



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Reserved on: 03.09.2026
Pronounced on: 10.09.2026
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*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

1. CRA No.528-DB of 2005

Pavitar Singh

...Appellant

Versus

State of Punjab

...Respondent

2. CRA-D No.547-DB of 2005

Satinder Pal Singh

...Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI
HON'BLE MS. JUSTICE MANDEEP PANNU

Argued by:- Mr. Surmeet S. Sandhu, Advocate
for the appellant in CRA No.528-DB of 2005.

Mr. Narinder Singh, Advocate
for the appellant in CRA-D No.547-DB of 2005.

Ms. Jagriti Kalia, AAG, Punjab.

MANDEEP PANNU, J.

1. The above-said two appeals have been filed by the appellants
against the judgment of conviction and order of sentence dated 03.06.2005



passed by learned Additional Sessions Judge, Barnala, whereby the appellants have been convicted along with co-accused Hari Krishan under Sections 302 and 201 of the IPC and appellant Pavittar Singh has further been convicted under Section 25/54/59 of the Arms Act as follows:-

Convicts	Under Section	Imprisonment awarded	Fine	Imprisonment in default of payment of fine
Pavittar Singh & Satinder Pal Singh	Section 302 IPC	Life Imprisonment each	Rs.5000/- each	R.I. for 02 years each
Pavittar Singh & Satinder Pal Singh	Section 201 IPC	R.I. for 03 years each	--	--
Pavittar Singh	Section 25/54/59 of the Arms Act	R.I. for 01 year	Rs.500/-	R.I. for 01 month

All the substantive sentences were ordered to run concurrently.

2. Since both the aforesaid appeals arise out of same judgment of conviction and order of sentence, they are being decided by this common judgment.

3. Briefly stated, the facts of the case are that on 09.09.2002, at about 5:00 P.M., a police party headed by Inspector Surinder Pal Singh, In-charge, CIA Staff, Barnala, happened to be present at Kutchery Chowk, Barnala, while on routine patrolling duty and checking of bad elements. At that time, a secret information was received that Nassem Ahmad son of Naseera Hakim, a permanent resident of Soram, U.P., who was residing at Tapa, Barnala and was carrying on the profession of a Hakim, had been missing for about 5½ months and used to visit Tapa. It was further



informed that he was on visiting terms with Satinder Pal Singh, Hari Krishan Singh @ Hari Krishan and Pavittar Singh with whom he had developed some differences. The informer further disclosed that all the three persons had entered into a conspiracy and had kidnapped and murdered Naseem Ahmad and thereafter, disposed of his dead body.

4. The Investigating Officer, considering the information to be truthful and credible, prepared a *ruqa* and sent the same through Head Constable Bhagwant Singh, leading to the registration of FIR No.313 dated 09.09.2002 under Sections 364, 302, 201 read with Section 34 IPC registered at Police Station Kotwali, Barnala, by SI Paramjit Singh, whereupon investigating was set into motion.

5. Thereafter, the Investigating Officer went to the shop of Rias Ahmad, also referred to Riece Ahmad in the record, and met him along with Mohd. Sujad Mian. They were apprised of the secret information and were joined in the investigation. Their statements were recorded by Inspector Surinder Pal Singh and a search was, thereafter, launched to apprehend the accused, but without success. On 10.09.2002, during investigation, Inspector Surinder Pal Singh, along with other police officials, met Rias Ahmad and Matloob Ahmad near Kutchery Chowk, Barnala and they were joined in the investigation. When the police party, along with these persons, was proceeding on Nanaksar Bye-pass road, Barnala, near Shaheed Bhagat Singh Chowk, accused Satinder Pal Singh was seen coming there. He was apprehended and taken into police custody.

6. During interrogation, accused Satinder Pal Singh suffered a disclosure statement stating that he had put the deceased to death and had



buried his dead body after digging out earth in the courtyard of his house, of which place he alone knew and from where he could get the same recovered. The disclosure statement was reduced into writing, signed by the accused and attested by the witnesses. Thereafter, a request was made to the SDM Barnala, for exhumation of the dead body, pursuant to which Gurmukh Singh, Niab Tehsildar, was deputed. In the presence of Niab Tehsildar, accused Satinder Pal Singh took the police party to his house and, after opening the locks, got the dead body recovered. The dead body was found in a highly decomposed condition and was identified by Rias Ahmad and Matloob Ahmad. The necessary documents, including the inquest proceedings, were prepared. The dead body, along with articles consisting of plain earth and blood-stained earth, were taken into possession after preparing separate sealed parcels bearing the seal impression "SPS". The police also took into possession blood-stained hair found near the dead body, a letter and three currency notes of Rs.10/- denomination each, which were lying near the dead body wrapped in a polythene paper. Separate memos were prepared and duly attested by the witnesses. The police further took into possession a *kahi*, a type of spade used for digging out the dead body, and the Investigating Officer prepared a rough site plan of the place of recovery with correct marginal notes. The statements of the witnesses were recorded and the dead body was sent through Head Constable Sukhdev Singh for post-mortem examination to Civil Hospital, Barnala. The articles recovered were handed over to the MHC on return to the police station. In view of the decomposed condition of the dead body, the authorities of Civil Hospital, Barnala, referred the



same to Government Rajindra Hospital, Patiala, for examination.

7. On 19.09.2002, accused Pavittar Singh and Hari Krishan were produced before the police by Gani Khan and were taken into police custody. During interrogation, accused Pavittar Singh suffered a disclosure statement that he had kept concealed one pistol along with cartridges wrapped in a polythene bag beneath the fodder in a room meant for stacking dry fodder, of which place he alone knew and from where he could get the same recovered. The statement was reduced into writing, signed by the accused and attested by the witnesses. Pursuant thereto, accused Pavittar Singh led the police party to the disclosed place in his house and got recovered one 12-bore country-made pistol and two live cartridges of the same bore. A rough sketch of the weapon was prepared and the recovered articles were taken into possession after converting them into a parcel sealed with the seal impression "SPS" of the Investigating Officer. A recovery memo and rough site plan of the place of recovery were prepared and the statements of the witnesses were recorded. The recovered articles were thereafter deposited with the MHC. A *ruqa* regarding the recovery was prepared and sent to the Police Station through Head Constable Darshan Singh, leading to the registration of a separate case, FIR No.327 dated 19.09.2002 under Section 25/54/59 of the Arms Act at Police Station Kotwali, Barnala, by ASI Jalwinder Singh. On return to the police station, the articles were handed over to ASI Manjit Singh.

8. On 20.09.2002, accused Hari Krishan, during interrogation, suffered a disclosure statement that he had concealed one *kirpan* in a room of his house, of which place he alone knew and from where he could get



the same recovered. His statement was reduced into writing and signed by the witnesses. Thereafter, accused Hari Krishan led the police party to the disclosed place and got the *kirpan* recovered. After preparing its rough sketch, the *kirpan* was converted into a parcel bearing the seal impression "SPS" and taken into police possession through a recovery memo. A rough site plan of the place of recovery was also prepared, statements of the witnesses were recorded and the recovered article was deposited with the MHC.

9. During the course of investigation, the Investigating Officer took into possession the medical record, recorded the statements of the witnesses and sent the recovered articles to the Forensic Science Laboratory. An application was also moved before the Illaqa Magistrate seeking a sample of the hair of the accused, but the accused refused to give the same. The Investigating Officer got prepared a scaled site plan of the place of occurrence/recovery of the dead body. On receipt of the reports of the Forensic Science Laboratory and after obtaining the requisite sanction for prosecution from the Additional District Magistrate, the investigation was completed.

10. Two challans were filed arising out of the two separate FIRs. However, both the cases were committed by learned Additional Chief Judicial Magistrate, Barnala, to the Court of Sessions. Learned Court of Sessions consolidated both the cases, treating FIR No.313 dated 09.09.2002 as the lead case, in which the evidence was recorded. Both the cases were accordingly tried jointly.

11. Finding a *prima-facie* case, the learned Additional Sessions



Judge, Barnala, vide order dated 25.01.2005 framed charges against all the three accused under Sections 364, 302 and 201 IPC, and under Section 25/54/59 of the Arms Act against accused Pavittar Singh. The accused pleaded not guilty to the charges and claimed trial.

12 The prosecution, in order to prove its case, examined PW-1 HC Nirmal Singh, PW-2 Constable Amrik Singh, PW-3 Avtar Singh, Arms Clerk, PW-4 HC Sukhdev Singh, PW-5 Rakesh Bansal, Civil Engineer, PW-6 Dr. S.S. Oberoy, PW-7 HC Malkiat Singh, PW-8 Bhupinder Singh son of Pritam Singh, PW-9 Abdul Ahmad son of Nasira, PW-10 Gurmukh Singh, Naib Tehsildar, PW-11 Mohd. Sujad son of Mohd. Liakat, PW-12 Gani Mohd. son of Nathu Khan, PW-13 Riece Ahmad son of Mohd. Ishaq, PW-14 Dr. Neera, PW-15 Rachhpal Singh, Reader, PW-16 ASI Harbhajan Singh and PW-17 Inspector Surinderpal Singh.

13. The prosecution also proved on record various documents, including Ex.PA, affidavit of HC Nirmal Singh; ExPB, affidavit of HC Nirmal Singh; EX.PC, affidavit of Constable Amrik Singh; Ex.PD, affidavit of Constable Amrik Singh; Ex.PE, order dated 22.10.2002 passed by learned ADM, Sangrur; Ex.PF, affidavit of HC Sukhdev Singh; Ex.PG, scaled site plan; Ex.PH, post mortem examination; rough site plan of recovery; Ex.PJ and Ex.PJ/2, application to doctor for obtaining opinion along with endorsement; Ex.PJ/1, Chemical Examination Report; Ex.PK, Ex.PK/1, Ex.PK/2 and Ex.PK/3, applications to the S.M.O. along with endorsements; Ex.PL, affidavit of HC Manjit Singh; Ex.PM, statement of Bhupinder Singh Malli son of Pritam Singh; Ex.PN, recovery memo of putrid dead body; Ex.PO, recovery memo of simple earth; Ex.PQ, recovery



memo of blood-stained earth; Ex.PR, recovery memo of blood-stained hair; Ex.PS, recovery memo of letter and currency notes; Ex.PT, recovery memo of spade; Ex.PU, statement of Gani Mohd., Ex-Panch son of Nathu Khan; Ex.PV, disclosure statement under Section 27 of the Evidence Act; Ex.PX, statement of Riece Ahmad son of Mohd. Ishaq; Ex.PXX, application for taking head hairs; Ex.PX/1, Ex.PX/2 and Ex.PX/3, statements of Pavittar Singh and Harikrishan Singh along with order dated 20.09.2002 passed by learned ACJM, Barnala; Ex.PY, disclosure statement under Section 27 of the Evidence Act; Ex.PY/1, statement of Matlov Ahmad son of Mohd. Takki; Ex.PZ, sketch of country-made 12-bore pistol; Ex.PAA, recovery memo of country-made 12-bore pistol along with two live cartridges; Ex.PBB, statement of Inspector S.P. Singh along with endorsement (*Ruqa*); Ex.PBB/1, First Information Report; Ex.PCC, inquest report; Ex.PDD, rough site plan; Ex.PEE, rough site plan of recovery; Ex.PFF, statement of S.P. Singh along with endorsement (*Ruqa*); Ex.PFF/1, First Information Report; Ex.PGG, memo of disclosure statement under Section 27 of the Evidence Act; Ex.PHH, sketch of *Kirpan*; Ex.PII, recovery memo of *Kirpan*; Ex.PJJ, rough site plan of recovery of *Kirpan*; and Ex.PKK and Ex.PLL, Ex.P1, Salwar, Ex.P2 Kameej, Ex.P3 Banyan, Ex.P4 pistol, Ex.P5 and Ex.P-6 live cartridges, Ex.P7 polythene bag, Ex.P8 letter, Ex.P9 to Ex.P-11 currency notes, Ex.P12 *Kahi*, Ex.P13 *Kirpan*.

14. Thereafter, the statements of the accused were recorded under Section 313 Cr.P.C., wherein they denied all the incriminating circumstances and evidence put to them and pleaded false implication. In their defence, the accused proved on record Ex.DE, translation of sale deed; Ex.DF, translation



of sale deed; Ex.DG, copy of complaint under Section 364/302 IPC; Ex.DG/1 to Ex.DG/4 and Ex.DG/5 to Ex.DG/8, handwriting photographs and negatives; Ex.DH, photocopy of order passed by learned ASJ, Barnala; Ex.DI, copy of judgment dated 02.05.1986 passed by the SDJM, Barnala; Ex.DI/1, challan form; Ex.DJ, copy of judgment dated 23.01.1987 passed by the SDJM, Barnala; Ex.DJ/1, challan form; Ex.DK, copy of judgment dated 02.05.1987 passed by the SDJM, Barnala; Ex.DK/1, challan form; Ex.DL, list of witnesses in Complaint No.101 dated 10.09.1983; Ex.DL/1, copy of judgment dated 28.03.1985 passed by the SDJM, Barnala; Ex.DM, challan form; Ex.DM/1, copy of judgment dated 03.06.1987 passed by the SDJM, Barnala; Ex.DN, copy of order dated 19.10.1981 passed by the JMJC, Barnala; Ex.DN/1, list of witnesses; Ex.DO, copy of order dated 07.12.1981; Ex.DO/1, copy of list of witnesses; Ex.DP, copy of judgment dated 02.02.1989; Ex.DP/1, challan form; Ex.DQ, copy of order dated 23.11.1981; and Ex.DQ/1, copy of list of witnesses. The defence also examined DW-1 Raj Kumar, deed writer, DW-2 Rakesh Kumar, deed writer, and DW3 Navdeep Gupta, handwriting expert.

15. After hearing learned APP for the State and learned defence counsel, learned trial Court convicted all the three accused, namely, Satinder Pal Singh, Hari Krishan and Pavittar Singh, under Sections 302 and 201 of the IPC, and accused Pavittar Singh was further convicted under Section 25/54/59 of the Arms Act, as detailed in paragraph No. 1 of the judgment.

16. Feeling aggrieved by the aforesaid judgment of conviction and order of sentence, the present two appeals have been filed by the appellants, namely, Satinder Pal Singh and Pavittar Singh.



17. We have heard learned counsel for the appellants and learned State counsel and have gone through the record carefully.

18. The prosecution case, in substance, is that Naseem Ahmad was allegedly taken to the house of accused Satinder Pal Singh, where he was assaulted by the accused and thereafter, his dead body was buried in a pit in the said house. The prosecution had mainly relied upon PW-8 Bhupinder Singh as an eyewitness to the occurrence. In his statement recorded by the police, PW-8 had attributed a specific role to the accused and had stated that on the relevant date, when he went to the house of Satinder Pal Singh, he found Naseem Ahmad tied to a chair and the three accused present there, with Satinder Pal Singh armed with a *kirpan*, Pavittar Singh holding the hands of Naseem Ahmad and Hari Kishan holding the chair, while injuries were being caused to Naseem Ahmad. He had further stated to the police about the subsequent conduct of the accused and the burial of the dead body in the house of Satinder Pal Singh. However, when examined before the trial Court, PW-8 did not support the prosecution case and specifically denied having witnessed Naseem Ahmad being tied to the chair, the accused causing injuries to him or Satinder Pal Singh being armed with a *kirpan*. He was accordingly declared hostile at the request of learned Additional Public Prosecutor and was subjected to cross-examination, during which the material portions of his statement recorded by the police were put to him, but he denied having made such statements and could not assign any reason as to how the same came to be recorded therein. Thus, the testimony of PW-8, in its present form, does not furnish substantive support to the prosecution version regarding the occurrence. The



prosecution case, therefore, requires to be examined on the basis of the other evidence and circumstances brought on record. The main circumstances relied upon by the prosecution relate to the recovery of the dead body, the motive, the last-seen evidence, the extra-judicial confession and the disclosure statements attributed to accused Satinder Pal Singh and Hari Krishan. Each of these circumstances, therefore, needs to be examined separately in the light of the evidence available on record and the rival submissions advanced by learned counsel for the parties.

Identification of dead body

19. A substantial part of the submissions advanced on behalf of the appellants is directed towards the identification of the dead body. The prosecution case is that Naseem Ahmad had gone missing and, after about 5½ months of the occurrence, the Investigating Officer, during the course of investigation, brought PW-10 Gurmukh Singh, Naib Tehsildar/Executing Magistrate, to the relevant spot, where the dead body was exhumed. Since the body had remained buried for such a considerable period, it was naturally in a highly decomposed condition. The question, therefore, is whether the prosecution had been able to establish, by reliable and cogent evidence, that the dead body so recovered were those of Naseem Ahmad.

20. The prosecution has led evidence of PW-10 Gurmukh Singh, Naib Tehsildar, PW-13 Rias Ahmad, PW-17 Inspector Surinder Pal Singh, as well as the medical witnesses, in this regard. PW-13 Rias Ahmad, who was related to the deceased, stated that he identified the dead body as that of Naseem Ahmad. He also stated that he had stitched clothes for the deceased and identified the clothes recovered from the body as those



prepared by him for Naseem Ahmad. PW-10 Gurmukh Singh, who was present at the time of exhumation, stated that the dead body was identified by Rias Ahmad and Matloob Ahmad. PW-17 Inspector Surinder Pal Singh also deposed regarding such identification by witnesses in his presence. The prosecution has further relied upon the contemporaneous identification statements, including Ex.PX and Ex.PY/1, as well as the clothes which were taken into possession and exhibited during the trial.

21. Learned counsel for the appellants, however, has questioned the very identity of the dead body. It has been argued that the body had been recovered after about five and a half months and was in a highly decomposed condition and no DNA examination was conducted. The test identification proceedings were also not conducted in respect of the clothes and there are material discrepancies in the evidence regarding the clothes allegedly found on the body. It has been pointed out that whereas some witnesses referred to Salwar-Kameej, PW-11 Mohd. Sujad referred to Kurta-Pyjama and PW-4 HC Sukhdev Singh referred to Kameej and Pyjama. Particular emphasis has also been placed upon the statement of PW-14 Dr. Neera in cross-examination that there were no clothes on the dead body/skeleton. It is, therefore, contended that the identification of the dead body through the clothes is wholly unreliable.

22. The above mentioned submission does not withstand a cumulative assessment of the evidence. The identity of the deceased in the present case is not sought to be established by the clothes alone. The evidence of identification has to be appreciated in the backdrop of the entire prosecution case and the circumstances in which the body came to be



recovered. PW-13 Rias Ahmad was not a stranger to the deceased. He was his close relation and specifically stated that he had stitched clothes for Naseem Ahmad. His identification of the clothes was, therefore, based upon a circumstance within his personal knowledge. His statement receives material corroboration from PW-10 Gurmukh Singh, who categorically stated that the dead body was identified by Rias Ahmad and Matloob Ahmad, and from PW-17 Inspector Surinder Pal Singh, who also testified to the identification of the highly decomposed body by these persons.

23. The fact that the body was in a decomposed condition does not, by itself, render its identification impossible. Significantly, the evidence of PW-10 indicates that the teeth and jaw of the body were intact. The prosecution evidence also shows that the body was not reduced to a condition in which no physical features remained capable of identification. The witnesses who knew the deceased claimed to have identified the dead body and nothing substantial has emerged in their cross-examination to demonstrate that the body recovered could not have been that of Naseem Ahmad.

24. As regards the discrepancy in the description of the clothes, the same, in our considered view, does not go to the root of the matter. The record contains references to Salwar-Kameej at some places and Kurta-Pyjama/Kameej-Pyjama at others. However, the core fact emerging from the evidence remains consistent, namely, that the recovered body was found with articles of clothing and that the clothes recovered from the body were identified by the persons acquainted with the deceased. The variation in the description of the lower garment, particularly when the body had



remained buried for several months and was in a highly decomposed condition, cannot be treated as sufficient to discard the otherwise consistent evidence of identification.

25. Likewise, the statement of PW-14 Dr. Neera in cross-examination that there were no clothes on the dead body has to be appreciated in the context of the entire evidence and the contemporaneous documentary record. A statement elicited in cross-examination cannot be read in isolation so as to nullify the positive evidence of the other witnesses, particularly when the prosecution has produced the clothes as exhibits and there is evidence of their identification. The fact that the medical witness did not notice or refer to the clothes in the manner suggested by the defence may, at the highest, constitute a discrepancy in the evidence. It does not establish that the body recovered was not that of Naseem Ahmad.

26. The argument regarding non-conducting of DNA examination also does not persuade us. DNA examination is undoubtedly a valuable scientific method of establishing identity, but the absence of such an examination cannot be converted into a rule that identify otherwise established through reliable ocular, documentary and circumstantial evidence must necessarily be rejected. The Court has to assess the evidence actually brought on record. In the present case, the identification was not resting upon a solitary circumstance. It is supported by the testimony of persons acquainted with the deceased, the identification of the body and clothes, the evidence of the Executive Magistrate present at the time of exhumation, the evidence of the Investigating Officer and the



contemporaneous documents forming part of the investigation. The Hon'ble Supreme Court in *Neelu @ Nilesh Koshti vs. The State of Madhya Pradesh, 2026 INSC 173*, has observed that *where body is recovered in a decomposed state, the identification stands established through witness testimony and clothing of the deceased and that absence of DNA testing not fatal when credible and consistent witness testimony is available.*

27. It is also significant that despite the lengthy cross-examination of the material witnesses, the defence was unable to elicit anything which would affirmatively establish that the dead body recovered from the place of exhumation belonged to some person other than Naseem Ahmad. No alternative identity of the deceased has been suggested or established. The defence suggestion that Naseem Ahmad was alive and had not died, therefore, remains only a suggestion and does not derive support from the evidence on record.

28. We are, therefore, unable to accept the submission that the identity of the deceased remains doubtful. The discrepancies regarding the description of the clothes and the statement of PW-14, when considered in the totality of the evidence, are not of such a nature as to discredit the substantive evidence of identification. The evidence of PW-13 Rias Ahmad, corroborated by PW-10 Gurmukh Singh and PW-17 Inspector Surinder Pal Singh, read with the contemporaneous documentary evidence and the condition and physical features of the recovered dead body, establishes with sufficient certainty that the dead body exhumed in the present case, was that of Naseem Ahmad.



29. Consequently, the first foundation circumstance, namely, the death and identity of Naseem Ahmad, stands duly established by the prosecution.

Homicidal death

30. Having established the identity of the deceased, the next question which arises for consideration is as to the nature and cause of his death. The prosecution has relied upon the post-mortem examination conducted by PW-6 Dr. S.S. Oberoy, whose findings are duly recorded in the post-mortem report Ex.PH. The medical evidence discloses four injuries on the skull of the deceased. Injury No.1 was a cut injury measuring approximately 3×1 cm going into the cranial cavity, present near the lower end of the coronal suture on the right side and positioned transversely. Injury No.2 was a transverse cut measuring approximately 4×0.75 cm, going into the cranial cavity and situated parallel to and about 1 cm behind Injury No.1. Injury No.3 was a cut measuring approximately 3.5×2 cm, going into the cranial cavity and present on the posterior part of the right parietal region of the skull, about 3.5 cm behind Injury No.2. Injury No.4 comprised two cuts, each measuring approximately 2×0.2 cm and lying about 1 cm apart. The doctor opined that all the injuries were ante-mortem in nature and, after receipt of the report of the Chemical Examiner Ex.PJ/1, gave his final opinion vide Ex.PJ/2 that the cause of death was head injuries, which were sufficient to cause death in the ordinary course of nature. He further clarified that the injuries found on the skull could have been caused by the sharp edge of a *kirpan*. Thus, the medical evidence conclusively establishes that the deceased had suffered



multiple sharp-edged injuries to the skull and that the death was homicidal in nature. The medical evidence, therefore, provides an important corroborative circumstance to the prosecution case, including the subsequent recovery of a *kirpan* at the instance of Hari Krishan, the evidentiary significance of which shall be considered separately.

Discovery of dead body

31. The next circumstance relied upon by the prosecution is the discovery of the dead body from the courtyard of the house of accused Satinder Pal Singh situated at Shaheed Bhagat Singh Nagar, Barnala

32. Learned counsel for the appellant has assailed this circumstance primarily on the ground that the recovery is surrounded by material discrepancies and that the prosecution witnesses have not remained consistent with regard to the date and manner of recovery. It has also been contended that PW-13 Rias Ahmad did not support the prosecution case in its entirety and had initially referred to the date as 09.09.2002, thereby creating serious doubt regarding the very recovery proceedings. The appellant has further sought to rely upon the defence evidence of DW-1 Raj Kumar and DW-2 Rakesh Kumar to contend that the house in question was the house of the father of the accused and there is no reliable evidence to establish that the accused was residing therein or was in possession or control of the premises.

33. Per contra, learned State counsel has submitted that the discrepancy regarding the date is wholly inconsequential and has to be appreciated in the light of the evidence as a whole. It is pointed out that



PW-13 Rias Ahmad, though declared hostile, in his cross-examination clarified the discrepancy and admitted that the correct date was 10.09.2002 and that the earlier mention of 09.09.2002 was a mistake. The State has further relied upon the testimony of PW-10 Gurmukh Singh, Naib Tehsildar-cum-Executive Magistrate, as well as the other recovery evidence to contend that the police party was taken to the house by accused Satinder Pal Singh, the key was handed over by him to the SHO, and after the lock was opened, the police party was taken into the courtyard, where, after removing the bricks and digging the pit, the dead body was retrieved. It is thus submitted that the recovery is a proved circumstance and cannot be discarded on the basis of a minor discrepancy or merely because one of the witnesses did not fully support the prosecution case.

34. Having considered the rival submissions, we find that the circumstance of recovery has to be appreciated on the basis of the entire evidence relating thereto and not by isolating the discrepancy regarding the date. PW-10 Gurmukh Singh, Naib Tehsildar-cum-Executive Magistrate, has given a clear account of the recovery proceedings. He has stated that accused Satinder Pal Singh took the police party to the house, handed over the key to the SHO and that, after the lock was opened, the police party was taken into the courtyard by the accused. The bricks in the courtyard were thereafter removed and a pit was dug with a spade, from which the dead body of a male was brought out. Thus, the evidence of PW-10 establishes the manner in which the concealed dead body was discovered from the courtyard. Despite lengthy cross-examination of this witness, defence counsel failed to extract anything favourable to the accused. There



is no reason to disbelieve the testimony of official witness who otherwise has no interest in the success of the case. The significance of his evidence is confined to the conduct of the accused in taking the police party to the house, handing over its key and taking the police party into the courtyard from where the concealed dead body was recovered.

35. As regards PW-13 Rias Ahmad, the fact that he was declared hostile does not result in obliteration of his entire testimony. More importantly, the discrepancy as to whether the recovery proceedings took place on 09.09.2002 or 10.09.2002 does not survive in the manner suggested by the appellant, since the witness himself clarified in cross-examination that the correct date was 10.09.2002 and that the earlier mention of 09.09.2002 was a mistake. This explanation is also consistent with the other contemporaneous material relating to the recovery. The said discrepancy, therefore, cannot be elevated into a circumstance which renders the entire recovery doubtful.

36. We are also unable to accept the submission that the recovery loses its significance merely because the appellant sought to establish through DW-1 Raj Kumar and DW-2 Rakesh Kumar that the house was that of his father. Even if the house is treated as belonging to or being associated with the father of the accused, there is nothing convincing on record to establish that accused Satinder Pal Singh had no connection with or access to the said house. On the contrary, the conduct attributed to him by PW-10 taking the police party to the house, handing over its key and taking the police party into the courtyard, is a circumstance which remains unexplained. The defence evidence, therefore, does not satisfactorily



displace the prosecution evidence regarding the connection of accused with the premises.

37. What is of particular significance is that the dead body was not recovered from an open or ordinarily accessible place. It had been buried/concealed beneath the earth in the courtyard of the house to which accused Satinder Pal Singh himself led the police party and where he pointed out the precise spot from which the dead body was recovered. The accused was thus in a position to furnish information regarding the concealed dead body which was not otherwise within the knowledge of the police. The discovery of the dead body from the place pointed out by him, pursuant to the information furnished by him, constitutes a highly incriminating circumstance against him. The admissible portion of the disclosure statement, insofar as it distinctly relates to the fact thereby discovered, is consequently relevant under Section 27 of the Evidence Act. The Hon'ble Supreme Court in *Neelu @ Nilesh Koshti (supra)* has held that *where recovery of dead body is from a well and scooty at appellant's disclosure and the information provided by the accused led to the discovery of facts not within public domain, the recovery satisfies the requirements of Section 27 and serves as a strong link in the chain of circumstantial evidence.*

38. We are also conscious that the mere recovery of a dead body from a place pointed out by an accused cannot, by itself, be treated as a confession of guilt. However, in the present case, the recovery is not being considered in isolation. It has to be appreciated along with the fact that the dead body of Naseem Ahmad had remained untraced for several months. The accused Satinder Pal Singh furnished information to the Investigating



Officer regarding its concealment and he led the police party to the relevant house, pointed out the particular place where the body had been concealed and that, on digging that very spot, the dead body was recovered. The subsequent identification of the body through the clothes and the preparation of the recovery and inquest proceedings lend further assurance to this circumstance.

39. The circumstance, therefore, stands established against accused Satinder Pal Singh.

Last seen evidence

40. The next circumstance relied upon by the prosecution is that of the deceased being last seen alive in the company of the accused on 15.03.2002. The prosecution principally relies upon the testimony of PW-11 Mohd. Sujad and PW-13 Rias Ahmad. PW-11 Mohd. Sujad stated that on 15.03.2002, he, along with Rias Ahmad, was going from Court Chowk, Barnala towards the bazaar and, near the railway crossing, they saw Naseem Ahmad in the company of Hari Krishan, Satinder Pal Singh and Pavittar Singh. According to him, all of them had taken a turn towards Lakhi Colony, Barnala. He further stated that he knew the accused as they used to visit Naseem Ahmad. He enquired from Satinder Pal Singh as to where they were going, to which Satinder Pal Singh replied that they were going for some work. After they proceeded towards Lakhi Colony, PW-11 did not see Naseem Ahmad thereafter. He further stated that Naseem Ahmad was wearing a carrot-coloured kurta-pyjama and a cap. He had thereafter gone to the house of Naseem Ahmad, but he could not be traced. In his cross-examination, PW-11 maintained that he had seen Naseem



Ahmad with the accused and that the suggestion that he had falsely deposed was incorrect.

41. PW-13 Rias Ahmad materially corroborates the testimony of PW-11. He stated that on 15.03.2002 he, along with Mohd. Sujad, was proceeding from Court Chowk, Barnala towards the bazaar and, near the railway crossing, they saw Satinder Pal Singh, Pavittar Singh and Hari Krishan along with Naseem Ahmad. They had taken a turn towards Lakhi Colony. PW-13 stated that he enquired from Satinder Pal Singh as to where they were going and was told that they were going for some work. He also stated that Naseem Ahmad was wearing a carrot-coloured kurta-pyjama and a cap. Thereafter, he did not see Naseem Ahmad. He stated that he had made efforts to trace him and that enquiries were made in Uttar Pradesh and Punjab, but without success. He further stated that after Naseem Ahmad became untraceable, he suspected that he had been taken forcibly by the accused. PW-13 also denied, in the concluding part of his cross-examination, the suggestion that he had never seen Naseem Ahmad with any of the accused or that he had falsely deposed.

42. Learned counsel for the appellants has sought to assail this circumstance by pointing out various discrepancies and omissions in the statements of PW-11 and PW-13. It has been argued that the version regarding the clothes allegedly worn by Naseem Ahmad is not consistent throughout the prosecution evidence and that the colour of the clothes was not recorded in the relevant statement/document of PW-13. It has further been pointed out that PW-13 admitted in cross-examination that certain facts attributed to him in Court, including the enquiry allegedly made from



Naseem Ahmad and the reply attributed to Pavittar Singh, were not recorded in his earlier statement. Learned counsel has also relied upon the fact that PW-13 did not lodge any report immediately and that there was a considerable lapse of time before the dead body was recovered. According to the appellants, the testimony of these witnesses, particularly in view of the omissions and the discrepancies regarding the clothes, does not safely establish the last-seen circumstance. It has also been urged that the mere fact that the deceased was allegedly seen with the accused on 15.03.2002 cannot, after a gap of several months, lead to an inference that the accused were responsible for his death.

43. On the other hand, learned State counsel has submitted that the core of the testimony of both PW-11 and PW-13 remains wholly consistent. Both witnesses independently state that on 15.03.2002 Naseem Ahmad was seen alive in the company of all the three accused while proceeding towards Lakhi Colony. Both also give the same material description of his clothing, i.e carrot-coloured kurta-pyjama and a cap. The subsequent recovery of the dead body, after about five and a half to six months, with clothes corresponding to this description, and the medical opinion regarding the approximate duration since death, provide substantial corroboration to the last-seen circumstance. It is argued that the omissions relied upon by the defence are peripheral and do not affect the basic fact that the deceased was last seen in the company of the accused.

44. We have considered the rival submissions and carefully examined the testimony of PW-11 and PW-13.

45. In our considered view, the core version of these two



witnesses inspires confidence. Both witnesses consistently place themselves together on 15.03.2002 and consistently state that Naseem Ahmad was then seen in the company of Satinder Pal Singh, Pavittar Singh and Hari Krishan. Their testimony is also consistent regarding the direction in which the group proceeded, i.e towards Lakhi Colony. Significantly, both witnesses gave a substantially similar description of the clothes worn by Naseem Ahmad, i.e carrot-coloured kurta-pyjama and a cap. This assumes significance in the backdrop of the subsequent recovery of the dead body and the evidence regarding the clothes found therewith.

46. The omissions pointed out in the cross-examination of PW-13 do not, in our opinion, demolish the substantive part of his testimony. The fact that every detail of a conversation was not recorded in the earlier statement is not, by itself, sufficient to discard the consistent account of the witness regarding the deceased having been seen in the company of the accused. Likewise, the fact that PW-13 did not immediately lodge a formal report cannot be viewed in isolation, particularly when his evidence shows that efforts were made to trace Naseem Ahmad and enquiries were made at different places. His conduct, therefore, cannot be said to be so unnatural as to render his testimony inherently unreliable.

47. We are also conscious that the last-seen circumstance ordinarily derives its strength from the proximity between the time when the deceased was last seen with the accused and the time of his death. In the present case, the dead body was recovered much later, on 10.09.2002. However, the prosecution evidence does not suggest that Naseem Ahmad was alive at any time after 15.03.2002. More importantly, the medical



evidence regarding the condition of the body and the estimated period since death of about five and a half to six months substantially corresponds with the prosecution case that Naseem Ahmad disappeared after 15.03.2002 and was, thereafter, not seen alive. Thus, the interval between the last sighting and the recovery of the body cannot, in the peculiar facts of the present case, be treated as a circumstance destroying the evidentiary value of the last-seen evidence.

48. The subsequent conduct of the witnesses in attempting to trace Naseem Ahmad, coupled with the recovery of his dead body and the approximate period of death, provides corroboration to their account. The defence has not brought on record any convincing circumstance showing that Naseem Ahmad was seen alive after 15.03.2002 or that he parted company with the accused and thereafter, went elsewhere. We are, therefore, satisfied that the prosecution has established, as a circumstance in the chain of evidence, that Naseem Ahmad was last seen alive in the company of all the three accused on 15.03.2002, and that he was not seen thereafter.

Extra-judicial confession

49. The next circumstance relied upon by the prosecution is that of the extra-judicial confession allegedly made by accused Pavittar Singh and Hari Krishan before PW-12 Gani Mohd. This circumstance is, therefore, relevant only against the said two accused and not against appellant Satinder Pal Singh.

50. PW-12 Gani Mohd. was examined by the prosecution to prove that both Pavittar Singh and Hari Krishan had confessed before him



regarding their involvement in the murder of Naseem Ahmad. The witness, however, was discrepant on one particular aspect of his testimony, i.e the house where dead body was buried and was, accordingly, declared hostile at the instance of the prosecution. He has deposed that both the accused confessed that dead body was buried in the house of Pavittar Singh although case of prosecution from very beginning is that it was buried in the house of Satinder Pal Singh. The defence has sought to take advantage of his having been declared hostile and has argued that no reliance can be placed upon his testimony. It has further been contended that PW-12 is a stock witness and that his testimony was procured by the investigating agency to lend support to an otherwise weak prosecution case. According to learned counsel for the appellants, an extra-judicial confession is inherently a weak piece of evidence and, in the present case, the fact that the witness did not fully support the prosecution makes it unsafe to rely upon the alleged confession.

51. Learned State counsel, on the other hand, has submitted that the fact that PW-12 was declared hostile does not result in effacement of his entire testimony from the record. It has been argued that the material portion of his evidence remains available for consideration and that the prosecution case cannot be discarded merely because the witness was discrepant on one particular aspect. Learned State counsel has further submitted that the objection that PW-12 was a stock witness has no factual foundation and that there is nothing on record to show that he had any reason to falsely implicate Pavittar Singh and Hari Krishan. The extra-judicial confession, according to the State, also receives assurance from the



other circumstances proved on record, particularly the subsequent investigation and recovery of the dead body.

52. We have considered the rival submissions. It is true that PW-12 Gani Mohd. was declared hostile as he was discrepant regarding the house from where dead body was recovered. However, the mere fact that a witness has been declared hostile does not render his entire testimony inadmissible or incapable of consideration. The Court is required to examine the evidence of such a witness in its entirety and to determine whether any part thereof, which is otherwise found trustworthy and is corroborated by the surrounding circumstances, can safely be relied upon. In the present case, the witness was declared hostile only in relation to a particular aspect of his version but when cross-examined by learned APP for State, he has clarified that deceased was murdered in the house of Satinder Pal Singh and by mistake, he stated in his examination-in-chief, the name of Pavittar Singh accused. His testimony cannot, therefore, be discarded in toto merely on account of such mistake.

53. We also find no merit in the contention that PW-12 is a stock witness. The mere description of a witness as a “stock witness” by the defence cannot, by itself, discredit his testimony. There must be some material on record showing that the witness was habitually associated with the police or had been deliberately introduced as a witness for the purpose of falsely implicating the accused. No such convincing material has been brought on record. Learned trial Court also considered the objection regarding the status of PW-12 and, upon an overall appreciation of the evidence, did not find any sufficient basis to reject his testimony on that



ground. The mere fact that the witness was known to the police or that his statement came to be recorded during the course of investigation does not make him a stock witness.

54. The extra-judicial confession, of course, has to be scrutinised with greater care, since it is not a confession recorded before a Magistrate and its evidentiary value depends upon the credibility of the person to whom it was allegedly made, the circumstances in which it was made and the consistency of the confession with the other proved circumstances. In the present case, the evidence of PW-12 cannot be viewed in isolation. The prosecution has independently established the disappearance of Naseem Ahmad after he was last seen in the company of the accused, the subsequent discovery of his dead body and other incriminating circumstances forming part of the chain of evidence. The alleged confession, therefore, does not stand as an isolated circumstance unsupported by the rest of the prosecution case. The Hon'ble Supreme Court in *Jagroop Singh vs. State of Punjab, 2013(1) RCR(Criminal) 516*, has observed that *where the witness to whom confession was made handed over the accused to police and weapon of offence also recovered on basis of confession and no evidence that witness had applied any kind of force, the said confessional statement inspires confidence as the same is totally voluntary and by no means tainted.*

55. We are, consequently, of the view that the fact that PW-12 was declared hostile on a particular aspect, which he clarified in cross-examination or that the defence has described him as a stock witness, does not furnish sufficient ground for discarding the material portion of his



testimony. To the extent his evidence supports the prosecution regarding the extra-judicial confession made by Pavittar Singh and Hari Krishan, the same can be taken into consideration, subject to its being assessed along with the other circumstances proved on record. Thus, the circumstance of extra-judicial confession stands established against Pavittar Singh and Hari Krishan, though not against Satinder Pal Singh.

Recovery of the Weapon of Offence

56. Another circumstance relied upon by the prosecution is the recovery of the weapon of offence pursuant to the disclosure statement suffered by appellant Hari Krishan. PW-17 Inspector Surinder Pal Singh, the Investigating Officer, deposed that on 20.09.2002, while in police custody, accused Hari Krishan suffered a disclosure statement that he had concealed one *kirpan*, used by him in the commission of the offence, in a trunk lying in a room of his house, the place of concealment being within his exclusive knowledge, and that he could get the same recovered. The disclosure statement was reduced into writing and signed by the accused. Thereafter, Hari Krishan led the police party to the disclosed place and got recovered the *kirpan* from the trunk. The rough site plan of the place of recovery was prepared, the recovered *kirpan* was converted into a parcel, sealed with the seal bearing impression “SPS” and taken into police possession vide recovery memo Ex.PII. The Investigating Officer identified the recovered *kirpan* as Ex.P13 and also deposed regarding its deposit with the MHC and the preparation of the relevant documents.

57. Learned counsel for the appellant has assailed the aforesaid recovery primarily on the ground that it rests upon the solitary testimony of



PW-17 Inspector Surinder Pal Singh. It has been contended that PW-16 ASI Harbhajan Singh, who was admittedly associated with the investigation and recovery proceedings, has not stated anything regarding either the disclosure statement allegedly suffered by Hari Krishan or the recovery of the *kirpan* pursuant thereto. It is, therefore, argued that in the absence of independent corroboration, the solitary testimony of the Investigating Officer ought not to be made the basis for recording a finding against the appellant.

58. Learned State counsel, on the other hand, has submitted that there is no rule of law that the testimony of the Investigating Officer is to be discarded merely because it is not corroborated by another witness. According to learned State counsel, PW-17 has given a specific and consistent account of the disclosure statement and the consequential recovery, which is supported by the contemporaneous documentary evidence, including the recovery memo and site plan, and there is no material circumstance brought on record to render his testimony unreliable.

59. We have considered the rival submissions. The mere fact that PW-17 is the Investigating Officer does not, by itself, make his testimony unworthy of reliance. The Court is required to examine his evidence vis-à-vis the surrounding circumstances. In the present case, PW-17 has given a categorical account of the disclosure statement made by Hari Krishan, the information furnished therein regarding the concealment of the *kirpan*, the accused leading the police party to the disclosed place and the consequent recovery of the weapon from the trunk. His testimony is duly supported by the contemporaneous documents prepared during the investigation,



including the disclosure statement, recovery memo and site plan. The recovered weapon was identified as Ex.P13 and was duly taken into police possession. Nothing favourable could be elicited from the cross-examination of this witness by learned defence counsel.

60. The contention that PW-16 ASI Harbhajan Singh has not deposed regarding the recovery does not, in our considered view, demolish the otherwise cogent testimony of PW-17. An omission on the part of an associated police witness cannot result in the positive testimony of another witness being discarded altogether, particularly when no material contradiction or circumstance has been pointed out in the testimony of PW-17 to suggest that the recovery was fabricated. The fact that the recovery witness has not specifically deposed about the disclosure statement or recovery may affect the question of corroboration, but it is not a legal requirement that every circumstance forming part of a recovery proceeding must necessarily be proved through more than one witness.

61. More importantly, the recovery is not an isolated circumstance. The medical evidence regarding the injuries on the skull and the opinion of the doctor that the injuries could have been caused by the sharp edge of a *kirpan* provide material corroboration to the recovery of the *kirpan*. The weapon was recovered pursuant to the information furnished by Hari Krishan from the place of concealment disclosed by him. Thus, the recovery constitutes a relevant incriminating circumstance against Hari Krishan and lends further assurance to the prosecution case. The Hon'ble Supreme Court in *Jagroop Singh (supra)* has held that *where medical injuries were caused with the weapon recovered from accused, recovery*



cannot be disbelieved for failure to match blood on weapon with blood of deceased and no reason to disbelieve the disclosure statement and the recovery of the weapon used.

62. We, therefore, find no merit in the contention of learned counsel for the appellant that the recovery is liable to be discarded merely because PW-17 is the solitary witness proving the same. The circumstance of recovery of the weapon of offence at the instance of Hari Krishan, consequently stands established on the record.

Motive

63. The prosecution has next relied upon the circumstance of motive. In this regard, reliance has primarily been placed upon the testimony of PW-9 Abdul Ahmed, brother of the deceased. He deposed that Naseem Ahmad, the deceased, was engaged in the work of selling medicines as a Hakim and that on 14.03.2002, while he was sitting at the shop of his brother at Tapa, appellant Pavittar Singh came there at about 11.00 a.m. Pavittar Singh handed over a letter to him with a request that the same be given to Naseem Ahmad. On the same day, when Naseem Ahmad returned, the witness handed over the said letter to him. On the following day, i.e 15.03.2002, Naseem Ahmad went to Barnala and thereafter, did not return. PW-9 further specifically stated that Satinder Pal Singh, Pavittar Singh and Hari Kishan owed a sum of Rs.25,000/- to his brother Naseem Ahmad. Thus, according to the prosecution, there was a subsisting monetary transaction between the deceased and the accused, furnishing a plausible motive for the commission of the crime. The prosecution also relied upon the recovery of the letter, Ex.P8, which contained reference to



the amount of Rs.25,000/- and to the deceased meeting the three accused.

64. Learned counsel for the appellants, however, contended that the testimony of PW-9 with regard to the letter does not inspire confidence. It was pointed out that PW-9 stated that the letter handed over to him was in Hindi script, whereas the letter relied upon by the prosecution was in Punjabi script. It was further submitted that although the letter was allegedly written by Pavittar Singh, its authorship was not established. In particular, reliance was placed upon the testimony of DW-3 Naveen Gupta, the handwriting expert, who did not attribute the handwriting/signature on the letter to Pavittar Singh. It was, therefore, argued that the alleged letter could not be relied upon either to establish the monetary transaction or the motive attributed to the accused.

65. Learned State counsel, on the other hand, submitted that the discrepancy regarding the script of the letter is a peripheral matter and does not discredit the substantive testimony of PW-9 regarding the monetary transaction between the deceased and the accused. It was further submitted that the trial Court had rightly noticed that the defence did not put any specific suggestion to PW-9 disputing the fact that the accused owed Rs.25,000/- to the deceased. The letter and its recovery were relied upon by the prosecution only as corroborative material and, therefore, any controversy regarding handwriting cannot obliterate the other evidence establishing the motive.

66. We have considered the rival submissions. PW-9 is the brother of the deceased and his testimony, insofar as it relates to the monetary transaction, is quite specific. He attributed to the three accused a liability of



Rs.25,000/- towards the deceased. Significantly, this assertion was not specifically challenged in his cross-examination. The defence did not put to him that there was no such transaction or that the accused did not owe any amount to the deceased. The trial Court also noticed this aspect and rightly observed that the alleged motive had not been effectively assailed in cross-examination. The fact that the witness described the script of the letter as Hindi, whereas the document relied upon by the prosecution is in Punjabi script, may create some doubt regarding the precision of his recollection as to the letter, but such discrepancy, by itself, cannot render his entire testimony regarding the monetary transaction unreliable.

67. As regards the handwriting evidence, DW-3 Navdeep Gupta may not have supported the prosecution on the question of authorship of Ex.P8. We, therefore, do not consider it necessary to rest the finding regarding motive upon the disputed attribution of the handwriting on the said letter. Even if the letter is kept out of consideration for that limited purpose, the substantive testimony of PW-9 regarding the liability of Rs.25,000/- remains on record and has not been dislodged in cross-examination. The recovery and contents of Ex.P8 may, at best, be treated as corroborative circumstances and not as the sole foundation of motive. The Hon'ble Supreme Court in *Neelu @ Nilesh Koshti (supra)* has held that *motive adds strength to prosecution case but is not indispensable for conviction when a complete chain of circumstances is established.*

68. Thus, on an overall appreciation of the evidence, we find that the prosecution has succeeded in establishing that there was a monetary transaction between the deceased and the accused and that a sum of



Rs.25,000/- was due to the deceased from them. The existence of such monetary liability constitutes a plausible and established motive for the occurrence. Accordingly, the circumstance of motive stands proved on the record, notwithstanding the discrepancy regarding the script of the letter or the opinion of DW-3 with respect to its handwriting.

Offence under Section 201 IPC

69. We now advert to the charge under Section 201 IPC. The prosecution case is that, after the commission of the murder of Naseem Ahmad, the dead body was deliberately concealed by burying it in a pit dug in the courtyard of the house of accused Satinder Pal Singh at Shaheed Bhagat Singh Nagar, Barnala, with a view to screen the offenders from legal punishment. The factum of recovery of the dead body from the concealed pit stands established from the evidence of PW-10 Gurmukh Singh, Naib Tehsildar-cum-Executive Magistrate, as well as PW-17 Inspector Surinder Pal Singh. The recovery was not of an ordinary article lying in an open or accessible place; rather, the body had been buried beneath the ground and concealed by covering the pit with bricks. The circumstances in which the police party was taken to the house and the body was thereafter retrieved from the courtyard assume considerable significance.

70. Learned counsel for the appellants sought to assail the conviction under Section 201 IPC by referring to the discrepancies in the prosecution evidence, particularly with regard to the ownership and occupation of the house and the role attributed to the individual accused. It was also contended that the prosecution had failed to establish with



certainty who had actually buried the dead body and that the mere recovery of the body from the courtyard of the house could not, by itself, establish the requisite intention to screen the offender from legal punishment.

71. We find no merit in the said contention. Section 201 IPC does not require that the prosecution should necessarily establish by direct evidence the precise manner in which the dead body was concealed. What is required is proof that, knowing or having reason to believe that an offence had been committed, the accused caused evidence of that offence to disappear, or gave information respecting the offence which he knew or believed to be false, with the intention of screening the offender from legal punishment. In the present case, the deceased had suffered a homicidal death and, instead of the body being reported to the police or being dealt with in the ordinary course, it was clandestinely buried in a pit in the courtyard and remained concealed for several months. The subsequent recovery of the decomposed body from beneath the ground is a circumstance which clearly demonstrates an attempt to cause disappearance of vital evidence of the murder.

72. The objection regarding the ownership of the house also does not advance the case of the appellants. Even if the house was owned by the father of Satinder Pal Singh, that circumstance by itself does not explain the clandestine burial of the dead body in its courtyard or the circumstances in which the police party was taken to the place of recovery. The prosecution evidence, read as a whole, establishes that the concealment of the dead body was a deliberate act intended to prevent its discovery and thereby screen the perpetrators of the murder from legal consequences. The



fact that the body could ultimately be recovered only after the place of concealment was pointed out and the bricks were removed and the pit dug further reinforces this conclusion.

73. We are, therefore, of the considered view that the prosecution has successfully established the essential ingredients of Section 201 IPC. The concealment and burial of the dead body was not an innocuous act but a deliberate attempt to destroy or suppress material evidence of the murder. Consequently, the conviction of the appellants under Section 201 IPC calls for no interference.

74. On a cumulative consideration of the entire evidence and the circumstances discussed hereinabove, we find that the prosecution has succeeded in establishing a complete and coherent chain of circumstances which unerringly points towards the guilt of the accused. The identity of the deceased as Naseem Ahmad stands satisfactorily established; his death has been proved to be homicidal by the medical evidence; the evidence relating to the last seen circumstance, the motive for the commission of the crime, the recovery of the dead body from the courtyard of the house with which accused Satinder Pal Singh was connected, and the recoveries effected pursuant to the disclosures made by the accused, when considered collectively, form a continuous chain of circumstances. Each of these circumstances has been examined by us independently and in the light of the objections raised by learned counsel for the appellants, and we find that the material circumstances relied upon by the prosecution stand duly proved. The discrepancies and omissions pointed out by learned counsel, considered either individually or cumulatively, are not of such a nature as



to create a reasonable doubt in the prosecution case or to break the chain of circumstances otherwise established on the record. It is well settled that in a case resting upon circumstantial evidence, the circumstances proved must be consistent only with the hypothesis of the guilt of the accused and must exclude every reasonable hypothesis of innocence.

75. In the present case, the circumstances proved by the prosecution, viewed cumulatively rather than in isolation, satisfy the said test and lead to the irresistible conclusion that the accused were responsible for the homicidal death of Naseem Ahmad and thereafter, for causing disappearance of the evidence of the crime. We, therefore, find no illegality, infirmity or perversity in the findings recorded by learned trial Court in respect of the offences punishable under Sections 302 and 201 IPC. The judgment of conviction and the order of sentence, insofar as they relate to the aforesaid offence under Sections 302 and 201 IPC, consequently call for no interference and are affirmed.

76. We shall now proceed to examine the separate charge under Section 25 of the Arms Act against appellant Pavittar Singh, arising out of the other FIR, which, though tried along with the present case pursuant to the consolidation of the two challans, relates to a distinct recovery and offence.

77. The prosecution has also established the charge under Section 25/54/59 of the Arms Act against appellant Pavittar Singh. PW-17 Inspector Surinder Pal Singh has deposed that, on 19.09.2002, Pavittar Singh suffered a disclosure statement Ex.PY to the effect that he had concealed a country-made .12 bore pistol, wrapped in glazed paper,



beneath the earth under the *turi* in his room and that he alone knew about the same and could get it recovered. In pursuance thereof, Pavittar Singh led the police party to the disclosed place and got recovered the pistol Ex.P4 along with two live cartridges Ex.P5 and Ex.P6. The said recovery is duly corroborated by PW-16 ASI Harbhajan Singh, who was associated with the investigation and categorically deposed regarding the disclosure statement as well as the recovery of the pistol and cartridges at the instance of Pavittar Singh. The recovery memo Ex.PAA and rough sketch Ex.PZ were duly proved, and the recovered articles were taken into police possession in accordance with the prescribed procedure. The pistol was subsequently examined by the Forensic Science Laboratory, and the report Ex.PKK records that the weapon was in working condition. The requisite sanction for prosecution under the Arms Act was also duly proved on the record. Significantly, no material discrepancy or infirmity in the recovery proceedings could be brought out in the cross-examination of PW-16 or PW-17. Nothing material was elicited from either of these witnesses so as to cast doubt upon the recovery or the conscious possession of the weapon by Pavittar Singh. The defence has also failed to furnish any plausible explanation for the possession of the said firearm and live cartridges. Thus, the evidence on record establishes beyond reasonable doubt that the pistol and cartridges were recovered from the conscious and exclusive possession of appellant Pavittar Singh pursuant to his disclosure statement, and that he was not holding the same under any valid licence or authority. Learned trial Court, therefore, rightly held appellant Pavittar Singh guilty of the offence punishable under Section 25/54/59 of the Arms Act, and we find no ground



to interfere with the said finding of conviction.

78. Accordingly, Criminal Appeal No.528-DB of 2005, preferred by Pavittar Singh and Criminal Appeal No.547-DB of 2005, preferred by Satinder Pal Singh, are dismissed. The judgment of conviction and order of sentence dated 03.06.2005 under Sections 302 and 201 IPC, passed by learned trial Court, are hereby affirmed and upheld. Appellant Pavittar Singh shall also remain convicted for the offence punishable under Section 25/54/59 of the Arms Act, as held by learned trial Court. The appellants shall undergo the sentence awarded to them in accordance with law.

79. Accused-appellants, namely, Pavittar Singh and Satinder Pal Singh are on bail. A copy of the judgment be sent to concerned Chief Judicial Magistrate, to initiate process of re-arrest of the aforesaid appellants, so as to serve the remaining part of the sentence.

80. Pending application(s), if any, stand(s) disposed of accordingly.

(ARCHANA PURI)
JUDGE

(MANDEEP PANNU)
JUDGE

10.09.2026
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<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>