

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRA-D-13-DB of 2004

Date of decision : 14.3.2017

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Satinder Pal Singh @ Jugnu

.....Appellant

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice T.P.S. Mann
Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Harsh Aggarwal, Advocate
for the appellant

Mr. S.S. Dhaliwal, Additional Advocate General,
Punjab

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H. S. Madaan, J.

This appeal is directed against judgment dated 17.9.2003 passed by the Court of Additional Sessions Judge, Ludhiana, vide which he had convicted accused Satinder Pal Singh @ Jugnu for offences under Sections 302 and 397 of Indian Penal Code (for short 'IPC') and sentenced him to undergo rigorous imprisonment for life and to pay a fine of Rs.500/- or in default of payment of fine to undergo further rigorous imprisonment for one year for the former offence and to undergo rigorous imprisonment for 7 years and to pay a fine of Rs.500/- or in default of payment of fine to undergo further rigorous imprisonment for 1 year for the latter offence. Both the

substantive sentences were ordered to run concurrently.

The accused-convict, who is appellant before this Court, prays that the appeal be accepted, the impugned judgment of his conviction and sentence be set aside and he be acquitted of the charge framed against him.

Briefly stated, the prosecution story, as it came out during the trial is that on 13.10.1999, at about 3.15 P.M., complainant Gurvinder Pal Singh, son of Pritam Singh, resident of House No. 740, Kucha No. 10, Mohalla Field Ganj, Ludhiana, aged about 19 years, running a shop at Fish Market, Near Gurdwara Dukh Niwaran, Ludhiana, alongwith his maternal uncle Kuldeep Singh had gone to his said residential house. They found the outer door of the house closed. Then they pushed it and went inside observing that in the room accused Satinder Pal Singh @ Jugnu, related to the complainant as his paternal aunt's son (father's sister's son), was giving *chhura* (dagger) blows to Manjit Kaur, mother of the complainant, who was lying on the bed and raising hue and cry "*Na Maro, Na Maro*". Complainant Gurvinder Pal Singh and his maternal uncle Kuldeep Singh also raised alarm, which attracted Rajinder Pal Singh, the younger brother of father of Gurvinder Pal Singh to the spot. Thereafter, accused ran away from the spot alongwith his dagger. At that time, hands of accused were stained with blood. Manjit Kaur was having multiple injuries on her person. She was besmeared with blood and lying on the bed. Complainant and his paternal uncle Rajinder Pal Singh, took her to CMC Hospital, Ludhiana, on his scooter, where she was declared dead. Four bangles of gold, one gold

chain and ear-rings, which the deceased was wearing earlier, were found to be missing and as a matter of fact, Satinder Pal Singh @ Jugnu, had taken away the same. The motive of the incident, as suggested by the prosecution, is that the accused who had been a drug addict, not doing any work and he would come to house of complainant asking for money from his father; mother of the complainant, Manjit Kaur used to object to that, which resulted in accused quarreling with the deceased and out of that grudge, accused had murdered Manjit Kaur.

Complainant – Gurvinder Pal Singh, after leaving his uncle Rajinder Pal Singh at CMC Hospital, Ludhiana, was going to Police Station to lodge report regarding the incident, on the way at Civil Hospital Chowk, Ludhiana, he came across the police party headed by SI Tehal Singh (hereinafter referred as Investigating Officer/IO), from Police Station Division No.2, Ludhiana. The complainant got his statement Exhibit PJ, recorded with SI Tehal Singh. The statement was signed by the complainant and his signatures were attested by SI Tehal Singh. SI Tehal Singh appended his endorsement Exhibit PJ/1 below that statement and sent *ruqa* to Police Station Division No.2, Ludhiana, through Constable Ram Kishan, on the basis of which formal FIR Exhibit PJ/2 was recorded at the Police Station by ASI Rajinder Pal Singh. Thereafter, the police party accompanied by complainant, went to the spot. The Investigating Officer/IO carried out spot inspection. He prepared rough site plan of the place of occurrence Exhibit PW 16/A, with correct marginal notes. At the spot he found two blood stained

mattresses lying on the *Takhat Posh* i.e. big wooden table, a bed sheet which was also blood stained, was lying on the mattresses. Two blood stained mattresses alongwith blood stained bed sheet were converted into a parcel and sealed with seal having impression 'TS' by SI Tehal Singh. Sample seal impression was separately prepared and seal after use was handed over to ASI Bakshish Singh. The abovesaid parcels were taken into possession vide recovery memo Exhibit PW 16/B and attested by ASI Bakshish Singh and Kuldip Singh. The Investigating Officer/IO had summoned Finger Print Expert and Dog Squad to the spot. Thereafter SI Tehal Singh accompanied by complainant, went to the CMC Hospital, Ludhiana. Dead body of Manjit Kaur was found to be lying in the Mortuary. The Investigating Officer/IO carried out inquest proceedings regarding unnatural death of Manjit Kaur, prepared report Exhibit PB in that regard. Dead body of Manjit Kaur was identified by Gurvinder Pal Singh – complainant. The Investigating Officer/IO deputed HC Amrik Singh and Constable Sukhwinder Singh to get post mortem examination conducted on dead body of Manjit Kaur, handing over a formal application in that regard alongwith inquest report to them. However, post mortem examination could not be performed on that day. On return to the Police Station, the Investigating Officer/IO deposited the case property with MHC Jaspal Singh.

On 14.10.1999, while the Investigating Officer/IO alongwith other police officials was present at Civil Hospital, Ludhiana, CI Satwinder Singh produced before him a sealed parcel of

clothes of the deceased and her post mortem report. That parcel was taken into possession by the Investigating Officer/IO vide seizure memo Exhibit PW 16/C. On reaching the Police Station, the Investigating Officer/IO deposited the parcel with MHC Jaspal Singh. The accused was arrested in this case on 20.10.1999. On 21.10.1999, such accused, while in police custody during interrogation suffered a disclosure statement Exhibit PW 16/D to the effect that he had kept concealed four gold bangles, two earrings and one blood stained *chhura* (dagger), after wrapping them in a polythene bag in the heap of dry grass near electric pole in park between Delhi-Dhuri Railway Lines, about which only he knew and could get those articles recovered. Thereafter, accused in pursuance of such disclosure statement got recovered those articles from the disclosed place. The Investigating Officer/IO prepared a rough sketch of recovered dagger as Exhibit PW 16/E, attested by PWs and then converted it into a parcel and sealed it with seal having impression 'TS' and then said parcel was taken into possession vide recovery memo Exhibit PW 16/F, attested by ASI Bakshish Singh and Kuldeep Singh. The gold ornaments were also converted into parcel and sealed with seal having impression 'TS' and then taken into possession vide memo Exhibit PW 16/G, attested by the aforesaid witnesses. The Investigating Officer/IO prepared a rough site plan of the place of recovery vide Exhibit PW 16/H with correct marginal notes. On return to Police Station, he deposited the case property with MHC Jaspal Singh with seals intact. During the course of investigation, the Investigating Officer/IO recorded statement of witnesses. After

completion of investigation and other formalities, challan against accused was prepared and filed in the Court by SI/SHO Rachhpal Singh.

On presentation of challan in the Court of Judicial Magistrate Ist Class, Ludhiana, copies of documents relied upon therein were supplied to the accused free of cost, as provided under Section 207 Cr.P.C. and then finding that offences for which accused had been booked were exclusively triable by the Court of Sessions, the Judicial Magistrate Ist Class, Ludhiana, vide order dated 16.2.2000, committed the case to the Court of Sessions, from where it was entrusted to the Court of Additional Sessions Judge, Ludhiana.

Learned Additional Sessions Judge, Ludhiana, observing that prima facie a case for offence under Sections 302 and 397 IPC was disclosed against the accused, framed charge against him for such offences, to which he pleaded not guilty and claimed trial. The case was fixed for evidence of the prosecution.

During the course of evidence of prosecution, it examined, as many as 16 PWs, as per following details.

PW-1 Dr. Gurcharan Singh, EMO, Civil Hospital, Ludhiana, stated that on 14.10.1999 at 3.55 P.M. he was member of board of doctors, the other member being Dr. Gagandeep and they had conducted the post mortem examination on the dead body of Manjit Kaur, wife of Pritam Singh resident of House No. 740, Kucha No. 10, Field Ganj, Ludhiana and they had observed the following injuries on her person :-

1. Incised wound 3. cm x ½ cm transversely

placed on left occipital region.

2. Incised wound $2\frac{3}{4}$ cm x $\frac{1}{2}$ cm on the mid occipital region transversely placed.
3. Incised wound 2 cm x $\frac{1}{4}$ cm in between injuries No. 1 and 2. Slightly proximal and transversely placed.
4. Incised wound 2 cm x $\frac{1}{4}$ cm, 3 cm from injury No.3.
5. Incised wound 1 cm x $\frac{1}{2}$ cm transversely placed slightly proximal to injury No.4.
6. Incised wound $3\frac{1}{2}$ cm x $\frac{1}{2}$ cm just proximal and to the left of the injury No.5, obliquely placed. All the above injuries were bone deep.
7. Incised wound transversely placed $2\frac{1}{4}$ cm x $\frac{1}{2}$ cm in left mastoid region.
8. Five small punctured wounds obliquely placed $\frac{1}{2}$ cm x $\frac{1}{2}$ cm on left side of neck. Surrounding area of wounds were bruise.
9. One punctured wound $\frac{1}{2}$ cm x $\frac{1}{2}$ cm on left zygomatic area.
10. Linear abrasion 2 cm long on left mandible.
11. Linear abrasion 2 cm long on left side of forehead.
12. Three small pin head abrasions on left naso – labial fold.
13. Two punctured wounds 4 cm in size on the chin.

14. One punctured wound $\frac{1}{2}$ cm x 1 mm on anterior aspect of neck 4 cm from manubrium sterni
15. Two abrasions 2 mm in size on left infraclavicular area.
16. One pin head abrasion on manubrium sterni slightly left.
17. 3 pin headed abrasions on right infraclavicular region.
18. Two punctured wounds $\frac{1}{2}$ cm x $\frac{1}{2}$ cm, one of them two cm below manubrium sterni, in midline and another 3 cm distal to right midclavicular area.
19. Two punctured wounds $\frac{1}{2}$ cm x 1 mm on right carotid region and another on 3 cm distal and slightly right side of tip of chin.
20. 3 punctured wounds $\frac{1}{2}$ cm x $\frac{1}{2}$ cm on right cheek
21. Abrasion 2 cm x 1 cm below right eye.
22. Two punctured wounds $\frac{1}{2}$ cm x $\frac{1}{2}$ cm one on tip of right shoulder and another on anterior aspect of deltoid region.
23. Two abrasions 2 cm x 2 cm and 1 cm x $\frac{1}{2}$ cm on dorsal aspect of right fore arm.
24. Two punctured wounds $\frac{1}{2}$ cm x $\frac{1}{2}$ cm on dorsum of right hand and another on right

palm, bruises in an area of 2 cm x 1 ½ cm on the base of right thumb.

25. Two stitched wounds 8 ½ cm long on palmar aspect of left fore arm 5 cm proximal to wrist joint.

26. Contusion 5 cm x 5 cm on left arm on antero lateral aspect in upper third

27. 2 punctured wounds half cm x half cm on left side of chest on lateral aspect and lower aspect.

28. Punctured wound ½ cm x ½ cm on anterior aspect of right knee.

29. Two punctured wounds ½ cm x ½ cm on posterior aspect and upper third of right thigh. Corresponding cuts present on the salwar.

30. Punctured wound on left side of back.

31. Two contusions 2 cm x 1 ½ cm and 1 cm x 1 cm on left arm on dorsal aspect.

32. Two punctured wounds ½ cm x ½ cm on the medial aspect of right arm.

33. One punctured wound ½ cm x ½ cm in front of right ear.

34. Defused swelling 2 cm x 2 cm on right temporal region.

On exaloration of scale and skull, fracture of right temporal bone with haemotoma was present in brain. On exploration

of thoracic and abdominal cavity thoracic cavity was full of blood, right pleura injured and right lung had punctured wounds corresponding to injury No. 18. Left perimephric area contained clotted blood. The cause of death in this case in their opinion was due to hemorrhage and shock as a result of injuries to vital organs, which were sufficient to cause death in ordinary course of nature. All the injuries were ante mortem in nature. He proved copy of post mortem report as Exhibit PA. He further stated that deceased Manjit Kaur might have died on 13.10.1999 at 5 P.M. and the injuries might have been inflicted at about 3.00 P.M. on 13.10.1999. When the dagger said to have been used in the incident Exhibit P-1, was shown to him, after opening of the sealed parcel, the witness stated that the incised wounds and punctured wounds on the person of deceased were possible with such dagger. He proved pieces of mattress Exhibit P-2 and bed sheet Exhibit P-3.

PW-2 Dr. Sheetal Franklin, MBBS, doing house job in Microbiology, in CMC Hospital, Ludhiana, stated that on 13.10.1999, she was posted as Emergency Medical Officer in CMC Hospital, Ludhiana. She further stated that on that day Manjit Kaur – deceased was brought to the hospital in casualty ward with multiple injuries. At that time her condition was critical. An intimation in this regard was sent to the police, vide Exhibit PD, Manjit Kaur died in CMC, Ludhiana, on that day at 5.00 P.M. and information with regard to her death was sent to the police vide information chit Exhibit PE. At the time of admission of Manjit Kaur in CMC Hospital, Ludhiana, she prepared a report Exhibit PF, which was signed by her. This witness

stated that injuries on the person of Manjit Kaur were dangerous and caused by sharp edged weapon as mentioned in her report. The injuries were broadly described in the MLR and details of the same were not given. She further stated that sharp weapon generally causes incised wound. The patient Manjit Kaur was bleeding profusely and she cannot say whether injuries on the person of the deceased were incised wounds and not lacerated wounds, because she was new to the profession and she was still doing house job also. In her cross examination, the doctor stated that as per the MLR the injuries on the person of the deceased were mentioned to be as under :-

Profused bleeding from left ear, 3 lacerations over scalp. Multiple lacerations over left side of neck 4 cm laceration flexor aspect (over left wrist). She did not give details of the injuries on the person of the deceased as she was more concerned about the life of the patient. In medical jurisprudence they are taught to give the details and dimensions of the injuries. Lacerations wounds are caused by blunt weapon. She denied that she had deposed falsely.

PW-3 Anil Kumar Kapoor, Draughtsman, stated that on 25.11.1999 he had gone to the place of occurrence and prepared scaled site plan Exhibit PG with correct marginal notes and scale of map was 1" = 20 feet and those places were shown to him by Gurvinder Pal Singh – complainant.

PW-4 Constable Pritpal Singh, PW-5 C-I Bant Singh, PW-6 Constable Ram Krishan, PW-7 C-1 Satwinder Singh, PW-8 Constable Sohan Singh and PW-9 HC Santokh Kumar, all formal witnesses tendered in evidence, their affidavit as Exhibits PH, PJ, PW

6/A, PW 7/A, PW 8/A and PW 9/A, respectively.

PW-10 ASI Rajinder Pal stated that on 13.10.1999, he was posted as such in Police Station Division No.2, Ludhiana. On that day he received statement of Gurvinder Pal Singh, Exhibit PJ alongwith endorsement Exhibit PJ/1 by SI Tehal Singh and he had recorded formal FIR vide Exhibit PJ/2, under his signatures.

PW-11 Gurvinder Pal Singh – complainant and PW-12 Kuldip Singh, provided an eye witness account of the incident supporting the prosecution story on material aspects.

PW-13 HC Jaspal Singh, another formal witness, tendered in evidence his affidavit Exhibit PW 13/A.

PW-14 Pritam Singh – husband of deceased Manjit Kaur and father of complainant Gurvinder Pal Singh deposed that accused Satinder Pal Singh is son of his sister Harjit Kaur and he had got established a tea shop near Gurdwara Ghumar Mandi and that he used to give financial help to him, which was not liked by his wife (deceased) who used to object to the same. The witness stated that earlier to the occurrence, he had sold his car and had taken money from purchaser, which was in the knowledge of the accused and accused knew that money was lying in his house, therefore, he was demanding money from him. The witness further deposed that on 13.10.1999, he received a telephonic message and when he reached home he was informed by residents of *mohalla* that his wife had been taken to the hospital. He accordingly, went to CMC Hospital, Ludhiana, where his wife had died. He stated that his wife had been killed by the accused, as she was objecting to his giving money to

him.

PW-15 HC Karam Singh stated that on 25.10.1999, he was posted in Police Station Division No. 2 as AMHC. On that day, MHC Jaspal Singh handed over to him two parcels duly sealed with the seal bearing impression 'TS' and he deposited the same in Malkhana. On 26.10.1999, he handed over one parcel stated to contain blood stained dagger to Constable Pritpal Singh alongwith sample seal chit, who after getting docket prepared from the office of SSP deposited the said parcel in the office of Chemical Examiner, Patiala and on return to the Police Station, handed over the receipt to him, which was placed on record. He stated that neither he tampered with the case property, nor he allowed anybody else to do so during the period it remained in his custody.

PW-16 SI Tehal Singh – Investigating Officer/IO of this case, deposed regarding the investigation conducted by him, proving various documents.

The Public Prosecutor tendered in evidence reports of Chemical Examiner Exhibit PX and Exhibit PY and closed the evidence of prosecution.

The statement of accused was recorded under Section 313 Cr.P.C. in which all the incriminating circumstances appearing against the accused were put to him but he denied the allegations stating that he was innocent and has been falsely involved in this case. He had taken up the plea that he has strained relations with his relatives and he never visited their home and that he has been falsely involved in this case. In his defence evidence he examined DW-1

Ravinder Kumar, a resident of Ludhiana, who stated that he is residing at Ludhiana since birth. Field Ganj is at a distance of 4 kms from Aarti Cinema and Ghumar Mandi is also at same distance from Aarti Cinema.

After hearing arguments, the trial Court convicted and sentenced the accused as mentioned supra, which left him aggrieved and he has filed the present appeal.

We have heard learned counsel for the appellant, learned Additional Advocate General, Punjab for the State, besides going through the record and find that there is absolutely no merit in the appeal.

Here both the eye witnesses of the incident, namely, PW-11 Gurvinder Pal Singh – complainant and PW-12 Kuldeep Singh provided an eye witness account of the incident, deposing in consonance with the prosecution story. Although they were cross examined at length on behalf of the accused, but they could not be shattered on any material point. We find their presence at the spot at relevant time to be natural and probable. The account given by them inspire confidence. Both the PWs having lost their near relative would have been the last persons to involve some innocent person in place of actual murderer, since it is always every endeavor of such close relatives to ensure that person responsible for death of their near and dear is brought to book and is punished suitably rather than putting screen to the actual culprit and substitute some innocent person in his place. It may be kept in mind that accused Satinder Pal Singh is also closely related to both these eye witnesses, which

eliminates the possibility of any false implication. The accused is specifically named in the FIR. The weapon used by him in the incident for causing injuries and other details of the incident are clearly given in the FIR. Names of the persons who had seen the incident are also mentioned therein. The incident as per prosecution story took place on 13.10.1999 at 3.15 P.M. Thereafter, complainant Gurvinder Pal Singh and Kuldip Singh had taken Manjit Kaur – injured to CMC Hospital, Ludhiana on a scooter, where she was declared brought dead and then as per the prosecution case, complainant was going to Police Station, Civil Lines, Ludhiana to lodge report regarding the incident, on the way he came across the Police Party. As such statement was completed and Investigating Officer/IO put his endorsement below such statement at 5.25 P.M., sending ruqa at that time i.e. within 2 hours 10 minutes of the incident. Thus there is no delay in reporting the matter to the police, since time of about 2 hours was quite natural to be consumed during the whole process. It was Gurvinder Pal Singh – complainant, who set the criminal machinery into motion by reporting the matter to the police. He has given a detailed version of the incident, in which he has given name of Kuldip Singh PW-12, as having seen the incident. If Gurvinder Pal Singh was not present at the spot and had not seen the occurrence, then he could not have possibly imported to the place of incident by the police within such a short period and cited as eye witness. It is very difficult to concoct such a detailed version within such a short time. Similarly, Gurvinder Pal Singh had identified dead body of his mother Manjit Kaur during inquest proceedings. Presence

at the spot of Kuldip Singh also comes out to be natural.

From statement of PW-16 SI Tehal Singh, Investigating Officer/IO, it comes out that accused Satinder Pal Singh had suffered a disclosure statement while being interrogated in Police Station on 21.10.1999 and got recovered a dagger and gold jewellery articles. In the FIR it is mentioned that gold jewellery articles were found missing from body of Manjit Kaur – deceased and accused had taken away the same. Such gold articles have been got recovered by accused in pursuance of the disclosure statement made by him, which strengthens the prosecution story. As regards the dagger got recovered by him from his possession which was shown to the doctor, who had conducted the post mortem examination on dead body of the deceased and the doctor had stated that the incised wounds and punctured wounds on the person of the deceased could be caused with such dagger. Doctor had observed in as much as 34 injuries on the dead body. Most of the injuries being in the form of incised wounds and punctured wounds, with injury No. 34 in the form of defused swelling, which is caused with a blunt weapon, but then it has to be kept in mind that the dagger has a handle of blunt type, which could have resulted in such injury. Though Dr. Gurcharan Singh PW-1 in his cross examination stated that all the injuries on the person of the deceased could not be possible by a single weapon, but then he could not justify such reply, since in his examination-in-chief itself he stated that injuries are possible with dagger Exhibit P-1. Keeping in view the shape of such dagger, the opinion of doctor does not come out to be above board. He gave an evasive reply and it

appeared that he had some favourable inclination towards the accused. He could point out only injury No.34, stating that the same could be possible by blunt weapon, but as already observed that could have been caused by handle of dagger.

As regards, the dagger got recovered by the accused from his possession and which had been sent to Chemical Examiner, Punjab, as per report received therefrom, it was found to be stained with blood. Similarly, the mattresses and bed sheet were found to be besmeared with blood. Thus it comes out that the dagger got recovered by accused from his possession, had been used in the incident and the blood had oozed out of the injuries of the deceased on mattresses and bed sheet, which on analysis by Chemical Examiner, Punjab, was found to be human blood. The investigation in this case has been conducted in a fair and impartial manner. The Investigating Officer had no reason to involve the accused in this case wrongly, challan him falsely and then to depose against him to secure his conviction. A strong motive is also established on record from statement of PW-11 Gurvinder Pal Singh, PW-12 Kuldip Singh and PW-14 Pritam Singh that since deceased used to object to accused demanding money from her husband time and again, as such he was annoyed with her and he committed her murder. The remaining evidence on the file corroborates the prosecution story. The prosecution had successfully proved its charge against the accused that on 13.10.1999, at about 3.15 P.M., in the area of Field Ganj, Ludhiana, he committed the murder of Manjit Kaur by intentionally causing her death besides committing robbery by taking away gold

ornaments of the deceased forcibly, using dagger for causing injuries to Manjit Kaur – deceased.

The judgment of conviction and sentence passed by the trial Court is well reasoned one, based on proper appraisal of evidence and correct interpretation of law. There is no illegality or infirmity in the said judgment. The same is upheld. The appeal is found to be without any merit and is dismissed accordingly.

(T.P.S. Mann)
Judge

(H.S. Madaan)
Judge

14.3.2017
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Whether speaking / reasoned

Yes/ No

Whether reportable

Yes/ No