6 cm x 2 cm over left parietal region with angulation to injury no.1 and met in mid-line to injury no.1.

On exploration of these injuries, there was fracture of left parietal bone with extradural haematoma just beneath the fracture side and of size 300 CC.

3. There was contusion 3 cm x 3 cm over left hypochondrium, on exploration, there was a laceration of spleen on its supero lateral surface of size 3 cm x 1 cm with haemoperitoneum of about 100 CC. Rest of the viscera was pale and healthy.

Even the cause of death was shock and haemorrhage, which was due to injuries to vital organs like brain and spleen and these injuries were ante mortem in nature and sufficient to cause death in ordinary course of nature. Thus, it is apparent that the statements of eye witnesses were duly corroborated by the testimony of PW-4 Dr. Lajja Ram as well as the medical evidence.

18. Still further, in the present case, the investigation was conducted by PW-11 Dharam Singh, S.I, who had initially gone to the spot and also prepared



a rough site plan as well as inquest report. Even the photographs were got taken by the I.O in the present case. In fact, he had arrested Mam Chand, accused/appellant No.1 in the present case and on his interrogation, Mam Chand got recovered an iron rod from his residential house, which was used in the commission of the crime. The said iron rod was sent to F.S.L, Madhuban and as per the F.S.L report, Ex.PS, the blood was detected on the rod recovered from the appellant No.1/accused. Thus, the prosecution had been successful in proving the case beyond the shadow of reasonable doubt. The eye witnesses PW-9 Raghbir Singh and PW-10 Pala Ram had supported the case of the prosecution and their testimonies were duly corroborated by PW-4 Dr. Lajja Ram. Thus, we find no infirmity, illegality or irregularity in the impugned judgment passed by the Trial Court.

19. Ultimately, we have no hesitation to hold that the Trial Court has correctly appreciated the evidence in the light of the settled canons of law and we find no ground to interfere with the impugned judgment of conviction and order of sentence dated 07.06.2004, passed by the Court of Additional Sessions Judge, Kaithal and the same are ordered to be upheld by this Court and the present appeal i.e. CRA-D-619-DB-2004 is ordered to be dismissed.

20. Now, adverting to the Criminal Revision No. CRR-2000-2004, we find that the only prayer made by the petitioner/complainant in the said petition is for enhancement of the sentence imposed on the respondents/accused and to award an amount of Rs.2,00,000/- as compensation to the legal heirs of the deceased. However, we find that the appellants/respondents are facing the agony of trial/appeal for the last about 24 years i.e. since 22.04.2002. Even, Mam Chand had undergone a substantial period of custody and after 22 years, it

would not be appropriate to enhance the sentence imposed on the appellant. Even otherwise, Mam Chand accused/appellant No1. had been awarded life imprisonment and we do not deem it appropriate to interfere with the order of the sentence. As a consequence, the Criminal Revision No. CRR-2000-2004, is also ordered to be dismissed.

21. The appellant may be taken in custody forthwith, if on bail, to serve the remaining sentence.
22. Pending application(s), if any, stand(s), disposed of, accordingly.
23. Case property, if any, be dealt with, and destroyed after the expiry of period of limitation for filing the appeal, in accordance with law.
24. The Trial Court record be sent back.

(N.S.SHEKHAWAT)
JUDGE

(SUKHVINDER KAUR)
JUDGE

10.02.2026

hitesh

Whether speaking/reasoned :

Whether reportable :

Yes/No

Yes/No