

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Criminal Appeal D-286-DB of 2009
Decided on : February 09, 2017**

Balwinder Singh @ Binder and another

....Appellants

Versus

State of Punjab

....Respondent

**CORAM : HON'BLE MR. JUSTICE T.P.S. MANN
HON' BLE MR. JUSTICE H.S. MADAAN**

Present : Mr. Vishal Rattan Lamba, Advocate
for the appellants.

Mr. S.S. Dhaliwal, Addl. A.G., Punjab.

H.S. MADAAN, J.

This appeal has been preferred against judgment dated 18.02.2009 passed by the Court of Sessions Judge, Bathinda vide which he had convicted accused Balwinder Singh @ Binder and his brother Sukhjinder Singh @ Kaka Singh for offence under Section 302 of the Indian Penal Code and sentenced them as follows:-

Name of Convict	Offence under Section	Sentence Awarded
Balwinder Singh @ Binder	302 IPC	Imprisonment for life and to pay a fine of Rs.5,000/, in default thereof, to further undergo rigorous imprisonment for two years.

Sukhjinder Singh @ Kaka Singh	302 IPC	Imprisonment for life and to pay a fine of Rs.5,000/, in default thereof, to further undergo rigorous imprisonment for two years.
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The accused-convicts, who are appellants before this Court pray that the appeal filed by them be accepted, the impugned judgment of their conviction and sentence be set aside and they be acquitted of the charge framed against them.

Briefly stated facts of the case as per prosecution version are that on 11.08.2007, complainant-Balbir Singh son of Hazura Singh belonging to Jat community, aged about 65 years, resident of village Fatta Balu, an Agriculturist by avocation, along with Dalip Singh, Sarpanch of that village was proceeding towards Police Station, Talwandi Sabo. On the way at Singo Chowk, they came across police party headed by Inspector Mohinder Kumar, SHO Police Station, Talwandi Sabo (hereinafter referred to as Investigating Officer/I.O.) which had laid a picket there. The complainant- Balbir Singh got his statement Ex.PG recorded with Inspector Mohinder Kumar. *Inter alia* in the statement he stated that his son Jagga Singh is married with Sukhpreet Kaur daughter of Mukhtiar Singh of village Kotra Jatana and Jagdip Kaur @ Manjinder Kaur, a cousin sister of Sukhpreet Kaur got married with Kaka Singh son of Major Singh of his village about two years earlier and he was mediator in the said marriage. Elder brother of Kaka Singh namely Balwinder Singh @ Binder was married with Sukhmander Kaur daughter of Karnail Singh son of Gurdial Singh of village Kot Guru about five years earlier. Both the couples

had a daughter each, however, Balwinder Singh @ Binder and Kaka Singh were annoyed for the said reason and they used to quarrel with their wives, giving them beatings; that he being mediator in the marriage of Kaka Singh with Jagdeep Kaur @ Manjinder Kaur would visit their house so as to counsel them to live normal marital life. Fathers-in-law of Balwinder Singh @ Binder and Sukhjinder Singh @ Kaka Singh namely Karnail Singh of village Kot Guru, District Bathinda and Sunder Singh of Sukhladhi also used to visit matrimonial home of their respective daughters and sons-in-law, so as to counsel them not to quarrel. According to the complainant, about a week earlier, he had informed Sunder Singh of village Sukhladhi that Kaka Singh was harassing and beating his daughter very much. Accordingly, Sunder Singh and Karnail Singh had come to his house and then all three of them went to the house of accused so as to advise them not to quarrel. After giving such advise to the accused all three of them returned home.

On the said day at about 12.00 noon when complainant was present at his house then he came to know that Kaka Singh and Balwinder Singh were quarreling with their wives. As such the complainant accompanied by son Jagga Singh went to the house of accused. When they reached there they saw that in the courtyard Kaka Singh having a *sabhal* (crowbar) in his hand was raining blows on the head of his wife Jagdeep Kaur @ Manjinder Kaur after laying her on the ground. Whereas in the right side room of the house Balwinder Singh @ Binder, having *takua* in his hand was giving blows on the

head of his wife Sukhmander Kaur. Sukhmander Kaur had snatched *takua* from him and she fell down on the ground. Thereafter, Balwinder Singh lifted a wooden *tamba* lying nearby and started giving blows on head of his wife. Both the injured were raising alarm 'Martian- Martian.' According to the complainant, when he and his son Jagga Singh tried to catch hold of Kaka Singh by going forward then he threatened to attack them with *sabbal* (crowbar) by proceeding towards them menacingly, as such the former retraced their steps from there. Then Kaka Singh gave 2-3 *sabbal* (crowbar) blows more to his wife in the presence of complainant and his son Jagga Singh. Then they raised an alarm at which Balwinder Singh @ Binder and Sukhjinder Singh @ Kaka Singh ran away from the spot along with their respective weapons. Gurjinder Singh, another brother of Balwinder Singh and Kaka Singh also fled from the spot. On going closer, complainant and his son Jagga Singh observed that Jagdeep Kaur @ Manjinder Kaur as well as Sukhmander Kaur injured had expired. They lifted Jagdeep Kaur @ Manjinder Kaur and put her on a cot. Dalip Singh, Sarpanch of the village were informed about the occurrence, and so also family members of both the deceased girls. The complainant after leaving his son Jagga Singh at the spot accompanied by Sarpanch Dalip Singh was going to Police Station, Talwandi Sabo, on the way at Singo chowk, they came across the police party and complainant-Balbir Singh got his statement Ex.PG recorded with Inspector Mohinder Kumar. The statement was thumb marked by Balbir Singh and such thumb impression was attested by

Inspector Mohinder Kumar. The Investigating Officer appended his endorsement Ex.PG/1 below such statement and sent *Ruqa* to Police Station through PHG-Jagjit Singh at 4.45 P.M., on the basis of that *Ruqa* FIR Ex.PG/2 was recorded at Police Station, Talwandi Sabo by SI Resham Singh. Thereafter, the police party accompanied by complainant- Balbir Singh and Dalip Singh, Sarpanch went to the spot. The Investigating Officer lifted blood stained earth and simple earth from a place near the dead body of Sukhmander Kaur, so also from place near dead body of Jagdeep Kaur preparing parcels thereof sealing those parcels with the seal having impression 'MK', sample seal impression was also prepared, then the parcels were taken into possession vide memo Ex.PH and Ex.PI respectively attested by ASI Gurvir Singh and PW Karnail Singh. One *chaadar* (bed sheet) and one pair of *chappal* (foot wear) was also found on the place near the dead body of Jagdip Kaur. Those were converted into a parcel, sealed with seal having impression 'MK' and that parcel was taken into possession vide memo Ex.PJ. Then the Investigating Officer inspected the dead bodies and carried out inquest proceedings preparing reports in that regard, such report with respect to Jagdip Kaur being Ex.PC and Sukhmander Kaur Ex.PF. The Investigating Officer prepared applications Ex.PV and PE and handed over such applications along with the dead bodies of Jagdip Kaur and Sukhmander Kaur to SI Balwinder Singh and SPO Sukhmander Pal Singh directing them to get the postmortem examination conducted on the dead bodies from Civil Hospital. The Investigating Officer had summoned a Photographer

namely Amrik Singh to the spot, who clicked photographs of place of the incident. The Investigating Officer prepared rough site plan of place of incident as Ex.PCC. He recorded statements of witnesses. The Investigating Officer searched for the accused through SI Mohinder Singh but they could not be traced out on that day. On return to the Police Station, the Investigating Officer deposited the case property with A/MHC Balbir Singh.

On the next day i.e. 12.08.2007, HC Balwinder Singh produced before Investigating Officer two parcels sealed with seal having impression 'SKG' containing clothes of deceased Jagdeep Kaur and Sukhmander Kaur. Those parcels were taken into possession by the Investigating Officer vide memo Ex.PK attested by Balwinder Singh and HC Gurmej Singh. He recorded statements of witnesses and on return to the Police Station deposited the case property with A/MHC Balbir Singh.

Further investigation in the case was conducted by ASI Gurveer Singh. On 12.08.2007, ASI Gurveer Singh, heading a police party accompanied by Kulwinder Singh son of Karnail Singh was present at bus stand at Kala Bala where Angrej Singh brought accused Balwinder Singh @ Binder and Sukhjinder Singh @ Kaka Singh and produced them before him while police party was present at the bridge of canal minor. Both the accused were formally arrested in this case and were interrogated. Firstly, accused-Balwinder Singh, during the course of interrogation had suffered a disclosure statement that he had kept concealed one wooden *tamba* and a *takua/kulhari* under the heap

of cotton sticks in his fields about which only he knew and could get both the weapons recovered (which were blood stained). The Investigating Officer recorded such disclosure statement Ex.PL which was signed by Balwinder Singh-accused and attested by HC Jora Singh and Kulwinder Singh, PWs. Thereafter, accused Kaka Singh was interrogated. He also suffered a disclosure statement that he had kept concealed a *sabhal* of iron (crowbar) in the heap of husk/chaff lying behind his house, about which only he had knowledge and he could get the same recovered. The Investigating Officer recorded his statement as Ex.PM signed by accused-Kaka Singh and attested by witnesses aforesaid. Thereafter, accused-Balwinder Singh led the police party to the disclosed place and got recovered one blood stained *takua* and wooden *tamba* from heap of cotton sticks from the place so specified by him in his statement. Thereafter, accused-Sukhjinder Singh @ Kaka Singh led police party to the place mentioned by him in the statement and got recovered iron *sabhal* (crowbar) which was stained with blood. The Investigating Officer prepared rough sketch of blade of *kulhari/takua* Ex.PN attested by witnesses. Then all the three recovered weapons were converted into separate sealed parcels and were taken into possession vide memo Ex.PO and PQ respectively attested by witnesses. Personal searches of both the accused were conducted but nothing was recovered as a result thereof. A search memo was prepared Ex.PR signed by the witnesses. Grounds of arrest were served upon the accused and a memo in that respect Ex.PS was prepared. On return to the Police Station, the Investigating Officer

deposited the case property with MHC and put both the accused in the lock-up.

On 14.08.2007, both the accused while in police custody were taken out of lock-up and interrogated. Accused-Balwinder Singh had suffered a disclosure statement that he had kept sealed his *kurta-pyjama* (which were blood stained) concealed under a *dora* lying on a *peti* in the room of his house about which only he knew and could get the same recovered. His disclosure statement in that regard Ex.PT was recorded which was signed by such accused and attested by HC Jora Singh and Joginder Singh. Thereafter, accused-Sukhjinder Singh also suffered a disclosure statement that he had kept concealed *kurta-pyjama* (which was blood stained) under the mattress on the bed in his house about which, only he knew and could get the same recovered. His disclosure statement in that regard Ex.PU was recorded which was signed by such accused and attested by witnesses aforesaid. Thereafter, accused-Balwinder Singh got recovered his blood stained *kurta-pyjama* from the disclosed place, which was converted into a parcel, sealed by Investigating Officer with his seal, having impression 'GS', sample of seal impression was prepared and parcel was taken into possession vide recovery memo Ex.PV. In a similar fashion, accused-Sukhjinder Singh while in police custody, led the police party to the place specified by him in his disclosure statement and got recovered blood stained *kurta-pyjama* which were converted into a parcel and sealed by the Investigating Officer with his seal having impression 'GS', the same parcel was taken into possession vide

recovery memo Ex.PW attested by witnesses. The Investigating Officer had prepared rough site plan of place of recovery as Ex.PX and had recorded statements of witnesses. On return to the Police Station, he deposited the case property with MHC and put both the accused in lock-up.

On 19.08.2007, Amrik Singh, Photographer produced before the Investigating Officer, 11 photographs along with equal number of negatives which were taken into possession vide memo Ex.PY, attested by Amrik Singh, Photographer and HC Gurdev Singh. The witness had proved the photographs as MO/1 to MO/11 and negatives MO/12 to MO/22. The witness had proved the recovered *takua* Ex.P1, wooden *tamba* Ex.P2, iron *sabbal* (crowbar) Ex.P3, *kurta-pyjama* got recovered by Sukhjinder Singh (which was blood stained) Ex.P4, Ex.P5, *kurta-pyjama* got recovered by Balwinder Singh (which was blood stained) Ex.P6, Ex.P7.

On receipt of report from FSL Ex.PZ and completion of investigation and other formalities, challan against the accused was prepared and filed in the Court by Inspector Mohinder Kumar.

On presentation of challan in the Court of Sub Divisional Judicial Magistrate, Talwandi Sabo, copies of documents relied upon therein were supplied to the accused free of cost as provided under Section 207 Cr.P.C. Then finding that offence under Section 302 IPC is exclusively triable by Court of Sessions, learned Sub Divisional Judicial Magistrate, Talwandi Sabo vide order dated 10.10.2007 committed the case to the Court of Sessions.

When challan was received by the Court of learned Sessions Judge, Bathinda finding that charge for offence under Section 302 IPC was disclosed against both the accused, they were chargesheeted accordingly and case was fixed for evidence of prosecution.

During the course of evidence of prosecution, prosecution examined as much as ten witnesses as per details below:-

- PW1 - Dr. Satish Goyal, EMO, Civil Hospital, Bathinda.
- PW2 - Balbir Singh
- PW3 - Jagga Singh
- PW4 - Karnail Singh
- PW5 - HC Balwinder Singh
- PW6 - ASI Gurvir Singh
- PW7 - Sunder Singh
- PW8 - Balbir Singh
- PW9 - HC Gurdev Singh
- PW10 - Ins. Mohinder Kumar

PW1 Dr. Satish Goyal, EMO, Civil Hospital, Bathinda, who on 12.08.2007, while posted at Civil Hospital, Bathinda had carried out postmortem examination on dead bodies of Jagdeep Kaur @ Manjinder Kaur and Sukhmander Kaur wife of Balwinder Singh @ Binder provided the medical evidence. He deposed that during the course of postmortem examination on dead body of Jagdeep Kaur @ Manjinder Kaur he had observed following injuries on her person:-

- 1) Lacerated wound 5 cm x 2cm extending from middle of

anterior hairline upward to parietal bone. Clotted blood was present. Underlying bone was fractured. On dissection, underlying brain matter crushed, Meninges ruptured.

- 2) 10 cm x 2 cm laterated wound on right parietal bone parallel to midline, 7 cm. Above right ear. Underlying bone fractured into multiple pieces. Brain matter crushed and coming out of ruptured meninges. Clotted blood was present.
- 3) 8 cm x 2cm laterated wound on right parietal bone parallel to injury No.2, 2 cm above right ear. Underlying bone fractured in multiple pieces. Meninges ruptured. Brain matter was crushed and clotted blood present.

He stated that the cause of death in this case, in his opinion, was because of haemorrhage and shock due to injuries sustained which were ante mortem in nature and sufficient to cause death in ordinary course of nature. He gave the opinion that the time that had elapsed between injuries and death was immediate to one hour and between death and postmortem examination 24 hours. He proved copy of postmortem report Ex.PA.

As regards, the postmortem examination conducted by him on dead body of Sukhmander Kaur, he stated that he had observed following injuries on her person:-

- 1) 8 cm 2 cm lacerated wound with irregular margin extending from middle of anterior hair line towards

left eye. Underlying bone fractured into pieces.

Brain matter was crushed and comes out. Clotted blood present. Oedema of both upper eye lids.

- 2) 3 cm x 1.5 cm Lacerated wound extending upward and towards right parietal bone from anterior hair line. Underlying bone fractured. On dissection, meninges ruptured. Underlying brain matter crushed. Clotted blood present.
- 3) 10 cm. x 2 cm laterated wound on left parietal bone parallel to midline of head. 8 cm above left ear. Underlying bone fractured into pieces. On dissection, meninges ruptured and brain matter crushed. Clotted blood present.
- 4) 7 cm x 1.5 cm and 3 cm x 1.5 cm incised wound bone deep on Occipital region, 8 cm above and back to left ear. Underlying tissue cut. Clotted blood present. On dissection, no subdural haematoma.
- 5) 2 cm x 0.3 cm incised wound skin deep on left side of neck, 3 cm below left ear. Clotted blood present.
- 6) 2 cm x 0.2 cm incised wound on upper aspect of left deltoid region, superficial in nature. Clotted blood present.
- 7) An abrasion 5 cm parallel to injury No.6 at upper end of left upper arm. Clotted blood present.
- 8) 2 cm x 0.2 cm incised wound in right deltoid region,

superficial in nature. Clotted blood present.

He opined that cause of death was because of haemorrhage and shock due to injuries sustained, which were ante mortem in nature and sufficient to cause death in ordinary course of nature;, time that had elapsed between injuries and death was immediate to one hour and between death and postmortem examination 24 hours. He proved copy of her postmortem report Ex.PB.

This, witness after seeing *takua*, wooden log and iron rod (*sabbal*), Ex.P1, Ex.P2 and Ex.P3 respectively stated that the possibility of injuries on person of both deceased with such weapons could not be ruled out.

PW2 Balbir Singh, complainant-eye witness did not support the prosecution story with regard to his having seen the incident, in which Balwinder Singh had caused injuries to his wife Sukhmander Kaur with *takua* and wooden *tamba* and Kaka Singh caused injuries to his wife Jagdeep Kaur @ Manjinder Kaur with *sabbal* (iron crowbar) and both the injured succumbing to the injuries on the spot. He was declared a hostile witness at instance of learned Public Prosecutor and learned Public Prosecutor was allowed to put questions to him in the form of cross-examination.

PW3 Jagga Singh son of complainant-Balbir Singh faired no better and he also did not toe the prosecution line. Resultantly, he was got declared a hostile witness by the Public Prosecutor, who on being permitted by the Court had cross-examined the witness at length.

PW4 Karnail Singh, father of Sukhmander Kaur

supported the prosecution story, stating that due to birth of a female children by wives of Balwinder Singh and Kaka Singh, both the accused used to maltreat and even beat up their wives; Balbir Singh was related to Sunder Singh and he used to come to accused advising them not to quarrel with their wives. From time to time he and Sunder Singh also went to the house of accused and advised them not to quarrel; that one week before occurrence, he received a telephonic message from Balbir Singh that both the accused were maltreating and beating up their wives. As such he accompanied by Sunder Singh went to house of Balbir Singh son of Hazura Singh. Thereafter, all three of them went to the house of Major Singh, father of both the accused, and told the accused that it was bad on their part to quarrel with their wives and not to do so in future and then they returned to their own village. This witness further stated that on 11.08.2007, on receipt of telephonic message from Balbir Singh that Kaka Singh and Binder Singh had killed their wives in his presence asking him to come soon, he along with his son Kulwinder Singh reached house of accused and found both the girls dead. He stated that his daughter was lying on the floor in a room whereas daughter of Sunder Singh was lying in the courtyard outside room with multiple injuries. Police was already present there. The police lifted simple earth and blood stained earth from near the dead body of his daughter Sukhmander Kaur and from near dead body of Jagdeep Kaur @ Manjinder Kaur, those were put into four separate containers and sealed with the seal and then taken into possession vide separate memos Ex.PH and PI thumb marked by

him and signed by ASI Gurveer Singh. This witness further stated that the police had also lifted a pair of black colour plastic *chappal* lying near the dead body of Jagdeep Kaur @ Manjinder Kaur and a blood stained *chaadar* (bed sheet) preparing parcel of both the articles then sealing it and taking it into possession vide memo Ex.PJ, thumb marked by witnesses and attested by ASI Gurvir Singh.

PW5 HC Balwinder Singh, who on 11.08.2007, along with SPO Sukhmander Pal Singh was deputed by Inspector Mohinder Kumar to get postmortem examination conducted on dead bodies of Jagdeep Kaur @ Manjinder Kaur and Sukhmander Kaur stated that he had got the needful done and the doctor had handed over to him two parcels duly sealed with several seals of doctor bearing letters 'SKG' that one of the parcel was containing wearing clothes of Jagdeep Kaur @ Manjinder Kaur whereas other parcel containing wearing clothes of Sukhmander Kaur and on return he handed over both the parcels along with two postmortem reports to Inspector Mohinder Kumar who took the same into possession vide memo Ex.PK signed by him and HC Gurmej Singh.

PW6 ASI Gurveer Singh, who had conducted investigation in this case from 12.08.2007 onwards deposed regarding what had been done by him in that regard proving various documents.

PW7 Sunder Singh, father of Jagdeep Kaur @ Manjinder Kaur, deceased stated that both the girls were not being maltreated by accused and he had received a telephonic message about death of the girls then he along with Panchayat went to the house of accused where

dead bodies of both the girls were lying in the house of the accused. The witness stated that he had seen injuries on the head of his daughter and dead body of Sukhmander Kaur was also having a blood. Since the witness had not supported the prosecution story, he was got declared a hostile witness by learned Public Prosecutor who was given an opportunity to cross-examine the witness, which he availed of.

PW8 HC Balbir Singh, a formal witness tendered in evidence his affidavit Ex.PAA.

PW9 HC Gurdev Singh, another formal witness tendered in evidence his affidavit Ex.PBB.

PW10 Inspector Mohinder Kumar, who had carried out investigation in this case initially from 11.08.2007 upto 12.08.2007 till it was marked to ASI Gurveer Singh and thereafter on the completion of investigation filed the challan in the Court testified in that regard.

Learned Public Prosecutor tendered in evidence report of FSL Ex.PZ and closed the evidence of prosecution.

Statements of accused were recorded under Section 313 Cr.P.C., in which all the incriminating evidence appearing against the accused were put to them but they denied the allegations contending that that they are innocent and have been falsely involved in this case. Accused Balwinder Singh @ Binder took up a plea that he did not maltreat his wife Sukhmander Kaur and had not committed her murder, that he always kept his wife nicely and he has been falsely involved in this case on the basis of ill founded suspicion. Accused-Sukhjinder Singh @ Kaka Singh also took up a similar plea.

The accused did not lead any evidence in the defence.

After hearing arguments, learned trial Court convicted and sentenced the accused as mentioned above, which left them aggrieved and they have filed the present appeal.

We have heard learned counsel for the appellants and learned Additional Advocate General for the State besides going through the record and we find that there is absolutely no merit in the appeal. The instant case was based upon the eye witness account provided by Balbir Singh-complainant, who had got his statement recorded with Inspector Mohinder Kumar on the day of incident itself, which is said to have taken place at 12.00 Noon whereas statement of the witness was completed and *Ruqa* was sent at 4.45 P.M. It must have taken up around one hour in completion of writing by the Investigating Officer, then some time must have been consumed by the complainant for arriving at Singo Chowk from the spot. In his statement to the police Ex.PG Balbir Singh has given detailed account of the incident. The statement is thumb marked by complainant, however, when he got his statement recorded in the Court as PW2 he did not support the prosecution story and was declared a hostile witness. In his cross-examination, he denied having made any statement to the police. Though, he admitted that Ex.PG, Ex.PS is his thumb impression then he went on to state that it was obtained on blank papers. It has to be kept in mind that no sane person would thumb mark a blank paper in such a manner. The presence at spot at the relevant time of Balbir Singh appears to be natural and probable

being a co-villager and mediator in the marriage between Sukhjinder Singh @ Kaka Singh accused and Jagdeep Kaur @ Manjinder Kaur. It seems that Balbir Singh and his son Bagga Singh were won over by the accused and for the said reason they opted not to toe the line of prosecution. In their statements to the police, they have provided detailed version of the incident and criminal machinery was set into motion by Balbir Singh-complainant. But merely due to the reason that Balbir Singh and Jagga Singh have turned hostile can the prosecution case be discarded, the answer is in negative. There is very strong incriminating evidence, which point towards guilt of the accused. Firstly, the incident had taken place in the house of the accused. It is not the version of defence that some intruders had trespassed in the house and in the process of robbery caused injuries to the deceased to which they had succumbed. Furthermore, the defence nowhere claims that some persons out of lust for sex had assaulted the two women and on resistance being offered by them, they had committed their murders. The defence nowhere claims that any article had been stolen from the house. No report to the police was given in that respect. The incident had taken place during day time in residential house of accused. As such, only they had the knowledge regarding manner of happening of the incident, as a matter of fact, having special knowledge in that regard. But they are not coming up with any satisfactory explanation as required under Section 106 of the Indian Evidence Act. Thus, it comes out that it were the accused who had committed murder of their respective wives. Secondly, as per

prosecution version, the accused had suffered disclosure statements and got recovered the clothes which they were wearing at the time of incident and the weapons used by them in the incident. Such clothes and weapon got recovered by the accused from their possession had been sent to Forensic Science Laboratory, Punjab, Chandigarh and as per report received from there, the clothes of accused were found to have stains of human blood. Similar was the position with regard to the weapons got recovered by the accused from their possession. Thus, the prosecution story stands corroborated that the accused had attacked their respective wives with dangerous weapons causing them multiple injuries. The blood spilling out from the injuries had stained clothes of the accused as well as the weapons used by the accused. If, the accused had not committed any crime then how come their clothes got blood stained and the weapons got recovered by them also stained with human blood. Furthermore, a strong motive for the incident also comes out to be there that is previous quarrel of accused with their respective wives over their having given birth to their daughter each and not sons. The previous quarrels stand established from testimony of PW4 Karnail Singh. The involvement of complainant in counseling the accused and on the fateful day informing Karnail Singh regarding murder of the two girls is also established. That also goes to show that Balbir Singh had in fact seen the incident and on the basis of what he had seen he reported the matter to police, though later on as a result of some settlement with accused party chose not to support the prosecution case.

Then there is strong motive being there prompting the accused to commit murder of their wives, i.e. inability of their respective wives to give birth to male child. This is a motive suggested by prosecution, which is established from statement of PW4 Karnail Singh and other reason for the incident could be the alleged loose moral character of two ladies. The defence had cross-examined ASI Gurveer Singh, who had carried out investigation at later stage and he had replied that it had come out in the investigation of the case that both the deceased ladies had illicit relations with the boys of the village, that could be the motive for accused to eliminate their wives. However, a strong reason was there for the accused to get rid of their wives and commit their murders. Thus, the prosecution has been successful in his endeavour to prove its charge against both the accused that on 11.08.2007 at about 12.00 Noon in area of village Fatta Balu Balwinder Singh @ Binder and Sukhjinder Singh @ Kaka Singh committed murder by intentionally causing death of their wives Sukhmander Kaur and Jagdeep Kaur @ Manjinder Kaur.

Keeping in view the nature and type of weapons used in the incident, the number of injuries caused to the deceased, the portion of the body on which the attack was directed clearly point out towards the intention of accused in causing deaths of Sukhmander Kaur and Jagdeep Kaur @ Manjinder Kaur. The judgment recorded by the trial Court is well reasoned one based upon proper appraisal of evidence and correct interpretation of law. There is no illegality or any infirmity therein. Therefore, such judgment is upheld whereas appeal is found

to be without merit and is dismissed accordingly.

(T.P.S. MANN)
JUDGE

(H.S. MADAAN)
JUDGE

February 09, 2017
rajneesh

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No