

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

CRA-D-556-DB of 2016 (O&M)

Reserved on : 09.04.2019

Date of decision : 12.04.2019

Ravinderbir Singh alias Ravi

.... APPELLANT

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE RAJIV SHARMA

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mrs. Baljit Mann, Advocate,
for the appellant.

Mr. S.P.S. Tinna, Addl. A.G., Punjab.

Mr. Amandeep Singh Rai, Advocate,
for the complainant.

* * *

RAJIV SHARMA, J.

1. This appeal is directed against judgment dated 18.05.2016 and order dated 19.05.2016, rendered by learned Additional Sessions Judge, Faridkot, in Sessions Case No. 18 dated 30.08.2012. Appellant Ravinderbir Singh alias Ravi along with co-accused Anirudh Sharma was charged with and tried for the offence punishable under Section 304 read with Section 34 IPC, and in the alternative under Section 302 read with Section 34 IPC. The appellant was convicted and sentenced to undergo imprisonment for life and to pay a fine of ₹ 20,000/-, and in default of payment of fine to further

undergo rigorous imprisonment for one year under Section 302 IPC. Co-accused Anirudh Sharma was acquitted of the charge framed against him.

2. The case of the prosecution, in a nutshell, is that on 04.04.2012, on receiving a medical ruqa from GGS Medical College, Faridkot, regarding receiving of dead body of Ranbir Singh, Sub Inspector Gurnam Singh along with other police officials, went to GGS Medical College, Faridkot. Complainant Jaspal Singh (PW.1) met them. He made statement that he was resident of Friends Avenue Tungwala, Majitha Road, Amritsar. He had one son and one daughter. In January, 2012, his younger son Rana Ranbir Singh got admission in B.Sc. Optimitry eyes diploma in GGS Medical College, Faridkot. He got accommodation in Sandhu Paying Guest House, Guru Nanak Colony, Street No.5, Faridkot. Subsequently, he got accommodation in Medical hostel and shifted there. He had purchased a new motor-cycle. His friend Ravinderbir Singh alias Ravi asked for party. His ATM card was not working. He had no money. However, accused Ravinderbir Singh alias Ravi held party from his own pocket. Thereafter, on 31.03.2012, the complainant got issued ATM card in his name and gave it to his son. On 03.04.2012, after doing his duty, the complainant had gone to Faridkot to hand over some clothes and to meet his son. At about 9.00 PM, he reached Faridkot. At about 10.00/10.30 PM, his son told him that he had received a telephone call from Ravinderbir Singh alias Ravi for repaying his money. He also accompanied his son on his motor cycle. When they reached near the gate of Sandhu Paying Guest House, Guru Nanak Colony, Street No.5, street light was on. Ravinderbir Singh alias Ravi and Anirudh Sharma were already standing in the street. When his son stopped his motor cycle,

Ravinderbir Singh alias Ravi started asking that his son had not returned money. Ravinderbir Singh alias Ravi took a *kirch* from the *dub* (waist). Son of the complainant turned towards him. However, Ravinderbir Singh alias Ravi gave a *kirch* blow hitting him below his left shoulder. He fell down. Thereafter, Ravinderbir Singh alias Ravi gave another *kirch* blow hitting his left ear. Anirudh shouted that the complainant should be taught a lesson. He ran away from the spot. Later on, Sukhjinder Singh, a medical student, got admitted his son in GGS Medical College, Faridkot. The doctor declared him dead. The body was sent for post-mortem examination. The investigation was completed and challan was put up after completing all the codal formalities.

3. The prosecution has examined a number of witnesses. The statements of the accused under Section 313 Cr.P.C were also recorded. They denied the case of the prosecution. In defence, they examined six witnesses.

4. The appellant was convicted and sentenced, as noticed above. Hence, this appeal.

5. Learned counsel appearing on behalf of the appellant has vehemently argued that the prosecution has failed to prove its case. Learned counsel appearing for the State and learned counsel for the complainant have supported the judgment and order of the learned Court below.

6. We have heard learned counsel for the parties and gone through the judgment and record very carefully.

7. PW.3 Dr. Ashwini Kumar tendered his evidence by filing affidavit Ex.PW.3/A. He had noticed following injuries on the body of the

deceased :-

1. Incised stab wound of size 2 cm x 0.5 cm, thoracic cavity deep was present on left side of back of chest 9 cm below inferior angle of left scapula, 26 cm above left posterior superior iliac spine and 20.2 cm from midline. Margins of wound were clean cut with obtuse angle above lower acute angle. On dissection – the wound was directed forwards, upwards and to the right. The stab injury was seen to pass through the back of chest wall and after cutting through the intercostals space of eighth and ninth rib on left side and penetrating through the lower part of lower lobe of left lung through a wound of size 1.6 x 0.5 cm and then through the pericardium it was seen to enter the posterior wall of left ventricle of heart through a wound of size 1.3 x 0.5 cm. Approximate depth of wound is 10 cm. Fluid blood was present in left pleural cavity measuring about two litres. There was extravasation of blood in and around the injury site.
2. Reddish bruise, 1 cm x 0.7 cm was present on upper aspect of left pinna 1 cm above left tragus.
3. Reddish abrasion, 1 cm x 0.2 cm, was present on middle of left pinna on its inner aspect.
4. Reddish abrasion, 1 cm x 0.2 cm, was present on inner aspect of left ear lobule.
5. Reddish abrasion, 1 cm x 0.3 cm, was present on inner aspect of left arm 5 cm below left anterior axillary fold.
6. Reddish abrasion, 2 cm x 1 cm, was present on left elbow.
7. Reddish bruise, 5 cm x 02 cm, was present on outer aspect of left forearm 7.5 cm below left elbow.
8. Reddish abrasion, 3 cm x 1.5 cm was present on front of left knee.

According to him, the cause of death was haemorrhage and shock

consequent upon stab injury as described vide injury No.1. All the injuries were ante mortem in nature. Injury No.1 was sufficient to cause death in ordinary course of nature. The probable time that elapsed between injuries and death was recent in duration and between death and post-mortem examination was about 12-24 hours. The post mortem report is Ex.PW.3/C.

8. PW.1 Jaspal Singh deposed that his son Rana Ranbir Singh was admitted in B.Sc. Optimitry in GGS Medical College, Faridkot in January, 2012. He got accommodation in Sandhu Paying Guest House, Guru Nanak Street No.5, Faridkot. He had purchased motor cycle on 29.02.2012. Ravinderbir Singh and Anirudh Sharma demanded party from him. He identified Ravinderbir Singh and Anirudh Sharma in the court. He further deposed that his son Rana Ranbir Singh told Ravinderbir Singh and Anirudh Sharma that he was running short of money. They told him to throw a party, and balance amount would be paid by them. After one week, they went to his son Rana Ranbir Singh and demanded the balance amount paid by them to arrange the party. His son told them that he was not carrying money. He further told them that his ATM card was not working. The accused persons manhandled him. Accused Ravinderbir Singh and Anirudh Sharma accompanied by other persons were visiting his son in the hostel. They were threatening him. On 31.03.2012, his son came to Amritsar and narrated the incident to him. He got issued an ATM card in his name and handed over the same to his son on 31.03.2012. He told his son that he along with his wife and his brother would be visiting him on 03.04.2012. On 02.04.2012, his son came on his motor cycle from Amritsar to Faridkot. On 03.04.2012 at about 6.00 PM, his family left Amritsar for Faridkot. They

reached GGS Medical College, Faridkot at about 9.00/9.15 PM. His son met them outside the college canteen. They took tea. He and his son went inside the hostel. He went to his son's room. They took dinner. His son went outside the room. After half an hour, his son returned to his room and told him that he had received a telephone call from Ravinderbir Singh and Anirudh Sharma for re-paying the amount. His son asked him to remain in the room. However, he insisted to go with his son. They went on motor cycle. When they reached Sandhu Paying Guest, Guru Nanak Colony, Faridkot, both the accused were standing in the street. He told Ravinderbir Singh that Rana Ranbir Singh had come to return the money. Ravinderbir Singh said that the money was to be recovered from Rana Ranbir Singh but some other score was to be settled. Anirudh Sharma raised a lalkara. Ravinderbir Singh took out a *kirch* from his *dub* (waist). His son turned towards him. Ravinderbir Singh gave a *kirch* blow on the left ribs of his son. He raised hue and cry. Ravinderbir Singh gave second *kirch* blow upon the ear of his son. Anirudh Sharma tried to catch him. He ran away from the spot and informed the family members about the incident. They tried to locate the accused. Thereafter, they were told by one police official that dead body of a boy was lying in the Government Medical College, Faridkot. He got his statement recorded vide Ex.PA. He came to Faridkot on 11.04.2012. Ravinderbir Singh alias Ravi made a disclosure statement Ex.PE, on the basis of which he got recovered the *kirch*. He identified the same in the court.

9. PW.2 Kamlesh Kaur deposed that her son had come to Faridkot on 02.04.2012. On 03.04.2012, she, her husband and younger brother of her

husband had left Amritsar for Faridkot. They reached Faridkot at about 9.00/9.15 PM at GGS Medical College, Faridkot. Her son and her husband went to the hostel. She and Manjit Singh remained in the canteen. After an hour, her husband came to the canteen. He was perplexed. He told that Ravinderbir Singh had murdered their son. They reached the place of occurrence. They saw accused Ravinderbir Singh starting the motor cycle. Another unknown boy was sitting as pillion rider. They reached Police Station City Faridkot. They were told that one dead body was received in the Government Medical College, Faridkot. She identified the accused in the court.

10. PW.4 Balour Singh had prepared the scaled site plan Ex.PW.4/A.

11. PW.9 Sub Inspector Gurnam Singh deposed that he along with other police officials reached GGS Medical College, Faridkot, on 04.04.2012. He recorded statement of the complainant. They went to the place of occurrence. He collected blood stained earth from the spot. He prepared rough site plan Ex.PW.9/D.

12. PW.10 ASI Sukhdarshan Kumar deposed that he along with Sub Inspector Gurnam Singh and other police officials visited the spot. SI Gurnam Singh recorded statements of the witnesses. Accused Ravinderbir Singh suffered disclosure statement. He disclosed that he had kept concealed *kirch* used in the crime in a polythene paper. He got the same recovered. It was 17 inches long. It was taken into possession.

13. PW.13 SI Balwinder Singh deposed that accused Ravinderbir Singh was arrested on 11.04.2012. He got recovered *kirch* on the basis of

his disclosure statement Ex.PE. In his cross-examination, he deposed that the accused was interrogated in the court complex. He further deposed that a number of persons were present in the court complex, but none was ready to join the investigation.

14. DW.1 Dr. Sneha deposed that she was posted as Emergency Medical Officer at GGS Medical College, Faridkot, on 03.04.2012. She was on duty on that day. She made entry C-3740 in her hand.

15. DW.2 Kamaljit Singh deposed that as per the record, no room was allotted to deceased Rana Ranbir Singh son of Jaspal Singh in the year 2012. He proved register Ex.DW.2/A. However, in cross-examination, he admitted that nothing was written on the title of the register as to what it relates to. It was not paginated. He also admitted that only few entries were signed by the warden.

16. DW.3 Deepak Arora proved the call details, consisting of 19 pages, from 01.04.2012 to 30.04.2012, vide Ex.D.3/B. He proved the certificate issued under Section 65-B of the Indian Evidence Act, vide Ex.D.3/E.

17. DW.4 Kuldeep Singh deposed that he was posted as Security Incharge at Adhesh Hospital, Bathinda, on 04.04.2012. He had retired from Central Security force. He had brought the summoned record of private vehicle entry register. Vehicle number and time of entry and exit of outsider vehicle, along with telephone number, are entered in the register. On 04.04.2012 at about 6.35 AM, Jaspal Singh son of Raj Singh came in car bearing registration No. PB-02BM-2987. He visited MBBS hostel. He left at about 6.55 AM. In his cross-examination, he admitted that in the register,

there was no pagination. He was not present at the entry point, where number of the vehicle and signatures of the occupant are obtained. He could not say who signed the register. There was no CCTV camera at the entry or exit point.

18. DW.6 Anil Kumar Gupta, Handwriting and Fingerprints Expert, tendered his evidence by way of affidavit Ex.DW.6/A. He proved his report Ex.DW.6/B and photo charts Ex.DW.6/C to Ex.DW.6/I.

19. The Forensic Science Laboratory report is Ex.PW.13/C. According to this report, *kirch*, soil lifted from the spot, soil alleged to be stained with blood, *kameez*, pant, underwear, shoes and socks were stained with human blood.

20. What emerges from the facts and evidence, discussed here-in-above, is that PW.1 Jaspal Singh's deceased son Rana Ranbir Singh was studying in GGS Medical College, Faridkot. He had purchased a new motor cycle. Accused Ravinderbir Singh alias Ravi and Anirudh Sharma asked him to throw a party. He was running short of funds. The party was arranged by accused Ravinderbir Singh alias Ravi and Anirudh Sharma. The deceased son of PW.1 Jaspal Singh came to Faridkot from Amritsar on 02.04.2012. PW.1 Jaspal Singh along with his wife and younger brother came to Faridkot on 03.04.2012. PW.1 Jaspal Singh went to the hostel room of his son. They took dinner. Thereafter, the deceased received a phone call from accused Ravinderbir Singh alias Ravi and Anirudh Sharma demanding the money which was paid by them at the time of arranging party. PW.1 Jaspal Singh along with his son went to Sandhu Paying Guest House, Guru Nanak Colony, Street No.5, Faridkot. Appellant Ravinderbir Singh alias

Ravi gave two *kirch* blows on the body of Rana Ranbir Singh. PW.1 Jaspal Singh was also threatened. Rana Ranbir Singh was taken to hospital. He was declared dead.

21. Learned counsel appearing on behalf of the appellant has vehemently argued that the case is based on circumstantial evidence. According to her, PW.1 Jaspal Singh was not present on the spot. She has relied upon the statements of DW.3 Deepak Arora, DW.4 Kuldeep Singh and DW.6 Anil Kumar Gupta, Handwriting and Fingerprints Expert. According to the call details record Ex.D.3/B, proved by DW.3 Deepak Arora, PW.1 Jaspal Singh was not present at Faridkot on 04.04.2012. DW.4 Kuldeep Singh has deposed that Jaspal Singh had come to Adhesh Hospital, Bathinda, on 04.04.2012. According to the learned counsel appearing on behalf of the appellant, PW.1 Jaspal Singh received information about the injuries received by his son at Amritsar. Thereafter, he went to Bathinda to pick up his daughter and then, he reached Faridkot. In case, his son was serious, he was supposed to straight way go to Faridkot from Amritsar, instead of going to Bathinda, to pick up his daughter. The normal instinct of the father would be to go to the place where his son was admitted in the hospital at the earliest.

22. There is no evidence that the phone number, whose call details has been proved as Ex.D.3/B, was being used by PW.1 Jaspal Singh. DW.4 Kuldeep Singh in his cross-examination admitted that the register produced by him was not paginated. DW.6 Anil Kumar Gupta, Handwriting and Fingerprints Expert, admitted that the disputed writing/signatures were of the year 2012 and the standard signatures were of the year 2014. He also

admitted that natural variation appears in genuine signatures of the same person with the passage of time. He had not compared the writing portion mark Q1/A from the register of Adesh Hospital pertaining to disputed entry. Voluntarily stated that he compared whole of the writing and class characteristic were found to be similar with the standard signatures and common word 'Jaspal Singh' in column No.2. Word 'Singh' in column No.3 was found to be similar with the standard signatures of Jaspal Singh. He had not compared the other letters and digits of Q1/A as specimen writing with the common letter and digits were not available for comparison. He also admitted that top of letter 'J' was curved and forming next letter 'a' in disputed signatures mark Q2/A.

23. PW.1 Jaspal Singh had seen appellant Ravinderbir Singh alias Ravi giving *kirch* blows on the body of his son Rana Ranbir Singh. There was no occasion for him to falsely implicate appellant Ravinderbir Singh alias Ravi. PW.1 Jaspal Singh categorically deposed that his son had told him that he had received a phone call from Ravinderbir Singh alias Ravi and Anirudh Sharma demanding money from him, which was paid by them for arranging party. Thereafter, he went to the spot, where Ravinderbir Singh alias Ravi and Anirudh Sharma were standing. *Kirch* has been got recovered on the basis of disclosure statement made by appellant Ravinderbir Singh alias Ravi vide Ex.PE. It was sent for chemical examination. According to the FSL report Ex.PW.13/C, human blood was found on *kirch*, soil lifted from the spot, soil alleged to be stained with blood, *kameez*, pant, underwear, shoes and socks. The motive attributed by the prosecution is that the deceased had to pay some money to the accused. PW.1 Jaspal Singh also

deposed that when he reached the spot with his son, appellant Ravinderbir Singh alias Ravi said that though the money was to be recovered from Rana Ranbir Singh but some other score was also to be settled. The ocular statement of PW.1 Jaspal Singh is duly corroborated by the post mortem report Ex.PW.3/C. The post-mortem was conducted by PW.3 Dr. Ashwini Kumar. He had noticed eight injuries on the body of the deceased, as mentioned here-in-above. According to him, the cause of death was haemorrhage and shock consequent upon stab injury as described vide injury No.1. All the injuries were ante mortem in nature. The probable time that elapsed between injuries and death was recent in duration and between death and post-mortem examination was about 12-24 hours.

24. Learned counsel appearing on behalf of the appellant has also argued that PW.1 Jaspal Singh instead of running away should have saved his son.

25. The different persons re-act differently to a situation. It has come in the statement of PW.1 Jaspal Singh that he was threatened by the accused. The incident had happened near the place where the appellant was staying. PW.2 Kamlesh Kaur also deposed that her husband told her that appellant Ravinderbir Singh alias Ravi had killed her son. Though there is some delay in lodging the FIR, but the same has been explained. The father and mother of the deceased would have been in great shock upon hearing about the death of their young son.

26. In view of the above discussion, the prosecution has proved its case against appellant Ravinderbir Singh alias Ravi beyond reasonable doubt. The trial court has correctly appreciated the oral as well as

documentary evidence. Thus, there is no occasion for us to interfere with the well reasoned judgment and order of the trial court. Accordingly, the appeal is dismissed.

(RAJIV SHARMA)
JUDGE

April 12, 2019
ndj

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes