

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision : 17.7.2018

MRC-2-2014 (O/M)

State of Haryana

..... Appellant

Versus

Naveen Kumar alias Monu and another

..... Respondents

CRA-D-534-DB-2014 (O/M)

Naveen Kumar alias Monu

..... Appellant

Versus

State of Haryana

..... Respondent

CRA-D-659-DB-2014 (O/M)

Jasbir Singh alias Jassu

..... Appellant

Versus

State of Haryana

..... Respondent

CRA-D-837-DB-2014 (O/M)

Sonam alias Sonu

..... Appellants

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Tanisha Peshawaria, DAG Haryana,
for appellant-State in MRC-2-2014
and for respondent-State in
CRA-D-534-DB-2014, CRA-D-659-DB-2014,
CRA-D-837-DB-2014.
Mr. R.S. Rai, Senior Advocate, with,
Mr. D.S. Brar, Advocate,
for appellant in CRA-D-534-DB-2014 and
for respondent No. 1 in MRC-2-2014.
Mr. Parveen Sharma, Advocate,
for appellant in CRA-D-659-DB-2014.
Mr. Anshuman Dalal, Advocate,
for appellant in CRA-D-837-DB-2014 and
for respondent No. 2 in MRC-2-2014.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ? Yes.
2. To be referred to the Reporter or not. Yes.
3. Whether the judgment should be reported in the digest ? Yes.

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KULDIP SINGH, J.

By this common judgment, we shall dispose of a reference made by learned Sessions Judge, Rohtak, under Section 366 Cr.P.C. for confirmation of death sentence awarded by him to accused Naveen Kumar alias Monu son of Kapoor Singh and accused Sonam alias Sonu, daughter of Surender, for offences punishable under Sections 302 IPC read with 34 IPC, connected criminal appeals filed by accused Naveen Kumar alias Monu, bearing CRA-D-534-DB-2014, CRA-D-659-DB-2014, filed by accused Jasbir Singh alias Jassu and CRA-D-837-DB-2014, filed by accused Sonam alias Sonu, against judgment of conviction dated 4.3.2014 and order of sentence dated 6.3.2014, vide which accused-appellant Naveen Kumar alias Monu, accused-appellant Sonam alias Sonu and accused-appellant Jasbir Singh alias Jassu were convicted and sentenced as under :-

1. Accused Naveen Kumar alias Monu and accused Sonam alias Sonu were convicted for offences punishable under Sections 302 IPC read with 34 IPC and sentenced to death, whereas accused Jasbir Singh alias Jassu was convicted for offence punishable under Sections 120-B IPC read with 302 IPC and sentenced to undergo imprisonment for life and to pay fine of Rs. 5,000/-, in default thereof, to further undergo rigorous imprisonment for 6 months.
2. Accused Naveen Kumar alias Monu was found guilty of offence punishable under Section 449 IPC, but in view of fact that he was convicted for offence punishable under Sections 302 IPC read with 34 IPC, therefore, no separate conviction for offence punishable under Section 449 IPC was recorded.

3. Similarly, accused Jasbir Singh alias Jassu though found guilty for offence punishable under Section 109 IPC, but no separate conviction under Section 109 IPC was recorded for similar reason.

This case pertains to murder of 7 family members, namely, Surender, son of Taqdir Singh (aged 40 years), Promila wife of Surender (aged 35 years), Bhuri Devi wife of Taqdir Singh (aged 60 years), Arvind son of Surender (aged 16 years), Sonika (aged 14 years), Monika (aged 11 years) and Vishal (aged 8 years), daughters and son of Bhupender Singh, by way of strangulation after making them unconscious by administering grinded sleeping pills Larpose 2, having salt Lorazepam, on the night intervening 14/15.9.2009, at village Qabulpur, District Rohtak, Haryana, in the house of Surender, who happened to be father of accused-appellant Sonam alias Sonu.

1. Facts of case

On 15.9.2009, SI/SHO Pritam Singh of Police Station Sadar, Rohtak, Haryana, received a VT message from the Control Room, S.P. Office, Rohtak, that 7 persons have been murdered in village Qabulpur, and he should immediately reach the spot. Therefore, SI/SHO Pritam Singh, accompanied by SI Baljit Singh, ASI Ram Chander, ASI Darshan Singh, and some other police officials reached the spot at village Qabulpur, where Chander Bhan (PW40), who happens to be maternal uncle of Promila (deceased) met him and made a written complaint (Ex.P11/A), wherein he stated that yesterday on 14.9.2009, he alongwith his nephew (sister's son) Jagbir son of Zile Singh, resident of village Sahlawas had come to village Qabulpur by car at 10:00 AM and remained there till 6:00 PM. Husband of her sister's daughter (Surender deceased) was having a dispute over money

of their father Taqdir Singh, who is a retired Government servant. Out of the amount, Rs. 3,60,000/- were taken by Karambir alias Lila, younger son of Taqdir Singh, alone. They had compromised the matter, but Karambir alias Lila was not satisfied with that and wanted more money. He also threatened to get the entire amount by any means. They tried to make Surender etc. understand. In the evening, at about 6:00 PM, they came to their village Sahlawas by car. On 15.9.2009, they came to know that his son in law Surender, his wife Promila, Sonika, Monika and Vishal, children of Bhupender, Arvind son of Surender and his relation Bhuri Devi wife of Taqdir Singh, have been murdered by giving some poison in food and milk and strangulating them after entering in the house of Surender. He suspected that Karambir alias Lila, his wife Babli, Samunder alias Papal son of Raghbir Singh, residents of village Qabulpur and others, have murdered them by giving poison and strangulation. They also served the food after mixing poison to Sonam daughter of Surender, aged about 18/19 years and electricians Sunil Kumar, son of Satish Kumar, resident of village Baniyani and Manoj Kumar, son of Ramesh, resident of Gharuthi, who were doing electric work in the house, with an intention to kill them. On the basis of said complaint of Chander Bhan (PW40), a case under Sections 328, 302, 307, 449, 34 IPC was registered at Police Station Sadar, Rohtak, by recording formal FIR (Ex.P11/C). Rough site plan was prepared. The Sub Inspector/SHO summoned a team from FSL, Rohtak Unit, dog squad and finger print experts. Dr. Saroj Dahiya, (PW28), Senior Scientific Assistant, Incharge, FSL Unit, Rohtak and Sudarshana Kumari, (PW37), Single Digit Clerk, SP Office, Rohtak, reached the spot. Dr. Saroj Dahiya carried out the spot inspection and after examination submitted her report Ex.P53. As per her report, ligature marks were found present on the neck of every deceased.

However, no other injury on any other part of body of any of deceased was detected. Thereafter, SI/SHO Pritam Singh (PW56) lifted some wetted flour and 2 bottles of milk lying in a refrigerator (Ex.P105 and Ex.P106), water sample from a pitcher and from a jug (Ex.P107), chapattis and cooked food of bottle gourd (ghia) (Ex.P108), haldi, salt and methi in small quantity (Ex.P109) from the kitchen. These articles were taken into possession vide memo (Ex.89). A rope (Ex.P47) meant for tying cattle was also lying there and it was also taken into possession through said memo. Thereafter, SI/SHO Pritam Singh visited the place where Taqdir Singh (PW53) slept and lifted a lunch box (Ex.P103), containing a piece of chapatti and a small quantity of cooked food of bottle gourd (ghia) and 250 grams milk lying in a steel container (Ex.P104) and same were taken into possession vide recovery memo Ex.P91.

From the house of Bhupender, where the dead body of Bhuri Devi was lying, burnt match sticks and buds of biris were taken into possession through memo Ex.P90. PW37 Sudarshana Kumari, SDC, SP Office, Rohtak, lifted the chance print from the back view mirror of motorcycle of Surender which was parked near the dead body of Bhuri Devi. She developed chance print and took a photograph of same and handed over same alongwith report of crime scene (Ex.P61) to SI/SHO, who took the same into possession through recovery memo Ex.P62.

At this stage, Taqdir Singh father of Surender and grandfather of Sonam alias Sonu (accused) got suspicious and came forward and made statement (Ex.D6) to police under Section 161 Cr.P.C. on 15.9.2009 itself, wherein he, after doubting the version given by Chander Bhan, stated that his elder son Surender is having one daughter Sonam alias Sonu and one son Arvind. His younger son is in Army and having three children, out of

which two are daughters Monika and Sonika and one son Vishal. Wife of Bhupender had already expired and children of Bhupender were residing with Surender in his house though, Bhupender had built a separate house. His youngest son Karambir alias Lila was residing separately. He stated that he and his wife Bhuri was residing with Bhupender and Surender. He further stated that his grand daughter Sonam alias Sonu was studying at Rohtak. Her character was suspicious. He came to know that she was having illicit relations with their neighbour's son Naveen alias Monu son of Kapoor Singh, caste jat, resident of village Qabulpur. On coming to know about this fact, they stopped Sonam's education to keep dignity and prestige of family in village and also restricted her to go out of house. He further stated that his elder son Surender was having handset mobile phone No. 94165-28757 and another handset for residence having number 98133-49734. They came to know that Naveen and Sonam were having continuous telephonic conversation. Upon this, Surender and Promila realized to Sonam and also threatened her and her name was got struck off from the school. This fact was also known to his son Bhupender, who is in Army. His grand daughter may have some other sim card from which she can have a talk with Naveen. He is confident that this crime was committed after hatching a conspiracy by his grand daughter Sonam with Naveen on the night intervening 14/15.9.2009 after administering intoxicant in food and milk and served same to all members of family, as a result of which they become unconscious and they were murdered by strangulation with ropes and clothes. He further stated that Chander Bhan made allegations upon his youngest son Karambir alias Lila and his wife Babli and neighbour Samunder alias Papal, because on 14.9.2009, it came to the notice that a gossip was going regarding dispute of distribution of his pension funds and

Samunder also supported Karambir. He further stated that Karambir etc. have been wrongly named. He requested the police that Sonam alias Sonu and Naveen alias Monu should be strictly interrogated and should be arrested. In his statement, Taqdir Singh also pointed out regarding taking into possession of wetted flour and one plastic bottle, containing milk from the fridge, water from pitcher, chapattis from kitchen, plastic dibba with vegetable and other articles from the house as well as from the place where he was sleeping and also buds of burnt biris and match sticks from the place where Bhuri was murdered. He further stated that police also took into possession a steel dibba containing 250 gram milk, which he could not drink at night and a steel lunch box containing chapatti in 1/3 portion of chapatti and vegetable in other portion.

Upon statement of Taqdir Singh, course of investigation changed and keeping in view the preliminary facts, spot inspection and circumstances, police suspected that Naveen Kumar alias Monu and Sonam alias Sonu have committed the crime. In the meanwhile, police had sent two electricians, namely, Sunil Kumar and Manoj Kumar, who were found in unconscious/semi conscious condition in the house, to hospital. Sonam alias Sonu, who was lying unconscious in wash room, was also sent to PGIMS, Rohtak. The autopsy of dead bodies was got conducted. In cases of all said 7 persons, ligature marks were found around the neck. Semi digested food was found and it was found that they were murdered by way of strangulation after administering them with Larpose 2 drug, which made them unconscious.

On 16.9.2009, Taqdir Singh and PW Bhupender Singh handed over two mobile number 94165-28757 and 98133-49734 to SI/SHO Pritam Singh, who took same into possession, vide recovery memo Ex.92.

SI/SHO Pritam Singh also sought call details of both mobile numbers from ASI Ravinder Kumar, Incharge, Cyber Crime Branch, SP Office, Rohtak, by moving application Ex.P63. ASI Ravinder Kumar informed that another sim of mobile number 98139-22292 was also used in mobile IMEI number 356278011333350, which was being used by Surender deceased. Thereafter, call details of mobile number 98139-22292 were also sought by SI/SHO Pritam Singh from ASI Ravinder Kumar by moving application and in response thereto, call details Ex.P64 to ExP.68 were supplied by ASI Ravinder Kumar to SI/SHO Pritam Singh and same were taken into possession through memo Ex.P69. On the perusal of call details, it was found that sim of mobile number 98139-22292 was got issued by accused Naveen Kumar alias Monu in the name of Rakesh (PW43) by using photocopy of his ration card, but affixing his own photograph. Said sim number 98139-22292 was used in mobile set having IMEI No. 356278011333350 of Surender in which sim of mobile phone No. 98139-49734 was activated and calls from mobile number 98139-22292 were found to be made to mobile number 93552-34928 used by accused Naveen Kumar alias Monu on the late evening of 14.9.2009 from 20:21:55 hours to 22:09:02 hours and there were as many as 13 calls made to each other from said number.

On 17.9.2009, investigation was taken over by Yashpal Singh (PW55), the then Inspector, CIA Staff, Rohtak. Thereafter, he accompanied by other police officials went to place of occurrence where SI/SHO Pritam Singh (PW56) and other police officials were already present. Taqdir Singh (PW53) was also present there. On reaching there, he received information that accused Naveen Kumar alias Monu was present in the house of his maternal uncle in village Chhara and he could be arrested. Thereafter, police

accompanied by Taqdir Singh went to said village of maternal uncle of accused Naveen Kumar alias Monu and on the identification by Taqdir Singh, police officials nabbed accused Naveen Kumar alias Monu from a street adjacent to chaupal.

Accused Naveen Kumar alias Monu was then interrogated, on which he made disclosure statement (Ex.P93). In said disclosure statement, accused Naveen Kumar alias Monu disclosed about entire occurrence to the police. He disclosed that he was having love affair with Sonam alias Sonu for last 1/1 ½ years and was having illicit relations with her for last one year. He stated that there was a mobile number 98133-49734 in the house of Sonam alias Sonu and he was having mobile number 93552-34928. He was pursuing course in Computer Science from Aptech Computer Centre, at Rohtak, whereas Sonam alias Sonu was student of BA Part-1 in Pandit Neki Ram Sharma Government College, Rohtak. About 9/10 months prior to incident, Sonam alias Sonu informed him on phone that her mother Promila had questioned her as to with whom she was talking. Then, she disclosed that she was talking to Naveen alias Monu. He further stated that Promila had told Sonam alias Sonu that if her father come to know about their love affair, he would kill both of them. Sonam alias Sonu told him one or two times in this regard that if her parents, grand mother Bhuri and other members of family come to know about her relationship with him, they would not allow her to continue said relationship. Naveen alias Monu further disclosed that about 20/25 days before occurrence, Sonam alias Sonu told him that they should finish her family members and that he should arrange for some intoxicant, so that same could be administered in food and milk to all family members to make them unconscious and then kill them. He further disclosed that he went to the

house of his maternal uncle in village Chhara and met his friend Jasbir son of Mahabir and asked him to arrange some intoxicating tablets. Upon this, Jassu gave 100 tablets, worth Rs. 400/-, to him. He converted said tablets into powder with the help of a brush on 12.9.2009 and handed over same to Sonam alias Sonu. He further disclosed that he had given a sim number 98139-22292 to Sonam alias Sonu. In the evening of 14.9.2009, Sonam alias Sonu telephoned him at about 8:15 PM and told him that she had mixed the entire powder in the meal and milk, to be served to family members and also stated that she had served said food and milk to all family members and two electricians. She further informed him that though all family members had slept, but electricians are still awake. Thereafter, Sonam again called him on his mobile phone at 10:00 PM to tell him that all have become unconscious, so he should reach there. Thereafter, according to Naveen Kumar alias Monu, he reached the house of Sonam alias Sonu and thereafter, first of all killed father and mother of Sonam alias Sonu, who were lying in a cot unconscious, with the help of ropes and valayas (dupattas). Thereafter, they went to another room where Arvind son of Surender, Sonika, Monika and Vishal, daughters and son of Bhupender, were sleeping. They were also murdered by strangulation with ropes and chunnis. Thereafter, they scattered the household articles here and there from Godrej almirah, they took away some ornaments and cash after putting them in a vest (baniyan). Then they went to room where Bhuri was sleeping and also strangulated her with help of rope and vayals (dupattas). He further stated that sim number 98139-22292 was in possession of Sonam alias Sonu, whereas ornaments and cash have been concealed by him in a fodder room at his residential house. Accordingly, accused Naveen Kumar alias Monu led police party to his house and after removing fodder and digging earth,

got recovered vest (baniyan) wherein some gold ornaments, namely, two pairs panjeb, three rings of gold, two pairs of ear rings (gold), a chain of gold and Rs. 12,210/- in cash were found. Said ornaments were weighed and same along with money were taken into possession through recovery memo Ex.P94. Rough site plan of place of recovery was prepared on 20.9.2009.

Having got vital clues, police also arrested Sonam alias Sonu on 19.9.2009. Both accused Naveen Kumar alias Monu and accused Sonam alias Sonu were interrogated. Accused Naveen Kumar alias Monu made disclosure statement (Ex.P87) wherein he stated that 10 empty strips of Larpose tablets were thrown by him in a room without having door at an isolated place in village Chhara. He further disclosed that he, after killing 7 persons of family, had sexual intercourse with Sonam on the bed of that house. He also offered to get place demarcated.

Accused Sonam alias Sonu also suffered a disclosure statement on 19.9.2009 wherein she corroborated the story regarding her love affair and illicit relations with accused Naveen Kumar alias Monu and fact that she was threatened by her mother that if her father came to know about her relationship with accused Naveen Kumar alias Monu, he will kill both of them. She further admitted that she had told Naveen Kumar alias Monu that her family members should be finished and for this, he should arrange some intoxicant. She further stated that Naveen had given a sim number 98139-22292 for inserting same into mobile phone of her father. She further stated that on 14.9.2009, in the evening, she mixed entire powder, supplied to her by Naveen Kumar alias Monu, in meal and milk and served same to family members and at 8:15 PM informed Naveen Kumar alias Monu that all family members have slept, but two electricians on first

floor are still awake. At 10:00 PM, she again talked to Naveen Kumar alias Monu and told him that all have become unconscious. Thereafter, she also corroborated manner of murder, as disclosed by Naveen Kumar alias Monu, before police. She further stated that after committing crime, she alongwith Naveen had concealed 6 chunnis under the bed in room and sim number 98139-22292 under the newspaper in her house and she can get same recovered. Accordingly, she led police party to her house and got recovered sim card, ropes and chunnis and also demarcated the place. Rough site plan of place of recovery was prepared.

On 22.9.2009, Sonam alias Sonu made further disclosure statement, demarcating place where Bhuri was murdered and also disclosed to police that after committing murder of Bhuri, she had sexual intercourse with Naveen alias Monu in the same bed in which dead body of Bhuri was lying, in night intervening 14/15.9.2009.

On 22.9.2009, accused Naveen Kumar alias Monu was got medico legally examined from Dr. Sanjay Kumar. Accused Sonam alias Sonu was also got medico legally examined by Dr. Asha Goel (PW19), but she refused her internal check up, stating that she had sexual relations with a male Naveen Kumar alias Monu since October, 2008 and last relation was on 15.9.2009. She further stated that after occurrence, they had sexual intercourse with consent of each other and without any pressure. Her statement before doctor was Ex.P14/B, which was attested by Dr. Asha Goel (PW19). No internal mark of injury was found on body.

On 22.9.2009, accused Naveen Kumar alias Monu, in pursuance to disclosure statement, got recovered 3 ropes used in crime from roof of kitchen of house of Sonam alias Sonu. He also got recovered a tooth brush, with which he had crushed Larpose tablets.

On 22.9.2009, accused Jasbir Singh alias Jassu was also arrested. The chance prints taken from back mirror of motorcycle were sent to Fingerprint Bureau, Madhuban, for comparison. It was found that these are of accused Naveen Kumar alias Monu.

On 24.9.2009, SI/SHO Pritam Singh went to PGIMS, Rohtak, and by filing application got opinion of Drug Inspector regarding effect of Larpose tablets.

On 2.10.2009, accused Ombir alias Kala, from whom said tablets were purchased by accused Jasbir Singh alias Jassu and same were further supplied to accused Naveen Kumar alias Monu, was also arrested.

As a result of investigation, police came to conclusion that accused Naveen Kumar alias Monu and accused Sonam alias Sonu had a love affair. They belong to same gotra. Therefore, they could not marry since family of accused Sonam alias Sonu was objecting to it. Therefore, in order to get rid of family members, accused Naveen Kumar alias Monu on the asking of accused Sonam alias Sonu procured Larpose tablets from accused Jasbir Singh alias Jassu, who had purchased same from accused Ombir alias Kala. Same were grinded by accused Naveen Kumar alias Monu and were supplied to accused Sonam alias Sonu, who administered same to her family members by mixing same in wetted floor and in milk and also served same to two electricians, who were working in house and had slept there in night. Thereafter, all family members were killed. Taqdir Singh was sleeping at another place, therefore, he escaped. After committing crime, accused Naveen Kumar alias Monu and accused Sonam alias Sonu had sexual intercourse on bed in which Bhuri was murdered. Therefore, police challaned all four accused under Sections 302, 449, 120-B read with Section 34 IPC and under Section 5/13 of Drugs (Control)

Act, 1950.

Accused Naveen Kumar alias Monu and accused Sonam alias Sonu were chargesheeted under Section 302 IPC read with Section 34 IPC. Accused Naveen Kumar alias Monu was also chargesheeted under Section 449 IPC. Accused Naveen Kumar alias Monu, accused Jasbir Singh alias Jassu and accused Ombir alias Kala were further chargesheeted under Section 109 IPC. Accused Ombir alias Kala was also chargesheeted under Section 5/13 of Drug (Control) Act, 1950. Accused Jasbir Singh alias Jassu and accused Ombir alias Kala were also chargesheeted under Section 302 IPC read with Section 120-B IPC.

All accused pleaded not guilty to charges and claimed trial.

To support its case, prosecution examined as many as 57 witnesses.

When examined under Section 313 Cr.P.C., accused Naveen Kumar alias Monu expressed ignorance about most of evidence and denied as incorrect the remaining part of evidence. He claimed that mobile and other recoveries have been implanted upon him. However, he admitted that his fingerprints were taken in the Court, though he denied opinion of fingerprint expert. He put up his own side of the story stating that his family and family of Sonam alias Sonu belongs to same gotra. He claimed that he had only friendly relations with Sonam alias Sonu, being his next door neighbour. He also claimed that on 15.9.2009, when he returned from fields at 8:30 AM, he found that large number of people were present in street as well as house of deceased Surender and Bhupender. Then he came to know that family members of Sonam have been murdered. He claimed that he also participated in cremation of deceased. Taqdir Singh was having a false notion that he has illicit relation with Sonam. He

claimed that Taqdir Singh in connivance with his son Bhupiender Singh and police concocted a false story to save his son Karambir and his wife Babli, so that they get rid of Sonam as well as him and grab entire property left behind by parents of Sonam. Taqdir Singh harboured a very strong purpose to eliminate him because of his friendship with Sonam. His fingerprints were taken from the mirror by police to falsely implicate him.

Accused Sonam also denied as incorrect the evidence led against her. She claimed that crime was infact committed by Sunil (PW34) and Manoj (PW35) as well as Karambir and his wife Babli because on 14.9.2009, a quarrel had taken place between her father and Karambir (her uncle) for retiral benefits of her grand father Taqdir Singh. Her uncle Karambir had threatened her father to eliminate our entire family. Therefore, Karambir eliminated entire family to grab entire retial benefits of Taqdir Singh. This threat was extended in the presence of Chander Bhan (PW). She was also present at that time. In order to grab the property left behind by her parents, she has been falsely implicated as she is sole survivor member of family. She further claimed that on 14.9.2009, at about 11:00/11:30 PM, she got up to answer call of nature and at that time, she saw Manoj (PW) coming down stairs for going towards main gate. She went inside toilet and when she came out of toilet, she saw her uncle Karambir and his wife Babli alongwith another person rushing into house. Karambir shouted that let us first liquidate Sonam. She again rushed to toilet and closed the door from inside. Thereafter, she fell down in toilet and became unconscious. She came to know about occurrence in PGIMS, Rohtak, on 19.9.2009 when she regained her consciousness. She claimed that she had no illicit relations with Naveen and had only friendly relations with Naveen being her immediate neighbour in the village. On the day of

occurrence, no electricity fitting was carried out in her house by PWs Sunil and Manoj. Infact, they were hired by Karambir (PW) and his wife Babli in order to commit the crime.

Accused Jasbir Singh alias Jassu denied allegations levelled against him and same is statement of accused Ombir alias Kala.

Accused did not lead any evidence in defence.

After hearing prosecution, defence counsel and going through evidence, accused Ombir alias Kala was acquitted, whereas remaining accused, namely, Naveen Kumar alias Monu, Sonam alias Sonu and Jasbir Singh alias Jassu were convicted and sentenced aforesaid.

We have heard the learned senior counsel/learned counsels appearing for appellants in their respective cases, learned State counsel and have also carefully and minutely examined trial Court record.

2. Evidence

PW1 Samit Kumar, Head Constable, SP Office, Rohtak, had prepared the scaled site plans of places of occurrence (Ex.P1 and Ex.P2).

PW2 Suraj Bhan identified dead body of Bhuri Devi wife of Taqdir Singh.

PW3 Balbir Singh identified dead body of Vishal son of Bhupender.

PW4 Ram Kishan identified dead body of Arvind.

PW5 Surender son of Ram Kanwar identified dead body of Surender son of Taqdir Singh.

PW6 Dharampal identified dead body of Promila wife of Surender.

PW7 Sukhbir identified dead body of Monika, daughter of Bhupender.

PW8 Ram Chander identified dead body of Sonika, daughter of Bhupender.

PW9 Amit, Clerk, Pt. Neki Ram Sharma Government College, Rohtak, proved that Sonam alias Sonu daughter of Surender was student of BA-1 in English (Hons.) in their college in year 2008-2009. He proved certificate Ex.P3.

PW10 Hari Om, ASI, PTC Madhuban, stated that he conducted inquest proceedings (Ex.P5) on dead body of Surender son of Taqdir Singh.

PW11 ASI Ram Chander, proved that he had conducted inquest proceedings on dead body of Arvind.

PW12 HC Narender stated that he conducted inquest proceedings on dead body of Promila.

PW13 HC Bijender Singh stated that he conducted inquest proceedings on dead body of Vishal son of Bhupender.

PW14 ASI Om Pati stated that on instructions of SHO, she conducted inquest proceedings on dead body of Monika.

PW15 ASI Susheela Devi stated that she had conducted inquest proceedings on dead body of Sonika daughter of Bhupender.

PW16 ASI Rajender stated that on receiving ruqa (Ex.P11) from SHO Pritam Singh, he recorded formal FIR (Ex.P11/A) and sent special report (Ex.P11/B) to Illaqa Magistrate and superior officer.

PW17 MMEASI Baljit Singh, who was working as Moharrir Malkhana, proved his affidavit Ex.P12.

PW18 EHC Sukh Darshan stated that he had deposited case property with Chemical Examiner, Madhuban.

PW26 HC Hawa Singh proved his affidavit Ex.P51.

PW29 Constable Jasbir Singh, photographer, stated that on 15.9.2009, he was taken to village Qabulpur and there he had taken 29 photographs and also prepared CD and same was handed over to SHO Pritam Singh.

PW30 MHC Arvind Kumar brought DDR register dated 15.9.2009 and proved copy of DD No. 7 Ex. P55.

PW33 Mahavir Singh of Fingerprint Bureau, Madhuban, stated that he had prepared chance print of accused Naveen Kumar alias Monu and accused Sonam alias Sonu with their specimen prints. He was of the opinion that print marked 'A' on photograph I was identical with left thumb print of Naveen Kumar alias Monu marked I on his sample paper dated 23.9.2009. Said marked 'A' and photograph I is that of fingerprint lifted from back view mirror of motorcycle parked in house of Bhuri deceased.

PW34 Sunil son of Satish stated that on 14.9.2009, Surender son of Taqdir had taken him and his maternal uncle's son Manoj to village Qabulpur, for fitting of electricity. They had done fitting in room situated at first floor of house of Surender. They had finished work at 8:00 PM. Arvind son of Surender brought meals for them. Sonam was present in kitchen and was preparing meals. They had taken chapatti and vegetable of bottle gourd (ghia). Thereafter, they went to sleep as he and Manoj felt intoxicated. On 15.9.2009, both of them were made to wake up by police and they were then taken to PGIMS, Rohtak, where they were admitted.

In cross examination, Sunil stated that meal was prepared on ground floor and was served to them on first floor by Arvind. They had come down to wash their hands and then they noticed that Sonam was preparing meals. He denied suggestion that Sonam could not be visible while preparing meals in kitchen from place where they were washing their

hands. They had washed their hands around 7:45 PM.

PW35 Manoj another electrician made similar statement and made similar claim that they had come down to wash their hands and seen Sonam cooking food.

PW36 Om Parkash, Reader to District Magistrate, Rohtak, proved sanction granted by District Magistrate, Rohtak, in present case.

PW37 Sudarshana Kumari, SDC, SP Office, Rohtak, stated that she had visited the spot on 15.9.2009 and procured chance prints from motorcycle Hero Honda Splender black colour which was parked near dead body of Bhuri Devi. She developed chance print and handed over copy of report Ex.P61 to investigation officer. On 17.9.2009, she handed over sealed envelope to investigating officer who took same into possession, vide recovery memo Ex.P62.

PW38 ASI Ravinder Kumar, Cyber Crime Branch, SP Office, Rohtak, stated that on 16.9.2009, he was posted as ASI in Cyber Crime Branch, SP Office, Rohtak. On that day, SI/SHO Pritam Singh moved an application (Ex.P63) for obtaining call details of mobile number 9416528757 and 98133-49734, belonging to Surender and mobile number 98134-62720, belonging to Karambir, and also to find out whether any other sim was used in mobile having same IMEI number. He came to know that mobile number 98139-22292 has been used in mobile having IMEI No. 356278011333350, belonging to Surender. He also asked to find out the call details of mobile number 93552-34928, belonging to Naveen Kumar alias Monu, for the period 10.9.2009 to 15.9.2009. He further stated that on inquiry, he found that mobile number 98139-22292 was issued on the ID of Rakesh son of Ram Singh and calls were made to mobile number 93552-34928 of accused Naveen Kumar alias Monu on

14/15.9.2009 night by inserting sim in mobile of Surender having IMEI No. 356278011333350. He also proved call details Ex.P65 of Karambir, Ex.P66 of deceased Surender, that of Sunil Kumar as Ex.P64 and that of Naveen Kumar alias Monu as Ex.P68. Same was handed over to SI/SHO Pritam Singh, which was taken into possession through recovery memo Ex.P69.

In cross examination, he stated that he has taken 7 days training for cyber crime from Calcutta in year 2006. He stated that one of mobile number was 98133-49734, but due to inadvertence, same was written as 98133-72749 by investigating officer in memo Ex.P69. He had taken call details of mobile number 98133-72749 from service provider even without requisition of investigating officer through e-mail of S.P. Rohtak. These were directly downloaded without saving it. He denied that some of call details were deleted. Call details are computer generated prints provided by company. In cross examination, he stated that location of mobile phone number 93552-34928 on 14.9.2009 at 20:21:52 hours was at Dighal and at 22:08:59 hours was at Beri. He clarified that it would not mean that user was located at Beri but was within radius of 10 to 15 kilometers of tower.

PW39 Zile Singh stated that on receiving information on 15.9.2009 that his daughter Promila, her children and mother in law of his daughter has been done away by administering poison, he reached village Qabulpur. He saw dead bodies. He located Sonu alias Sonam in somewhat conscious state and thereafter he brought her to PGIMS Rohtak, for treatment.

PW40 Chander Bhan, who had initially lodged complaint proved his original complaint and averments made therein, stated that in the evening, his nephew apprised him that he had lodged false report and

infact, his niece Sonam and one boy Monu son of Kapoor Singh had committed offence as they had intimate relationship. On 16.9.2009, he had seen dead bodies and had lodged report with police. His statement was recorded by police where he had stated that accused Sonam and Monu after administering poison to family members had strangled them. He identified both Sonam and Monu.

PW41 Jagbir Singh also made similar statement.

PW42 Manish Jain, Nodal Officer, Vodafone, Karnal, stated that he has brought customer application form of Vodafone mobile numbers 98139-22292 and 98133-49734. He stated that mobile number 98139-22292 was issued in the name of Rakesh son of Ram Singh. Mobile number 98133-49734 was issued in name of Surender son of Taqdir Singh.

PW43 Rakesh son of Ram Singh, in whose name sim number 98139-22292 was issued, stated on oath that only photocopy of his ration card was used in obtaining said sim card, but photograph is not of him, nor his signatures are there on application Ex.P71 indicating that somebody used photocopy of his ration card to obtain a mobile sim.

PW44 Dara Singh, proprietor of M/S Sonu STD and Telecommunication at village Chhara, stated that he used to sell sim card at village Chhara. He sold sim No. 98139-22292 to one Rakesh son of Ram Singh, who brought his photograph, photocopy of ration card and filled application form (Ex.P71) after affixing his photograph and signed same in his presence. Dara Singh identified said person as Naveen Kumar alias Monu (accused) present in Court. This is to prove that it is infact Naveen Kumar alias Monu brought photocopy of ration card of Rakesh (PW43) and obtain sim number 98139-22292.

PW45 Bhupinder Nath, Additional Chief Judicial Magistrate,

Karnal, stated that he had taken specimen thumb impression of accused Naveen and Sonam.

PW46 Virender son of Raj Singh, resident of village Baghpur, District Jhajjar, stated that about 2/3 years ago, on 22nd day of 8th or 9th month, he had gone to village Chhara to see his aunt Hoshiyari, who is sister of his mother. During his stay at village Chhara, he had gone to shop of accused Ombir to purchase some medicines for his aunt Hoshiyari. He saw that Ombir and Jasbir were standing there and in his presence, accused Ombir had apprised accused Jasbir that these were sleeping pills for which he had asked for and accused Jasbir had paid Rs. 400/- to Ombir. After 2/3 days, I came to know that family of his maternal uncle had expired after consuming those sleeping pills.

PW47 Jai Parkash turned hostile and did not support prosecution case.

PW48 ASI Surender Singh stated on oath that on 15.9.2009, on receipt of telephonic message from SI/SHO Pritam Singh that Sonam daughter of Surender was admitted in PGIMS Rohtak, he accompanied by Constable Vinod reached there. He collected medical ruqa of Sonam and sought opinion of doctor about fitness of Sonam, vide application Ex.P48, but doctor declared her unfit to make statement. Doctor also handed over medical ruqa pertaining to Sunil and Manoj. He moved applications regarding opinion of doctor about fitness of Sunil and Manoj. Doctor declared them fit to make statement. Thereafter, he recorded statements of Sunil and Manoj under Section 161 Cr.P.C.

PW49 Sukhbir Singh stated that he had identified the dead body of Vishal son of Bhupender. On 21.9.2009, he had joined investigation and that in his presence, accused Naveen alias Monu led police party to

house of his maternal uncle Balwan Singh and got recovered one Reliance mobile phone which was taken into possession by police. Thereafter, Naveen alias Monu led police party to a deserted house in front of house of his maternal uncle and from a room situated in left side and from underneath some waste material, he got recovered 10 empty strips of Larpose tablets which were also taken into possession by police.

PW50 Krishan, who was a witness regarding recovery of Chunnis and rope, turned hostile and did not support prosecution case. However, he admitted in cross examination that two chunnis were converted into sealed parcel and were taken into possession vide recovery memo Ex.P85. He also admitted that 3 ropes recovered from upper portion of roof of kitchen were taken into possession through recovery memo Ex.P84.

PW51 Narain Singh, retired Sub Inspector, stated that on 2.10.2009, he was accompanied by HC Rajender Singh and SI/SHO Pritam Singh and in his presence Ombir accused was interrogated and during investigation, he suffered disclosure statement Ex.P86 and got recovered four strips of Larpose tablets from his house.

PW52 EHC Rustam stated that in his presence, Naveen had suffered disclosure stated Ex.P87 regarding purchase of 10 strips of Larpose tablets from Jasbir alias Jassu and he demarcated said place. He also proved that on 21.9.2009, accused Naveen had got recovered a mobile phone from a room at first floor of house of his maternal uncle Balwan Singh and 10 empty strips of Larpose tablets. He also proved that on 22.9.2009, accused Jasbir Singh alias Jassu had suffered disclosure statement (Ex.P88) regarding handing over of tablets to Naveen after taking same from Ombir alias Kala in Rs. 400/-.

PW53 Taqdir Singh stated that he used to sleep in Gitwar (out

house used for keeping fodder and cattle etc.) in village Qabulpur. In the morning of 15.9.2009, when he came to his house to have a cup of tea and when he pushed the door, he found all seven family members lying dead and some froth was coming out from mouth of each dead persons. The dead bodies of Promila and Surender were lying in courtyard whereas dead bodies of 4 children were lying in another room of his house, whereas dead body of his wife Bhuri was lying in his other house situated opposite to the said house. Thereafter, he raised alarm and informed police. Police reached there at about 8:30 AM. He stated that in his presence, 2 bottles of milk, baked vegetable of bottle gourd (ghia) and prepared flour was taken into possession from refrigerator. 2 bottles of water from a pitcher were also taken into possession. A rope lying on almirah in kitchen was also taken into possession. The police went to other house where dead body of Bhuri was lying. From there, police lifted pieces of Biri buds and half burnt match sticks. Then, police went to Gitwar (out house used for keeping fodder and cattle etc.) where he used to sleep. Police had taken into possession 1 tiffin containing 2 and half chapattis and baked vegetable as well as a container containing milk. He further stated that on 16.9.2009, police again visited his house and in his presence, 2 mobile phones belonging to Bhupender were taken into possession by police. He further stated that on 19.9.2009, he accompanied police to village Chhara, where accused Naveen was found going in a street and was apprehended. He was interrogated and he suffered disclosure statement that he has kept concealed a gold chain, 3 gold rings, 2 pairs of gold ear rings and cash amount of Rs. 12,210/- in fodder room of his house after wrapping them in a white vest (baniyan). In pursuance to statement, he got recovered said ornaments and currency notes. He further stated that thereafter he accompanied police to PGIMS Rohtak where

Sonam, her maternal grand mother and his son Bhupender met them.

Accused Sonam was interrogated on which she disclosed that she kept concealed 4 chunnis, 2 vayals (dupattas) and 1 sim of mobile phone in house and can get same recovered. On 20.9.2009, he alongwith Bhupender had gone to Police Station Sadar, Rohtak, where Sonam and Naveen were interrogated. Naveen disclosed that he had kept concealed tooth brush which was used to crush tablets in corner of almirah and in pursuance to statement, Naveen got recovered said tooth brush.

In cross examination, witness disclosed that he has retired from the post of Government teacher in year 2007. He had purchased a plot in name of Surender. He had given Rs. 5,00,000/- to his younger son Karambir and Rs. 3,00,000/- to his elder son Surender. His son Surender was working in forest department for last five years. He stated that on 14.9.2009, one Chander Bhan had not come to his house. Rather, he had come to his house on 13.9.2009 alongwith Jagbir and a meeting had taken place, in which Karambir was present. He denied that Karambir had threatened him to take his entire retiral benefits. He further said in his cross examination that Sonam and Naveen had illicit relations for last 8/9 months. He had not apprised parents of Naveen about said illicit relations. Volunteered, Promila made a complaint in house of accused Naveen. He denied that he is making the statement to save his son Karambir.

PW54 SI Baljit Singh stated that on the direction of SHO, he had conducted inquest proceedings on dead body of Bhuri. He was present on 19.9.2009 when accused Naveen was interrogated and he suffered disclosure statement Ex.P93, in pursuance to which he got recovered gold ornaments and currency notes from fodder room of his house. Sonam had disclosed about 4 vayals and 2 chunnis and got recovered same from

underneath her bed and these were taken into possession in his presence.

She also got recovered sim No. 98139-22292 from underneath a newspaper from almirah of house. The witness further stated that on 20.9.2009, accused Sonam was got medically examined by moving application Ex.P14. Sonam had refused to get her internal medical examination before doctor and a writing was reduced and signed by Sonam, attested by doctor.

PW 55 Yaspal Singh, DSP Gohana, who was then Inspector, CIA Staff, Rohtak, stated that on 19.9.2009, he was accompanied by other police officials, arrested accused Naveen from house of his maternal uncle from a street in village Chhara on the identification of Taqdir Singh. Accused Naveen had suffered disclosure statement (Ex.P93) regarding concealing of gold ornaments and currency notes, which he got recovered. He also recorded statement of Sonam.

PW56 Pritam Singh, retired Inspector, who was then Sub Inspector and investigating officer, stated on oath that on 15.9.2009, at about 7:15 AM, he had received VT message from Control Room, Rohtak, regarding murder of 7 persons in village Qabulpur. Thereafter, he accompanied by other police officials went to spot. He stated that doors of houses were bolted from outside. He also called Dr. Saroj Dahiya, Incharge, FSL, Unit Rohtak, at spot. He also called Sudershana Kumari, SDC, Fingerprint expert at spot. The dog squad was also summoned. Chander Bhan had also presented a complaint on which he recorded FIR. He further stated that he had taken wetted flour lying in a plate and 2 bottles of milk from refrigerator lying in room. He then took into possession chapattis, baked vegetable, ajwain lying in plastic bottle, salt, haldi and methi etc. lying in separate glass bottle. One rope meant for tying cattle was also

taken into possession. He then visited house of Bhupender where Bhuri was lying dead and from where he lifted burnt match sticks and buds of biris lying near dead body of Bhuri. Then, he visited the baithak of Taqdir Singh and took into possession meal lying in steel container and a tiffin box, containing 2½ chapattis and some bottle gourd (ghia) vegetable. He also proved inquest report of all dead persons. He further stated that Taqdir Singh had made complaint to him regarding occurrence. He further stated that on 16.9.2009, Taqdir Singh had presented him 2 mobile phone numbers 94165-28757 and 98133-49734 and he had taken same into possession. He had also recorded supplementary statement of Chander Bhan. On 17.9.2009, he took into possession photographs taken at spot and CD. He stated that no evidence was found against Karambir and his wife Babli. Therefore, they were freed. He also proved interrogation of Naveen on 20.9.2009 and disclosure statement made by him. He also proved that Sonam was also interrogated in his presence. He also proved the medico legally examination of both accused and that Sonam had refused medico legally examination. He also proved that on 21.9.2009, accused Naveen got recovered one mobile phone of LG Reliance company from underneath mattress on bed from a room on first floor of house of his maternal uncle and that he also recovered 10 empty strips of Larpose tablets in abandoned house of Jamadar in pursuance to disclosure statement. He also stated that on 22.9.2009, as per disclosure statement, accused Naveen got recovered tooth brush, which was allegedly used in grinding tablets to the form of powder. Accused Naveen also got recovered 3 ropes of plastic from the roof of kitchen of house. Accused Sonam led police party to house of Bhuri, in pursuance to her statement, where she got recovered 2 vayals underneath Gadda (mattress) on bed. He also proved arrest of Jasbir Singh alias Jassu and his

disclosure statement Ex.P88. He also proved that fingerprints of accused Naveen and Sonam were taken on 23.9.2009 in Court. He also proved opinion of doctor regarding effect of Larpose tablets. He also proved arrest of Ombir alias Kala on 2.10.2009 and his interrogation and thereafter presented report.

PW57 Garry Rana, Assistant Manager, Reliance Communications Ltd. proved application form of mobile number 93552-34928, which was taken by Naveen.

The medical evidence will be discussed in subsequent paras.

3. **Discussion**
Role of Jasbir Singh alias Jassu

Accused Ombir alias Kala has been acquitted of charges framed against him by trial Court. He is alleged to have sold 10 strips of Larpose tablets containing 10 tablets each to accused Jasbir Singh alias Jassu, who is alleged to have further supplied same to accused Naveen Kumar alias Monu. So far as role of Jasbir Singh alias Jassu is concerned, he is alleged to be friend of accused Naveen Kumar alias Monu and is alleged to have purchased 10 strips of Larpose from Ombir alias Kala for Rs. 400/- and supplied same to accused Naveen Kumar alias Monu. PW46 Virender has deposed that said strips of Larpose tablets were purchased by said accused Jasbir Singh alias Jassu from shop of Ombir alias Kala in his presence.

We are of the view that statement of Virender (PW46) cannot be relied upon. Virender (PW46) belongs to village Bhagpur, District Jhajjar, and not village Chhara, District Rohtak. He claimed that he had come to village Chhara to see his aunt Hoshyari, who is sister of his mother and as a chance, he went to purchase some medicines at a shop, where he saw Ombir alias Kala selling 10 strips of sleeping pills to accused

Jasbir Singh alias Jassu. He has close family relations with deceased.

Further reliance is placed upon disclosure statement of Jasbir Singh alias Jassu wherein he has stated that he had purchased intoxicating tablets from Ombir alias Kala and supplied same to accused Naveen Kumar alias Monu.

We are of the view that in pursuance to statement of accused Jasbir Singh alias Jassu, no recovery was effected. Therefore, his statement under Section 27 of Indian Evidence Act, 1872, that he had purchased 10 strips of intoxicating tablets from Ombir alias Kala and then supplied same to accused Naveen Kumar alias Monu for committing crime, is not admissible in evidence. Except the statement of Virender (PW46), no evidence has come on file that accused Jasbir Singh alias Jassu had supplied 10 strips of intoxicating tablets to accused Naveen Kumar alias Monu and further that accused Jasbir Singh alias Jassu knew that accused Naveen Kumar alias Monu is procuring said Larpose tablets for the purpose of commission of murder of 7 family members. In the absence of any evidence, connecting accused Jasbir Singh alias Jassu with the crime, it cannot be said that he abetted the commission of crime, nor there is any evidence of criminal conspiracy by accused Jasbir Singh alias Jassu. Therefore, he could not be convicted under Section 120-B read with Section 302 IPC. Therefore, for lack of any evidence against accused Jasbir Singh alias Jassu, establishing his role in the commission of crime, we are of the view that charges framed against Jasbir Singh alias Jassu under Section 120-B read with Section 302 IPC and under Section 109 IPC, are not proved beyond all reasonable doubts. Therefore, accused Jasbir Singh alias Jassu is acquitted of charges framed against him under Section 120-B IPC read with Section 302 IPC as well as offence under Section 109 IPC. Accordingly, CRA-S-659-SB-2014, filed by Jasbir Singh alias Jassu is allowed.

4. **Role of accused Naveen Kumar alias Monu and accused Sonam alias Sonu**

Manner of murder of 7 members of family

The post mortem reports of doctors clearly show that all 7 family members, namely, Surender, Promila, Arvind, Sonika, Monika, Vishal and Bhuri Devi, died of strangulation. The FSL report (Ex.P18) clearly shows that they were administered Larpose 2, containing Lorazepam, a tranquilizer drug, which was mixed in the roti (chappati) and liquid, which was found to be milk.

Now, question would arise as to who could mix the said Larpose tranquilizer drug in the roti (chapatti) and milk ?

Apparently, it is the job of an insider, as nobody from outside came. The statements of two electricians Sunil and Manoj (PW34 and PW35), reproduced above, clearly show that on that day, they had come to the house of Surender for some electric work and slept there. They were served with food. It is common practice in the villages that male member is sent to serve food to outsiders. Since both electricians were outsiders, Arvind son of Surender, younger brother of Sonam alias Sonu, served food to Sunil and Manoj (PW34 and PW35). Both of them clearly stated that when they came down to wash their hands, they saw that Sonam alias Sonu was cooking food. They stood by their statements in cross examination and confirmed that it was accused Sonam alias Sonu, who was cooking food. Therefore, it is clearly established that accused Sonam alias Sonu was the insider person, who was preparing food on that day, in which Larpose tranquilizer drug was found mixed. Therefore, trial Court rightly concluded that it was accused Sonam alias Sonu, who mixed the Larpose tranquilizer drug in the roti (chappati) and milk, which was served to entire family and

Taqdir Singh, who did not consume all the chapattis and milk. Since he was sleeping in Gitwar (out house used for keeping cattle, fodder etc.), therefore, he was lucky to survive.

5. Evidence regarding commission of crime

Dr. Asha Goel, while appearing as PW19, stated that on 20.9.2009, accused Sonam alias Sonu was produced before her for medical examination. She refused her internal medical examination stating that she is having sexual relationship with a male since October, 2008. The last relation was on 15.9.2009. The sexual relation was with consent. Accused Sonam alias Sonu wrote a writing in her own hands and duly signed the statement before the doctor stating that she had sexual relations with Naveen Kumar alias Monu since October, 2008. She does not want her internal check up and that after the occurrence i.e. on 15.9.2009, both of them had sexual relations, which were with their consent. No force was used. Accused Sonam alias Sonu had made statement to doctor when she was sought to be medically examined. Said statement before the doctor is admission made voluntarily by accused Sonam alias Sonu, disclosing her sexual relations with accused Naveen Kumar alias Monu since October, 2008 and fact that on 15.9.2009, on the day of occurrence, accused Naveen Kumar alias Monu was present with her, where they indulged in sexual relation after commission of crime. The said sexual relation was done on the bed of Bhuri. It goes to prove the presence of accused Naveen Kumar alias Monu and accused Sonam alias Sonu on the day of occurrence near the dead body of Bhuri. Normally, if crime is committed by a third person, accused Sonam alias Sonu would be the last person to accompany accused Naveen Kumar alias Monu and indulge in sexual intercourse with him. It goes to show that accused Naveen Kumar alias Monu and accused

Sonam alias Sonu were involved in commission of crime.

Accused Naveen Kumar alias Monu and accused Sonam alias Sonu have admitted that they belong to same gotra and their love affair was opposed by Promila. In all possibilities, all family members came to know about their relations and, therefore, it was motive on the part of accused Sonam alias Sonu and accused Naveen Kumar alias Monu to eliminate all family members to smoothen the way of their unobstructed relationship. It is to be added here that in the State of Haryana, there is a strong opposition in the villages to marry in same gotra. Therefore, motive is also clear in present case.

Dr. R. Sahu, CMO, PGIMS Rohtak (PW20) stated on oath that on 15.9.2009, accused Sonam alias Sonu was brought to her at 9:20 AM. She was accompanied by Amit, a distant relation. On examination, the patient was conscious, oriented, uncooperative, irritable, lavage was not possible. However, vitals were within normal limits. The medical condition at the time of medical examination, after the crime, goes to show that accused Sonam alias Sonu had consumed said Larpose powder, mixed in roti (chappati), in small quantity. Probably, this was to ensure that no physical harm was caused to her by consuming huge quantity. Probably, this was the reason that she was found conscious. The medical evidence also points to her involvement in the commission of crime indicating that after committing the crime, she consume a small amount of roti, in which said Larpose tranquilizer drug was mixed to pretend that she was also one of the victims. She was found in the wash room. Dr. R. Sahu (PW20) had also medico legally examined Sunil (Electrician/PW34), who was also found conscious. Manoj (PW35) was also found conscious, but drowsy. Both said electricians were awakened by police, indicating that they have taken

sufficient quantity of Larpose powder, mixed in roti and milk, which made them drowsy and unconscious till next morning.

Dr. Sanjay Kumar, Medical Officer, G.H. Rohtak (PW21) had medico legally examined accused Naveen Kumar alias Monu and found him medically fit for sexual intercourse. The underwear of accused was also taken into possession and same was handed over to police.

Dr. Basant Lal Sirohiwal, Professor, Department of Forensic Medicine, Pt. B.D. Sharma PGIMS Rohtak (PW22) had conducted post mortem of Surender, aged 40 years, Monika, daughter of Bhupender, aged 11 years and found that both of them have been murdered by way of strangulation. Semi digested food was also found in their stomach, indicating that they were killed within few hours of their taking meals before it could be completely digested. The meal was taken sometime after 8:00 PM and they appear to have been killed sometime after 10:00 PM.

Dr. Sucharita Ray, Junior Resident, Department of Medicine, PGIMS Rohtak, (PW23) proved that she had declared accused Sonam alias Sonu, unfit to make statement.

Dr. Adarsh Kumar Goyal, Senior Drug Control Officer, Ambala, (PW24) had examined 10 empty strips of tablets Larpose 2 and stated that it contained drug Lorazepam and BP 2 and proved effect of same.

Dr. Vijay Pal Khanagwal, Professor, Department of Forensic Medicine, PGIMS, Rohtak (PW25) stated that he had conducted post mortem on the dead body of Bhuri, aged about 60 years, post mortem on the dead body of Arvind son of Surender, aged about 16 years, post mortem on the dead body of Sonika, aged about 14 years and it was found that all of them have been murdered by strangulation. Semi digested food was found in their stomach. Ligature marks on dead bodies of all deceased were found

by doctors.

Dr. Luv Sharma (PW27) stated that he conducted post mortem on the dead body of Vishal, aged about 8 years and also on the dead body of Promila, wife of Surender, aged about 35 years. He found ligature marks on neck and found that all of them have been strangled to death. Semi digested food was found in their stomach. In all case, time between injury and death was immediate.

Dr. P.S. Ghalaut, Head, Department of Medicines, PGIMS, Rohtak, (PW31) stated that safe dose of Lorazepam is 10 grams. The excess dose of Lorazepam can make the patient unconscious.

4. Arguments

Therefore, the medical evidence, discussed above, goes to show that all 7 persons were murdered by way of strangulation after Lorazepam tranquilizer drug was administered to them in roti (chapatti) and in some cases, in roti (chappati) and milk, as a result, they become unconscious. The strangulation resulted in immediate death. The strangulation of all 7 members of family cannot be job of one person. All of them were killed by strangulation one by one. Therefore, at least, 2 persons are required to commit such crime.

Now, question would arise as to whether both accused Sonam alias Sonu and accused Naveen Kumar alias Monu are involved in crime or not ?

Their close relationship is proved from evidence, discussed above. It is also found that on the day of crime and after commission of crime, they both had sexual intercourse on the bed of Bhuri. In addition to this, there is other connecting evidence of involvement of accused Naveen Kumar alias Monu in crime as he had motive to remove the hurdles in his

love affair with accused Sonam alias Sonu by killing all family members of accused Sonam alias Sonu. 10 empty strips of Larpose were recovered in pursuance to disclosure statement of accused Naveen Kumar alias Monu. Said tablets were used in commission of crime by accused Sonam alias Sonu. One tooth brush, with which Larpose tablets were crushed and converted into powder, was also recovered from Naveen. In FSL report, the Larpose powder was found on said tooth brush. In addition to this, accused Naveen Kumar alias Monu got recovered 3 ropes, used in crime, which was lying on the roof of kitchen of house of accused Sonam alias Sonu. He also got recovered chunnis used to strangle victims. In addition to this, the ornaments and money, which were stolen from the house of deceased, to show that some outsiders have committed the murder after committing the theft, were also recovered from his possession in pursuance to his disclosure statement. It is also proved that sim card number 98139-22292, used by accused Sonam alias Sonu and recovered at her instance was procured by Naveen Kumar alias Monu, by using the photocopy of ration card of Rakesh (PW43), but pasting his own photograph, from Dara Singh (PW44), Proprietor of Sonu STD, village Chhara, which is village of maternal uncle of accused Naveen Kumar alias Monu. Dara Singh (PW44) had identified Naveen Kumar alias Monu, as a person who had procured a sim from him. Said sim was recovered from the possession of accused Sonam alias Sonu, after the commission of crime. Said sim was used to communicate the exact situation in the house of accused Sonam alias Sonu after she served intoxicated meals. This facilitated the visit of accused Naveen Kumar alias Monu when all family members were unconscious. This evidence clearly establishes that accused Naveen Kumar alias Monu and accused Sonam alias Sonu were present in

house on the night intervening 14/15.9.2009 and committed the crime.

Accused Sonam alias Sonu also got recovered the chunnis, used in crime to strangulate family members.

The learned senior counsel appearing for accused Naveen Kumar alias Monu, (CRA-D-534-DB-2014) and learned counsel appearing for accused Sonam alias Sonu, (CRA-D-837-DB-2014), have vehemently argued that call details of mobile number 93552-34928 of accused Naveen Kumar alias Monu (Ex.P68), call details of mobile number 98139-22292 of accused Sonam alias Sonu (Ex.P67), and that of Surender (Ex.P64), so as to establish that accused Sonam alias Sonu had been talking to accused Naveen Kumar alias Monu on the day of night of occurrence, are not admissible in evidence. These call details were produced by ASI Ravinder Kumar (PW38), Incharge, Cyber Crime Branch, SP Office, Rohtak, by moving application Ex.P63, who claimed that he had sent e-mail to service provider, which in terms sent e-mail on ID of SSP, Rohtak, which was downloaded by him. It is contended that mandatory condition of Section 65-B of the Indian Evidence Act, 1872, was not complied with. The learned senior counsel appearing for accused Naveen Kumar alias Monu as well as learned counsel appearing for accused Sonam alias Sonu have pointed to the discrepancies in the call details of Surender and Karambir to show that some of the calls made are not shown in call details of Karambir.

Section 65-B of the Indian Evidence Act, 1872, provides as under :-

65B. Admissibility of electronic records.—

(1) Notwithstanding anything contained in this Act, any information contained in an electronic record which is printed on a paper, stored, recorded or copied in optical or magnetic media produced by a computer (hereinafter referred to as the

computer output) shall be deemed to be also a document, if the conditions mentioned in this section are satisfied in relation to the information and computer in question and shall be admissible in any proceedings, without further proof or production of the original, as evidence of any contents of the original or of any fact stated therein of which direct evidence would be admissible.

(2) The conditions referred to in sub-section (1) in respect of a computer output shall be the following, namely:—

(a) the computer output containing the information was produced by the computer during the period over which the computer was used regularly to store or process information for the purposes of any activities regularly carried on over that period by the person having lawful control over the use of the computer;

(b) during the said period, information of the kind contained in the electronic record or of the kind from which the information so contained is derived was regularly fed into the computer in the ordinary course of the said activities;

(c) throughout the material part of the said period, the computer was operating properly or, if not, then in respect of any period in which it was not operating properly or was out of operation during that part of the period, was not such as to affect the electronic record or the accuracy of its contents; and

(d) the information contained in the electronic record reproduces or is derived from such information fed into the computer in the ordinary course of the said activities.

(3) Where over any period, the function of storing or processing information for the purposes of any activities regularly carried on over that period as mentioned in clause (a) of sub-section (2) was regularly performed by computers, whether—

(a) by a combination of computers operating over that period; or

(b) by different computers operating in succession over

that period; or

(c) by different combinations of computers operating in succession over that period; or

(d) in any other manner involving the successive operation over that period, in whatever order, of one or more computers and one or more combinations of computers,

all the computers used for that purpose during that period shall be treated for the purposes of this section as constituting a single computer; and references in this section to a computer shall be construed accordingly.

(4) In any proceedings where it is desired to give a statement in evidence by virtue of this section, a certificate doing any of the following things, that is to say,—

(a) identifying the electronic record containing the statement and describing the manner in which it was produced;

(b) giving such particulars of any device involved in the production of that electronic record as may be appropriate for the purpose of showing that the electronic record was produced by a computer;

(c) dealing with any of the matters to which the conditions mentioned in sub-section (2) relate, and purporting to be signed by a person occupying a responsible official position in relation to the operation of the relevant device or the management of the relevant activities (whichever is appropriate) shall be evidence of any matter stated in the certificate; and for the purposes of this sub-section it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it.

(5) For the purposes of this section,—

(a) information shall be taken to be supplied to a computer if it is supplied thereto in any appropriate form and whether it is so supplied directly or (with or without human intervention) by means of any appropriate

equipment;

(b) whether in the course of activities carried on by any official information is supplied with a view to its being stored or processed for the purposes of those activities by a computer operated otherwise than in the course of those activities, that information, if duly supplied to that computer, shall be taken to be supplied to it in the course of those activities;

(c) a computer output shall be taken to have been produced by a computer whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment. Explanation.—For the purposes of this section any reference to information being derived from other information shall be a reference to its being derived therefrom by calculation, comparison or any other process.

Perusal of Section 65-B of the Indian Evidence Act, 1872, shows that under Sub-Section (4), a certificate is required to be produced as described in Sub-Section (4) of Section 65-B of the Indian Evidence Act, 1872. No such certificate was attached with present call details. Therefore, call details cannot be relied upon to establish that accused Sonam alias Sonu and accused Naveen Kumar alias Monu had talked to each other on the night of crime at a particular time given in call details.

The learned senior counsel appearing for accused Naveen Kumar alias Monu as well as learned counsel appearing for accused Sonam alias Sonu have relied upon the authorities of Hon'ble Supreme Court in *Anvar P.V. Versus P.K. Basheer and others*, 2014 (3) Apex Court Judgments (SC) 567, *Suresh Kumar Versus Union of India*, 2015 (3) RCR (Criminal) 340 and *Tomaso Bruno and another Versus State of U.P.*, 2015 (1) Recent Apex Judgments (RAJ) 340, to press that without fulfilling all requisite

conditions laid down in Section 65-B of Indian Evidence Act, 1872, call details, procured from service provider, cannot be relied up.

We are of the view that admittedly, in this case, investigating agency bungled in adducing proper evidence. Though call details might have been called for by police in this case during investigation, but when evidence is to be led, conditions contained in Section 65-B of the Indian Evidence Act, 1872, are required to be adhered to. Perhaps, police was not aware about said fact. Therefore, call details (Ex.P64 to Ex.P68) cannot be relied upon, though police based their investigation on the basis of said call details. To sensitize police authorities, let relevant extract from copy of judgment be sent to Director Generals of Police, Punjab, Haryana and U.T. Chandigarh, with a direction that in future when an electronic record is produced, the Investigators be trained how to fulfill the conditions contained in Section 65-B of Indian Evidence Act, 1872.

In any case, in present case, even without call details, it is proved that accused Sonam alias Sonu and accused Naveen Kumar alias Monu were together on the night of crime and infact, they had committed the crime. From the evidence led by prosecution, it is proved that accused Naveen Kumar alias Monu procured a sim number 98139-22292 in the name of one Rakesh sometime prior to commission of crime by using photocopy of ration card of Rakesh, by affixing his own photograph. Dara Singh (PW44), proprietor of M/s Sonu Telecom, village Chhara, identified accused Naveen Kumar alias Monu as person who had purchased sim number 98139-22292 from him in the name of Rakesh. Said sim of mobile phone was found in possession of accused Sonam alias Sonu and same was got recovered by her, in pursuance to disclosure statement, showing that accused Sonam alias Sonu had been using that sim number apparently to

contact accused Naveen Kumar alias Monu. In addition to this, accused Naveen Kumar alias Monu knew where the ropes, used in strangulation of some of the victims, were kept concealed. He made a disclosure statement and got recovered 3 ropes from the roof of kitchen of house of accused Sonam alias Sonu. Not only this, jewellery (gold ornaments) and currency notes, which were stolen after murder, so as to make a show as if robbery has been committed, were recovered from possession of accused Naveen Kumar alias Monu. Not only this, 10 empty strips of Larpose tablets, which were used by accused Sonam alias Sonu by mixing it in wetted flour and milk, so as to make all family members unconscious, were also recovered from possession of accused Naveen Kumar alias Monu from an abandoned place near the house of his maternal uncle in village Chhara. Both accused Naveen Kumar alias Monu and accused Sonam alias Sonu identified the place of crime and also narrated the manner of commission of crime to police. Had they not committed the crime, they would not know how the crime was committed. Moreover, fingerprint of left thumb of accused Naveen Kumar alias Monu was found on the back view mirror of motorcycle parked near the dead body of Bhuri. It is further to be noted that in the house of Bhuri, both stayed for a longer period as accused Sonam alias Sonu had made statement/admission before the doctor that she had sexual intercourse with accused Naveen Kumar alias Monu on the day of crime. During investigation, she had disclosed to police that after accused Naveen Kumar alias Monu and Sonam alias Sonu committed the crime, she and accused Naveen Kumar alias Monu had sexual intercourse on the bed where Bhuri was lying dead. Therefore, in these circumstance, accused Naveen Kumar alias Monu might have touched the back view mirror of motorcycle, parked near dead body of Bhuri. Both accused Naveen Kumar alias Monu

and accused Sonam alias Sonu have claimed that they were only 'friends'. They belong to same gotra. In the villages in Haryana, where the caste bars are very strong, the question of friendship of a male and female has its own meaning.

The learned senior counsel appearing for accused Naveen Kumar alias Monu has further argued that accused Naveen Kumar alias Monu has been falsely implicated in present case. Infact, Karambir son of Taqdir Singh had a dispute regarding claim of pensionary benefits of his father Taqdir Singh, who retired as a teacher from Government service. A day or two earlier to occurrence, he had also threatened and even Taqdir Singh had admitted that Chander Bhan had come to them. Though, Taqdir Singh claimed that they had come on 13.9.2009 and Chander Bhan claimed that they had come on 14.9.2009. It is further contended that since accused Sonam alias Sonu is only surviving member of family of Surrender, therefore, in order to deprive her of inheritance, she was falsely implicated in present case and name of accused Naveen Kumar alias Monu was dragged to make out a convincing story.

We are of the view that it appears that accused Sonam alias Sonu being family member had come to know about some controversy between her father and Karambir. It appears that accused took it as golden opportunity to commit the crime as the entire blame could be put on Karambir. However, they committed some mistakes, with the result that suspicion was fell on them, though, initial suspicion was on Karambir, his wife Babli and their neighbour Samundar. Taqdir Singh is grand father of accused Sonam alias Sonu. After death of wife, son, daughter in law and four grand children, Taqdir Singh will be last person to see that accused Sonam alias Sonu, who is the only surviving member of the family, is also

eliminated by framing her in a murder case, which could attract death sentence. It is apparent that when police was carrying out investigation on the day of crime and fingerprint experts and FSL teams were called for, Taqdir Singh got suspicious and made a statement (Ex.D6) regarding the facts to police. The police thereafter started investigation on the line of statement made by Taqdir Singh, which was found to be correct and established from evidence.

The learned senior counsel appearing for accused Naveen Kumar alias Monu and learned counsel appearing for accused Sonam alias Sonu have pointed out certain discrepancies in the statements of witnesses including investigating officer.

We are of the view that some discrepancies are bound to occur in the statements of truthful witnesses when they are examined after lapse of time. However, the witnesses have corroborated the case on all the material particulars. The involvement of accused Naveen Kumar alias Monu and accused Sonam alias Sonu in commission of crime is proved beyond all reasonable doubts from evidence adduced by prosecution, which has been discussed above. The statement of investigating officer and recovery witnesses regarding making of disclosure statements by accused Naveen Kumar alias Monu and accused Sonam alias Sonu and subsequent recoveries are duly proved. Taqdir Singh had joined in interrogation of accused Naveen. Taqdir Singh was also present when accused Sonam alias Sonu was arrested outside PGIMS Rohtak. As discussed above, Taqdir Singh, in the given circumstances, will be last person to falsely implicate his grand daughter accused Sonam alias Sonu.

5. Conclusion

From the forgoing discussion, we come to conclusion that

accused Naveen Kumar alias Monu and accused Sonam alias Sonu were rightly convicted by learned Sessions Judge, Rohtak, under Section 302 IPC read with Section 34 IPC, whereas charges against accused Jasbir Singh alias Jassu under Section 120-B IPC read with Section 302 IPC are not proved. Therefore, conviction of accused Naveen Kumar alias Monu and accused Sonam alias Sonu under Section 302 IPC read with Section 34 IPC is upheld. Consequently, appeal (CRA-D-659-DB-2014), filed by Jasbir Singh alias Jassu, is allowed and he stands acquitted of the charges, framed against him. He be released forthwith, if not required in any other case.

6. Justification for death sentence

The learned Sessions Judge, Rohtak, has awarded extreme penalty of death sentence to accused Naveen Kumar alias Monu and accused Sonam alias Sonu. Now, question would arise as to whether awarding of death sentence in the present case is justified or not ?

In this case, both said accused eliminated 7 members of a family. They were Surender, aged about 40 years, his wife Promila, aged about 35 years, Arvind son of Surender, aged about 16 years, Sonika, aged about 14 years, Monika, aged about 11 years, Vishal, aged about 8 years, children of Bhupender Singh son of Taqdir Singh and Bhuri, aged about 60 years, wife of Taqdir Singh. Surender and Promila were father and mother of accused Sonam alias Sonu and Arvind was her younger brother, whereas Sonika, Monika and Vishal were cousins of accused Sonam alias Sonu, being daughters and son of her uncle Bhupender Singh, who is in Army. The said children were living in house of Surender as their mother had already died. Bhuri was grand mother of accused Sonam alias Sonu. All of them were done to death in most barbaric and cruel manner by strangulation after making them unconscious/semi conscious by serving a tranquilizer drug

called Larpose. The post mortem reports show that even tongues of some of deceased were protruding from the mouth as it appears that they struggled for some time before death. Death in all cases was instant. The murders were committed one by one. The conscious of both accused was not shaken even after committing first murder. Accused Sonam alias Sonu was given birth and brought up by her parents. A woman by its very nature is merciful. From childhood, all necessary facilities were extended to her by her parents. She enjoyed faith and trust of her family members. But, accused Sonam alias Sonu did not take any mercy on her parents, younger brother of tender age and her cousins of tender age, who had not seen much of the world. Bhuri, grand mother of accused Sonam alias Sonu, was sleeping in other house. After committing 6 murders, both accused went to house of Bhupender, where Bhuri was sleeping, which was across the street and murdered her in a brutal manner. After committing murder of Bhuri, both of them committed sexual intercourse on the bed where dead body of Bhuri was lying. The grisly act and the manner of commission of crime shows that both accused are monsters. They had no mercy for anybody and murdered 7 family members one by one. Out of 7 family members, 4 were children of tender age and had nothing to do with love affair of accused Sonam alias Sonu with accused Naveen Kumar alias Monu, nor they could be immediate hurdle in relationship of accused Sonam alias Sonu with accused Naveen Kumar alias Monu.

The Constitutional Bench of Hon'ble Supreme Court in *Bachan Singh Versus State of Punjab*, 1980 AIR (SC) 898, upheld death sentence where three members of family were murdered by accused. Similarly, Hon'ble Supreme Court in *Machhi Singh Versus State of Punjab*, 1984 (2) RCR (Criminal) 412, death sentence was upheld where 17 family members

of two families were killed. In *Prajeet Kumar Singh Versus State of Bihar*, 2008 (2) RCR (Criminal) 588, where 3 children of complainant, aged about 15 and 16 years, were murdered with a dagger while they were asleep, death sentence was upheld by Apex Court.

In *State of U.P. Versus Sattan alias Satyendra and others*, 2009 (2) RCR (Criminal) 319, Hon'ble Supreme Court of India while dealing with case involving murder of six members of a family observed on point of quantum of sentence as under :-

“12. Therefore, undue sympathy to impose inadequate sentence would do more harm to the justice system to undermine the public confidence in the efficacy of law and society could not long endure under such serious threats. It is, therefore, the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed etc. This position was illuminatingly stated in *Sevaka Perumal etc. Versus State of Tamil Nadu*, 1991 (2) RCR (Criminal) 427 : (AIR 1991 SC 1463).”

Regarding the principles governing the imposition of death penalty, the Apex Court observed as under :

“58. From *Bachan Singh's* case (supra) and *Machhi Singh's* case (supra) the principle culled out is that when the collective conscience of the community is so shocked, that it will expect the holders of the judicial power centre to inflict death penalty irrespective of their personal opinion as regards desirability or otherwise of retaining death penalty, the same can be awarded.

It was observed :

The community may entertain such sentiment in the following

circumstances :

- (1) When the murder is committed in an extremely brutal, grotesque, diabolical, revolting, or dastardly manner so as to arouse intense and extreme indignation of the community.
- (2) When the murder is committed for a motive which evinces total depravity and meanness; e.g. murder by hired assassin for money or reward; or cold-blooded murder for gains of a person vis-a-vis whom the murderer is in a dominating position or in a position of trust; or murder is committed in the course for betrayal of motherland.
- (3) When murder of a member of Scheduled Caste or minority community, etc. is committed not for personal reasons but in circumstances which arouse social wrath; or in cases of 'bride burning' or 'dowry deaths' or when murder is committed in order to remarry for the sake of extracting dowry once again or to marry another woman on account of infatuation.
- (4) When the crime is enormous in proportion. **For instance when multiple murders, say of all or almost all the members of a family** or a large number of persons of a particular caste, community, or locality are committed.
- (5) When the victim of murder is an innocent child, or a helpless woman or old or infirm person or a person vis-a-vis whom the murderer is in a dominating position, or a public figure generally loved and respected by the community.”

The Supreme Court concluded with following findings :

“Murder of six members of a family including helpless women and children having been committed in a brutal, diabolic and

bristly manner and the crime being one which is enormous in proportion which shocks the conscious of law, the death sentence as awarded in respect of accused Sattan and Guddu was in appropriate sentence and the High Court ought not to have altered it.”

In present case also, 7 members of family were murdered in a brutal manner after making them unconscious/semi conscious by administering tranquilizer drug Larpose by mixing in wetted flour and milk. The murder was committed to remove the suspected obstacles in relationship of accused Sonam alias Sonu with accused Naveen Kumar alias Monu. 4 of deceased were children of tender age. In this case, the collective conscience of community is shocked and in opinion of this Court, death penalty in present case is desirable and is only punishment, which could be awarded. The murders show deplorability. The murders were committed in cold blood. The entire family trusted accused Sonam alias Sonu, who betrayed the trust of entire family by mixing tranquilizer drug Larpose in wetted flour and milk while cooking food and thereafter served same to family members. Since Taqdir Singh was sleeping in outside house, a tiffin containing food and a glass of milk were sent to him. Anyhow, he did not consume entire chapattis and milk and, therefore, he did not become unconscious. Otherwise, the possibility was that he also might have been eliminated. Present case satisfies the parameters laid down by Apex Court in *State of U.P. Versus Sattan alias Satyendra and others* (supra), referred to above.

In these circumstances, we are of the view that awarding of death sentence by learned Sessions Judge, Rohtak, to accused Sonam alias Sonu and accused Naveen Kumar alias Monu is justified.

Accordingly, we confirm death sentence awarded to accused Sonam alias Sonu and accused Naveen Kumar alias Monu under Section 302 IPC read with Section 34 IPC and reference made by learned Sessions Judge, Rohtak, is accordingly answered. Consequently, CRA-D-534-DB-2014, filed by accused Naveen Kumar alias Monu and CRA-D-837-DB-2014, filed by accused Sonam alias Sonu stand dismissed, whereas CRA-D-659-DB-2014, filed by Jasbir Singh alias Jassu stands allowed. In view of acquittal of Jasbir Singh alias Jassu, he be released forthwith, if not required in any other case. His release warrants be issued forthwith. Copy of judgment be sent to Director Generals of Punjab and Haryana, as directed in the judgment

(A.B. CHAUDHARI)
JUDGE

(KULDIP SINGH)
JUDGE

17.7.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No