



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

**CRA-D-52-DB OF 2014 (O&M)
RESERVED ON: OCTOBER 24, 2024
DATE OF DECISION: DECEMBER 05, 2024**

Gopi Ghai

...Appellant

Versus

State of Punjab

...Respondent

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present : Mr. Prashant Vashisth, Advocate,
for the appellant.

Mr. Aftab Singh Khara, Senior DAG, Punjab.

LAPITA BANERJI, J.

In the present appeal the appellant has challenged a judgment and order dated November 01, 2013 passed by Additional Sessions Judge, Ludhiana (hereinafter referred to as the "Impugned Judgment"). A First Information Report dated October 06, 2012 was registered against the appellant under Sections 302, 307, 376 of the Indian Penal Code (hereinafter referred to as "IPC") and Sections 3, 4 and 5 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as "SC/ST Act") vide FIR No.238, Police Station Basti Jodhewal, Ludhiana.

2. The trial Court vide the impugned judgment dated November 01, 2013 held that the prosecution had succeeded in proving the offence under Section 302 IPC against the accused-appellant-*Gopi Ghai*, beyond the



shadow of reasonable doubt. The trial Court held that the prosecution had, however, failed to prove the charges under Section 376 IPC and Sections 3 (xii) of SC/ST Act against the appellant and therefore, acquitted him of the said charges. The appellant vide order dated November 01, 2013 was sentenced to undergo rigorous imprisonment for life and fine of Rs.10,000/- In default of payment of fine, the appellant was further directed to undergo simple imprisonment for one year for the offence under Section 302 IPC.

PROSECUTION CASE

3. On October 06, 2012, a police party was present for routine check at chowk Basti Jodhewal, Ludhiana when they were informed that a patient suffering from burn injuries was admitted to Civil Hospital, Ludhiana. The learned Judicial Magistrate 1st Class recorded the statement under Section 164 Cr.P.C and on such statement a case under Sections 307, 34 of IPC was registered. The said statement is set out as under :-

“ Two boys had followed me. They used to tease me therefore I got beat them. He served with H.S Nanda. His name of Raj I do not know the name of the other boy. They caught me. They strangulated my throat. Therefore they set up fire on me after spreading kerosene. They set up fire in a plot lying on the corner of the street. They fled away after set up fire. My mouth was folded with the cloth. My duppatta was tied on my mouth.”

4. In a statement recorded under Section 161 Cr.P.C by the police, the victim had stated that appellant-Gopi Ghai promised to marry her and later resiled from his promise. Since she pressurized him to marry her, he had put her on fire. Upon such statement, spot investigation was done, site plan prepared and the statements of witnesses were recorded. The said statement under Section 161 of the Cr.P.C is reproduced hereinafter:



“ Stated that I am resident of above said address. I am working as maid. Today at about 6:00 AM when I was going on work, my friend Gopi Ghai with whom I have relationship since last one year and who is working with H.S. Nanda property dealer, Waraich Market, Kailash Nagar Road, had met near the plot located in our street. He had tied my mouth with my dupatta and spread the kerosene by the bottle holded in his hands and set fire on me and fled away from the spot. Now Gopi denied to marry me after promise so and I compelled him to marry me therefore he has set fire on me after spreading kerosene. I was admitted to Civil Hospital by ambulance where I am under treatment. Statement has been recorded to you in the presence of doctor which to read over to me and admitted correct.”

5. The case property was recovered and appellant *Gopi Ghai* was arrested. Upon enquiry, it transpired that *Gopi Ghai* and Raj were one and the same person and the appellant had established physical relationship with the deceased victim, who was a minor of 17 years and thereafter killed her. Therefore, offences under Sections 302, 376 of IPC were added. Since the appellant was a boy of a higher caste whereas the victim was a girl belonging to a lower caste, therefore, Sections 3, 4 and 5 of the SC/ST Act were also added in the FIR.

6. The medical examination of appellant was conducted for DNA profiling. The medical examination of the victim also got conducted. The victim's blood sample was taken and a pregnancy test was done. Her DNA and embryo were preserved and sent for FSL examination. The victim had died during the course of investigation. On completion of investigation, challan against the appellant was presented.

7. In order to prove its case, the prosecution examined several witnesses. **PW-1**/Babbu-father of the victim deposed that the victim had a love affair with the appellant but since the appellant belong to a higher caste, he refused to marry the victim. Thereafter the appellant murdered his daughter in a vacant plot by setting her on fire with the help of kerosene oil.



He had proved his statement (Exhibit P-A) by identifying the dead body of the victim.

8. **PW-2/ASI Baljinder Singh**, who was the Investigating Officer, declared that the victim was fit to make the statement and recorded her statement under Section 161 Cr.P.C. He also proved several documents including the arrest memo of the appellant, recovery memo of a pair of Chappal of the victim, inquest report of the victim, pregnancy test report of the victim etc.

9. **PW-3/Dr. Balwinder Singh** tendered evidence with regard to post-mortem report of the deceased victim.

10. **PW-4/Nisha**, who was aunt (chachi) of the victim, deposed that on October 06, 2012, when she went to meet her niece (victim) in the hospital, her niece had revealed that she had love-affair with the appellant. The appellant belonged to a Khatri family whereas her niece belonged to a Valmiki (SC) family and therefore, the appellant refused to marry her and poured kerosene on her and set her ablaze.

11. **PW-5/Dr. Neelam Bhatia** who was member of the Board along with Dr. Balwinder Singh and Dr. S. K. Kaushal, conducted post-mortem on the body of the victim. She deposed that symptoms showed that the victim was pregnant and about one week back foetus got aborted, as per the record of CMC Hospital, Ludhiana.

12. **PW-6/Dr. Davinder Kumar** declared the victim who was admitted on October 06, 2012, to be fit to make the statement. The Investigating Officer recorded the statement of victim (Exhibit PW-2/C). Thereafter, he declared the victim to be fit to make the statement before the Magistrate.



13. **PW-7/Dr. Vijay Obed** deposed that the victim was admitted on October 06, 2012 at 2:44 pm. She was brought by her mother with alleged history of flame burns of about 96%. The victim was found to be pregnant and was administered intravenous I/V fluids. Dressings were done for the burn wounds and she aborted spontaneously during her operation in the hospital on October 07, 2012 at 4:00 am. The victim died on October 12, 2012.

14. **PW-8/Dr. Seema Chopra** had conducted a DNA test on the appellant.

PW-8/B learned Judicial Magistrate 1st Class deposed with regard to recording of statement of the victim and handing over the same to the Investigating Officer.

15. **PW-9/ASI Sukhwinder Singh** deposed that blood/semen of the appellant was sent for DNA testing to FSL, Chandigarh and FSL, Madhuban, Haryana but the same were returned due to certain objections and were deposited with MHC, concerned.

16. **PW-13/Harjit Singh- H.S. Nanda** (property dealer) deposed that *Gopi Ghai* used to work for him. Once he and *Gopi Ghai* were going out of city by car when he had stopped at a petrol station for filling petrol and he heard the appellant talking on the phone by holding himself out to be Raj.

17. Therefore, the prosecution tried to bring home the guilt of the appellant by strenuously arguing that the appellant *Gopi Ghai* and Raj were one and the same person and since the victim had stated so in her statement recorded under Section 161 Cr.P.C given before the Investigating Officer



and statement recorded under Section 164 Cr.P.C before the Judicial Magistrate 1st Class, the charges against the appellant were proved.

CASE OF THE DEFENCE

18. In the statement recorded under Section 313 Cr.P.C, the appellant denied the prosecution case, pleaded innocence and alleged false implication against him. Furthermore, he also led defence evidence.

19. One Chanchal Singh was examined as **DW-1** who had been Municipal Councillor from 1997 to 2002 of the area New Kailash Nagar. He deposed that the appellant was only known as *Gopi Ghai* and not by any other name.

20. One Rakesh Kumar, who was the Councillor from 2007 to 2012 of Ward No.3, was examined as **DW-2**. He deposed that he knew the appellant for the last 8-9 years and stated that the appellant was not known by any other sub name.

21. One Sunil Dutt who was examined as **DW-3** deposed that he was appellant's neighbour and the appellant did not have any other name except for "*Gopi Ghai*".

22. **DW-4** Jasbir Kaur/paternal aunt (bua) of the appellant deposed that appellant is son of her real brother. She further deposed that father of the appellant used to sell tea in front of the office of Harjit Singh Nanda (PW-13). The said Harjit Singh Nanda was also known as Raj and Raja and neither the appellant nor appellant's father worked for said Harjit Singh Nanda. She further deposed that from the childhood, appellant was known as *Gopi Ghai* and not by any other name.



REASONING OF THE TRIAL COURT

23. The learned trial Court held that argument of defence counsel with regard to Dr. Davinder Kumar (PW-6) not being present at the time when statement of deceased was recorded under Section 161 Cr.P.C by the Investigating Officer, indicating that the same was falsely prepared and his signatures were later procured, was devoid of any merit since the doctor at the request of the Investigating Officer, gave certificate declaring the deceased-victim fit to make the statement. Therefore, the victim's statement under Section 161 Cr.P.C was relied upon by the trial Court as cogent evidence. As the victim was in a fit state of mind, therefore, the Court below came to the conclusion that it was immaterial whether or not the doctor was present there. Furthermore, in view of the trial Court it was a settled preposition of law that in every case it could not be held that the police official was a false witness and the testimony of the police could not be relied upon. If the statement of deceased inspired confidence, the same could be relied upon to convict the accused.

24. The trial Court had formulated the following points for determination and proceeded to answer them in the following manner:

"1) Whether it was accused Gopi Ghai who murdered the deceased/victim by setting her ablaze after sprinkling kerosene oil on her?"

2) Whether accused Gopi Ghai poured kerosene oil on the deceased/victim and thereafter set her ablaze with the intention to cause death or with the knowledge that the act is so imminently dangerous that it must in all probability cause her death?"

3) Whether the accused has committed an offence under section 3 (xii) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act), 1989?"



Point No.1

25. For consideration of this point, two dying declarations of the deceased victim were relied upon i.e Exhibit PW-2/C and Exhibit PW-8/C. Exhibit PW-2/C was recorded by the Investigating Officer whereas Exhibit PW-8/C was recorded by the Magistrate. Both the dying declarations are reproduced hereinafter:

“Exhibit PW-2/C-Statement under Section 161 Cr.P.C.

Stated that I am resident of above said address. I am working as maid. Today, at about 6 AM, when I was going on work, my friend Gopi Ghai with whom I have relationship since last one year and who is working with H.S.Nanda property dealer, Waraich Market, Kailash Nagar road had met near the plot located in our street. He had tied my mouth with my dupatta and spread the kerosene by bottle holded in his hand and set fire on me and fled away from the spot. Now Gopi denied to marry me after promise so and I compelled him to marry me therefore he has set fire on me after spreading Kerosene. I was admitted to Civil Hospital by Ambulance where I am under treatment. Statement has been recorded to you in the presence of doctor which to read over to me and admitted correct.”

Exhibit PW-8/C-Statement under Section 164 Cr.P.C

“ Two boys had followed me. They used to tease me therefore I got beat them. He served with H.S Nanda. His name of Raj I do not know the name of the other boy. They caught me. They strangulated my throat. Therefore they set up fire on me after spreading kerosene. They set up fire in a plot lying on the corner of the street. They fled away after set up fire. My mouth was folded with the cloth. My duppatta was tied on my mouth.”

26. The learned defence counsel had pointed out that there was apparent contradiction in the aforesaid dying declarations and during investigation it was nowhere proved that *Gopi Ghai* and Raj were one and the same person. The trial Court held that such contentions were devoid of merit as there was strong circumstantial evidence to show that *Gopi Ghai*



and Raj were one and the same person. The victim was consistent in her dying declaration in stating that she was caught hold of and her mouth was tied with her own dupatta and she had been set ablaze by pouring kerosene oil in a plot nearby her street.

27. The trial Court further relied on the circumstantial evidence which was sought to be established by the testimony of PW-13/H.S. Nanda-property dealer who deposed that *Gopi Ghai*-appellant was working with him for the last three years and one day while the appellant was accompanying PW-13/H.S. Nanda in his car, he had stopped the car in a petrol station for filling petrol. It was then that the appellant had received a call on his phone and communicated with the caller by representing himself as Raj. Upon enquiry by PW-13 why he used the name Raj, the appellant did not give any reply and disconnected the call. The trial Court further held that the testimony of PW-13 was a very relevant piece of evidence as the same proved the fact that *Gopi Ghai* and Raj was one and the same person. Even though the Investigating Officer did not join H.S. Nanda/PW-13 in the investigation but since the property dealer/H.S.Nanda appeared and deposed in the Court as PW-13, the argument of the defence counsel was held to be of no substance. PW-13 was also not cross-examined by the defence, on the issue whether or not there was any other employee by the name of Raj working for him. Since the property dealer-H.S. Nanda (PW-13) himself deposed that *Gopi Ghai* represented himself as Raj, therefore, the appellant got connected to the commission of offence directly.

28. The trial Court also disbelieved the argument of defence counsel that PW-13/H.S. Nanda- property dealer also known as Raj was being saved by the police since he was a rich person and the appellant was



being falsely implicated as no suggestion was put by learned counsel for the appellant in that regard to PW-13. Furthermore, it held that the argument on behalf of the appellant was completely demolished as the victim in her dying declarations stated that the appellant was working with H.S. Nanda. Had the offence being committed by H.S. Nanda, the victim would have recorded so in her statement instead of stating that the appellant was working with H.S. Nanda.

29. The Court below held that the testimony of PW-1/father of the victim and PW-4/aunt (Chachi) of the victim with regard to her love affair with the appellant was a very important piece of circumstantial evidence which could not be ignored. Both the witnesses have deposed that despite there being an affair between the victim and the appellant, the accused-appellant refused to marry the victim since he belonged to a higher caste. Considering the victim to be an obstruction in his life, he set her ablaze by pouring kerosene oil. The factum of love affair between the victim and the appellant also came on record in the dying declarations.

30. The trial Court held that there was no evidence on record to show that the relationship between the victim and the appellant came to an end once the parents of the appellant refused to get their son married to the victim and the father of the victim forbade her to maintain any relationship with him. The testimony of the doctor showed that the victim was approximately 16 weeks pregnant. In the event the victim had developed relationship with anyone else apart from the appellant then she would have revealed the same to her parents since she had enough courage to declare her relationship with the appellant to her parents. Therefore, the possibility



of involvement of any other person in impregnating the victim was ruled out.

31. Furthermore, the trial Court went on to hold that since the appellant had been rounded up on the very day itself as per the testimonies of PW-1 and PW-4, there was no chance of false implication. It held that the dying declaration recorded before the Magistrate had more evidentiary value and after recording the said declaration, an FIR was lodged by the Investigating Officer. The dying declaration Exhibit PW-8/C was recorded by the Magistrate at 1:45 pm in which the victim disclosed the name of the appellant as Raj, working with H.S. Nanda. From the testimony of the PW-4 (Chachi), it appeared that the appellant was rounded up by the police on the same day of occurrence by the time she reached the police station between 4-5 pm. Therefore, it could not be presumed that within two hours of recording the dying declaration of the victim, the Investigating Officer could implicate the accused-appellant by concocting a full-fledged story of love affair between the appellant and the deceased and of setting her ablaze by the appellant. Therefore, it came to the conclusion that it was more probable that two names that had come up in two different statements of the deceased victim were of the same person. The Investigating Officer during his cross-examination also stated that the appellant during his interrogation had admitted that he was known as Raj also. Even though the statement of the accused-appellant recorded in custody, is not admissible under the Indian Evidence Act, 1872 but as the Investigating Officer while appearing before the Court deposed that in front of him and other senior officers, the deceased on October 11, 2012 revealed that she used to call the appellant



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Gopi Ghai as Raj out of love and affection, the said deposition was corroborated by the testimony of PW-13.

32. Moreover, the trial Court discarded the evidence given by DW-1 and DW-2 since they were local Councillors and were unable to answer any personal questions regarding *Gopi Ghai*-appellant. DW-3 who stated that he lived near the house of *Gopi Ghai*, did not know the house number of the appellant and admitted that he was not summoned as a witness and had come to depose on the asking of one Bittu Pradhan. Therefore, it held that that the testimonies of DW-1 to DW-3 did not inspire confidence. Furthermore, as DW4 was a paternal aunt of the appellant her testimony was discarded, being an interested witness. The trial Court also held that the fact that DNA testing could not be conducted by FSL Chandigarh and by FSL Madhuban and the samples were returned to the MHC and gotten lost from the refrigerator of police malkhana also did not favourably help the appellant's case. The argument raised by defence counsel with regard to intentional loss of sample as the police apprehended mismatch, was of no substance as had that been the case then the samples would not have been sent to two different Forensic Science Laboratories, in the first place.

33. The trial Court refused to accept the contention of defence counsel regarding the investigation being defective as no entrance was shown to the vacant plot in the site plan prepared by the Investigating Officer, where the alleged occurrence had taken place. It held that even though no entrance to the vacant plot where the occurrence took place was shown in the site plan, but considering the testimonies of PW-1/father as well as PW-2/investigating Officer, it has come to light that the wall



surrounding the vacant plot was demolished at one place and therefore it could be easily inferred that the victim and the appellant entered the plot through the demolished place on the wall.

34. In the present case, though there was no direct evidence to connect the appellant with the murder of the victim but there was strong circumstantial evidence which connected the appellant to the offence. The testimony of PW-13/H.S.Nanda clearly indicated that the appellant was working under him and he portrayed himself as Raj to someone else while conversing on his mobile phone. No suggestion was put to him whether any other person was working under him by the name of Raj. The dying declaration given to the Magistrate clearly implicated Raj and one other person working under H.S. Nanda and not the property dealer H.S.Nanda himself. The testimonies of PW-1 and PW-4 along with the dying declarations indicated that the appellant had a motive to pour kerosene over the victim and set her ablaze.

35. The trial Court also held that the investigation was very poor as despite the victim stating that two boys working under H.S. Nanda had set her ablaze, the name of second accused did not see the light of the day and no effort was made by the Investigating officer to trace out the second accused. Furthermore, H.S. Nanda was never joined in the investigation and no statement was recorded by him under Section 161 Cr.P.C during the entire investigation. No direct evidence was collected by the investigating officers during the investigation to establish that the appellant was also known as Raj. Even though PW-11/the other Investigating Officer who had conducted partial investigation, during his testimony in the Court deposed that the victim had disclosed to him in the presence of other senior officers



that she used to call the appellant Raj out of love and affection but no statement of the deceased to that effect was recorded by the Investigating Officer. Furthermore, the site plan was defective and did not reflect the accurate picture of the place of occurrence as there was no opening to the plot. The trial Court held that the quality of investigation showed very sorry state of affairs and a copy of the judgment was sent to the Commissioner of Police to take appropriate action against the investigating officers being PW-2 and PW-11.

36. It further went on to hold that the conduct of the persons in charge of the Forensic Science Laboratories Chandigarh and Madhuban also indicated a depressing state of affairs as such important samples which had been sent for DNA sampling should not have been returned by the FSLs for technical reasons.

POINT NO.2

37. On point No.2, the trial Court held that the accused had the *mens rea* of murdering the victim since he brought kerosene to the vacant plot, tied the victim's mouth with chunni to prevent anyone witnessing the occurrence or hearing her shrieks and then sprinkling kerosene oil all over and setting her ablaze with the intention to kill the victim who was pressuring the appellant to marry her. Therefore, the appellant was convicted for committing the offence under Section 302 IPC.

POINT NO.3

38. Since there was no evidence on record indicating that the appellant used his dominant position due to his caste and sexually exploited the deceased, he was acquitted of having committed offence under Section 3 of the SC/ST Act.



ANALYSIS OF EVIDENCE

39. After the evidence of Dr. Davinder Kumar (PW-6) was complete, the prosecution made an application under Section 311 Cr.P.C for recalling the witness. The said application was allowed by learned Additional Sessions Judge on August 12, 2013. From the initial statement of PW-6 given on May 29, 2013, it appears that he had declared the patient to be fit to make statement at around 12:00 noon. Furthermore, he declared the patient to be fit to make the statement at about 12:56 pm before the Magistrate. The big toe of the right foot impression was marked at point 'B'. He certified that the victim remained fit throughout the period when her statement was recorded by the Magistrate. The said certificate was given by him at 1:04 pm.

40. PW-6 further deposed in the cross-examination that the victim was admitted in the female ward which was on the first floor. He was on emergency duty that day on the ground floor. When the Investigating Officer recorded the statement of victim under Section 161 Cr.P.C he was not present and only attested the statement after it was recorded by the Investigating Officer. The said attestation was done by him when he was present in the emergency department on the ground floor. However, when the Judicial Magistrate recorded the statement of victim, he was present throughout with the Magistrate.

41. Upon being recalled as a witness on August 24, 2013, PW-6 deposed that the Investigating Officer-PW2 did not get any statement recorded by him regarding the statement made by the deceased in front of the Investigating Officer-PW2. At that stage, prosecution requested the Court to declare PW-6 hostile as allegedly he was suppressing the truth.



The said request was allowed by the trial Court. The Investigating Officer ASI Baljinder Singh-PW2 reiterated that the statement of deceased Exhibit PW-2/C was marked by the big toe on her right foot which was attested by the doctor/PW-6 at point 'A'.

42. In cross-examination conducted by the Additional Public Prosecutor for the State, PW-6 deposed that he never suffered any statement to the police which was marked as 'A'. Had he suffered a statement before the police marked 'A', then his signatures would have been obtained by the police on it. It was neither a fact nor had he stated to the police that the victim deposed that around 6:00 am, she was going to work and appellant- *Gopi Ghai* with whom she was having relationship for the past one year worked with H.S. Nanda, tied her mouth with dupatta, poured kerosene oil upon her, set her on flames and ran away. He had not suffered a statement stating that since the victim was forcing the appellant to marry her, she had been burnt by the appellant and it was true that a doctor was required to be present with the police at the time of recording the statement of patient who suffered 96% burn injuries but he was not present during such recording. The Investigating Officer had informed him that he was waiting at the hospital for the Duty Magistrate to arrive for recording the statement under Section 164 Cr.P.C.

43. It is not lost to the mind of this Court that only in the purported statement recorded before the Investigating Officer-PW2 under Section 161 Cr.P.C the victim mentioned the name of *Gopi Ghai*-appellant working for H.S. Nanda. In the statement recorded under Section 164 Cr.P.C before the Magistrate, there is no mention of *Gopi Ghai*-appellant working for H.S. Nanda. The victim in statement under Section 164 Cr.P.C mentioned two



persons who teased her and she had beaten them up. One person out of the said two persons was Raj who worked for H.S. Nanda. The victim never revealed having any love affair/relationship with Raj. The Investigating Officer neither tried to record any statement of H.S. Nanda during the course of investigation nor brought any evidence on record to show whether any person by the name of Raj was working for H.S. Nanda. No investigation has also been made with regard to identity of the second person who accompanied the said Raj on the date of occurrence.

44. From the evidence of PW-1/father of the victim, it appears that his daughter was aged about 17 years and had love affair with one boy named *Gopi Ghai* for the past one year. The said boy named *Gopi* was the accused before the trial Court and appellant herein. The appellant had refused to marry the victim on the ground that he belonged to Khatri caste whereas the victim belonged to Valmiki caste. The victim used to go to work at 6:00 am and get back from work at 8:30 am after getting milk from Mangal dairy. It is the appellant who murdered his daughter in a plot by pouring kerosene oil on her and setting her ablaze. He had identified the dead body of his daughter.

45. In cross-examination, he deposed that he was not at home when he received a telephonic message from his brother regarding the incident and reached home within half an hour. By that time he reached home, the dead body of his daughter had been taken by the police and he had seen the dead body of his daughter in the civil hospital only. His daughter had informed him about her relationship with the appellant but when he had approached the boy's parents for her marriage, his request was not accepted. After that he had warned his daughter not to keep any



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relationship with the appellant. He admitted that his daughter was alive and she was admitted to the Civil Hospital and the appellant was arrested on the same day. The police had also assured that the remaining persons would be arrested later on. He stated that after seeing his daughter he turned back and did not talk to her as she was badly burnt, even though she was in a position to speak. He stated that he was not aware whether or not in the statement made before the Magistrate, his daughter had named *Gopi Ghai* nor had he ever met H.S. Nanda nor was he aware as to whether his daughter had beaten up the two boys with chappal, which were referred to in the statement recorded under Section 164 Cr.P.C. He further deposed that the plot that has been referred to as the place of occurrence was bounded by six feet high boundary wall and there was no door or window to the same but a portion of the boundary wall was broken from the side. It was also true that the plot was surrounded by residential house on all the sides. Admittedly, the police had not recorded any statement from the people who were residents of the area surrounding the plot. He also deposed that he was not aware as to whether his daughter reached the house where he was working as maid, on the date of occurrence.

46. From the statements made by the victim's father, it appears that the victim was in a relationship with *Gopi Ghai*-appellant and the appellant refused to marry her. Therefore, he surmised that it was *Gopi Ghai* who was responsible for sprinkling kerosene oil on his daughter and setting her ablaze even though in her dying declaration under Section 164 Cr.P.C, the victim had stated two boys had followed her and she beat them up with chappals for harassing her. Out of said two boys, one boy named Raj worked for the property dealer- H.S. Nanda, both boys were responsible



for gagging her mouth with duppatta, poured kerosene oil on her and set her ablaze. Nowhere from the statement under Section 164 Cr.P.C can be proved that *Gopi Ghai* and Raj are one and the same person or that the victim had any relationship with the boy called Raj who worked for H.S. Nanda.

47. PW-2/ASI Baljinder Singh deposed that after getting the Certificate of Fitness from PW-6/Dr. Davinder Kumar, he recorded the victim's statement under Section 161 Cr.P.C and the same was exhibited as Exhibit PW-2/C. The said statement was stated to be recorded in the presence of PW-6, who had signed the statement at point 'A'.

48. It is of great significance to note that during the initial cross-examination on May 29, 2013, the doctor did not state that the statement under Section 161 Cr.P.C was recorded in his presence. Thereafter, he was recalled as a witness in August, 2013, when he was declared hostile. PW-6 Dr. Davinder Kumar categorically stated that neither the police requested for his presence during the recording of statement under Section 161 Cr.P.C nor was he present at that time when the said statement was recorded. He was on the ground floor in the emergency department whereas the victim was admitted on the first floor in the female ward. Had the statement been recorded in the presence of doctor, his signatures would have appeared at point 'A' of the statement where the victim purportedly made an impression with the right big toe.

49. PW-2 deposed that he recovered one pair of chappals from the street where the prosecutrix's house was situated. He conducted a raid on October 06, 2012 (date of occurrence) at the house of the appellant but he was not present there. On October 08, 2012, he again conducted a raid at



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the house of the appellant but after seeing the police, he ran away. He was apprehended in the street with the help of the police officials. He was arrested on October 08, 2012 and produced in the Court on the next date when he was remanded to police custody. On October 10, 2012, a request was made for conducting a pregnancy test of the prosecutrix and to conduct a test to find out whether or not the victim was raped. On October 15, 2012, the blood sample of the appellant was taken for conducting DNA test in a sealed condition. However, the same could not be done by the FSL, Chandigarh as it did not have the kit for conducting such test and the sample from FSL, Madhuban was returned since permission from DGP, Haryana was required to be obtained. Since the said permission was not obtained, the sample was sent back to the MHC and the same got lost from the refrigerator of the malkhana.

50. From the cross-examination of PW-2, it appears that the chappals which were purportedly recovered from the street where the victim's house belonged had not been put in a sealed parcel but were kept in an open plastic envelope. The said chappals were stated to be recovered from the street and not from the vacant plot which was the alleged place of occurrence. No particulars were mentioned on the said chappals and only a chit was pasted with tape mentioning the FIR number. Admittedly the said chit could be removed and re-affixed. PW-2 further admitted that it was correct that the name of *Gopi Ghai* was not mentioned in the statement recorded by the Magistrate under Section 164 Cr.P.C but volunteered to state that the offender was working with H.S. Nanda. However, he did not record any statement of H.S. Nanda in the case nor collected any record from his office in order to prove that the appellant *Gopi Ghai* was working



in his office. He again reiterated in cross-examination that Exhibit PW-2/C was recorded by him as well as by the doctor and apart from it, no other statement of the victim was recorded by the doctor. He denied the fact that nothing was asked by PW-6/Dr. Davinder Kumar to the prosecutrix and the doctor merely stated that the prosecutrix had deposed only in the presence of the Investigating Officer. He denied that doctor was not present at the time when Exhibit PW-2/C was recorded.

51. It clearly transpires from the cross-examination that the Investigating Officer did not collect any documentary evidence to show that *Gopi Ghai* and Raj were the one and the same person. It was only on the basis of the voluntary statement of accused-appellant during his interrogation it was disclosed that he was also known as Raj. Thereafter, the appellant was arrested and challaned. PW-2/Investigating Officer deposed that the appellant was not arrested on the date of occurrence. Even though the police had visited the office of H.S. Nanda, who was also known as Harjit Singh Raja, no effort was made to record his statement. It also transpires from the cross-examination that H.S. Nanda, known as H.S. Raja was a rich person and the appellant-*Gopi Ghai* was a labourer even though he denied being pressurized by influential political members for arresting the appellant.

52. PW-4, Nisha/aunt (Chachi) of the victim deposed that the appellant- *Gopi Ghai* had poured kerosene oil on her niece (victim) as she had love affair with him and he did not want to marry her as she belong to a scheduled caste and appellant belong to a khatri caste. In her cross-examination, she stated that she was not aware as to who had taken the deceased to CMC Hospital. She was not aware as to whether *Gopi Ghai*



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worked for H.S. Nanda as she did not know who H.S. Nanda was. She also stated that she had visited the police station with other mohalla people on October 06, 2012 (the date of occurrence) and saw the appellant in the police station on the same day. The accused-appellant was behind the bars in the police station at that time. The deceased never disclosed about being followed by two boys whom she had beaten up. The deceased could speak slowly and slightly during the initial period and when she was shifted to CMC Hospital, she could speak clearly. She admitted that even though the deceased recorded the name of Raj in her statement but she had never spoken to her about the boy named Raj and she was unaware as to who Raj was and where he belonged. The deceased only talked about one boy to her. She further stated that the deceased did not have any dispute with any boy and she had never met the appellant-*Gopi Ghai*. She had seen *Gopi Ghai* for the first time in the police station on October 06, 2012 (the date of occurrence).

53. There are material inconsistencies in the evidence of PW-1, PW-4 *vis-à-vis* the evidence of PW-2. Investigating Officer/PW-2 repeatedly stated that even though there was a raid in the house of the appellant on the date of occurrence but he could not be apprehended then. It was only on October 08, 2012, that the accused-appellant was apprehended. However, both PW-1 (father of the victim) and PW-4 (aunt of the victim) had deposed that when they went to the police station on October 06, 2012 (the date of occurrence) the police had already apprehended the appellant. They have seen the appellant inside the police lock up and the police assured them that the rest of the accused will be apprehended soon. The contradictory deposition raises a reasonable doubt in the mind of this Court



about the identity of the person being established. PW-4 admittedly never met the appellant. PW-1 had deposed that he had been to the appellant's house for marriage proposal of his daughter but also has not stated whether he knew the appellant personally or had seen him before. Therefore, the statements of prosecution witnesses suffer from material inconsistencies in connecting *Gopi Ghai* to the commission of the offence.

54. PW-13 H.S. Nanda was admittedly not questioned during investigation even though in the statements recorded under Sections 161 and 164 Cr.P.C, the victim specifically mentioned that perpetrators of the crime worked for H.S. Nanda. The said H.S. Nanda was produced as a witness during the course of trial upon an application moved by the prosecution under Section 311 Cr.P.C seeking his summoning, being allowed. He deposed that the appellant *Gopi Ghai* used to work for him for the past three years at his marriage palace and prior thereto, his father worked for him at his property dealing office. He used to call the appellant by the name of *Gopi Ghai*. However, one day while going to the city, the appellant accompanied him in a car when the appellant-*Gopi Ghai* had received a call. He was unaware as to who had made the said call but the appellant-*Gopi Ghai* held himself out as Raj while speaking on the phone. Upon enquiry as to why he was holding himself out as Raj, the appellant refused to reply and immediately disconnected the phone. To this extent he was only a chance witness.

55. In cross-examination, he admitted that he had not recently dealt with any property, however, long time back the appellant helped him to sell one of his properties. Even though he was an income tax assessee, he did not show the names of his employees or the expenditure relating to



them in his income tax returns. He never maintained any record of his employees and therefore, there was no record relating to employment of the appellant with him. He further admitted that he did not remember the exact name of the petrol pump where he overheard the telephonic conversation of the appellant but it was situated on G.T. Road, Basti Jodhewal chowk. However, he had no record to show the purchase of diesel on the date of the said conversation. Moreover, the witness could not also remember the time frame when the said conversation took place.

56. PW-13 further disclosed that the police had not met him in connection with the death of the victim. Then he volunteered to state that the police had visited him to enquire about the appellant and asked him if the appellant worked under him. The police had taken the appellant away from the palace/banquet hall and at the time of getting apprehended, the appellant had called him from the palace. When he visited the police station, the police had informed him about the occurrence. However, he could not remember whether the appellant was arrested on October 06, 2012. It was also revealed in his cross-examination that he was owner of a banquet hall/palace and the employees worked there on *ad hoc*/daily basis, depending upon the requirement. From the statements made by PW-13, it appears that the police enquired of him only with respect to appellant-*Gopi Ghai* and no enquiries were made regarding any other employee by the name of Raj, even though in the statement recorded under Section 164 Cr..P.C, the victim categorically mentioned about two boys, one of whom was Raj, the police neither made any enquiry regarding the identity of the said person nor tried to find out who the second person was. It creates a strong impression on the mind of this Court that the Investigating Officer



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was bent upon connecting the appellant to the offence as it has come on record that the appellant had a relationship with the victim.

57. PW-13 on the one hand stated that the labourers/workers were employed on daily basis as and when required whereas on the other hand, he categorically stated that the appellant worked for him for the past three years. It seems quite unlikely that he distinctly remembered the conversation between one of his daily labourers and a third party that was held at a point in time of which he has no recollection of. PW-13 in his cross-examination stated that *Gopi Ghai* was taken away by the police from his palace and upon receiving a call from the appellant, he visited the police station. However, PW-2/Investigating Officer in his statement stated that on October 08, 2012, when the Investigating Officer along with other police officers reached the appellant's house, the appellant tried to run away and he was apprehended from the street nearby. The inconsistencies in the statement raise a suspicion as to the presence of the appellant ever at the banquet hall of PW-13. The version of PW-2 and PW-13 is again inconsistent with the submissions made by PW-1 (father of the victim) and PW-4 (aunt of the victim) to state that on the date of occurrence i.e October 06, 2012, when they reached the police station they found the appellant was already in custody and the police assured them the other accused would be apprehended shortly and PW-4 had seen the appellant for the first time in the custody on October 06, 2012.

58. The defence had produced four witnesses in order to prove that the appellant and Raj were not one and the same person. DW-1/Chanchal Singh deposed that he was Municipal Councillor from 1997 to 2002 of the ward where the house of appellant was situated. He knew appellant-*Gopi*



Ghai since 1997 and he used to visit the house of appellant's neighbour. It is neighbour Bittu who had introduced the appellant to him. He further deposed that the appellant-*Gopi Ghai* was not known by the name of Raj.

59. DW-2 deposed that he remained Municipal Councillor from 2007 to 2012 of Ward No.3 and the appellant resided near his ward. He had known the appellant for the past 8-9 years and the appellant was not known by any other name apart from *Gopi Ghai*. He stated that since he was a cricket player and the children of his area were his fans even they did not play cricket. The appellant was also his fan even though he did not play cricket.

60. DW-3, a neighbour was examined who deposed that his house was in Ward No.3 and the appellant lived near his house. The appellant was only known by the name of *Gopi Ghai* and not by any other name. In cross-examination, he volunteered to say that the appellant lived on rent in the house of Bittu and his house was only 200-300 yards away from the appellant's house. The appellant was living on the ground floor. The appellant's sister was married. His grandfather had died and his parents were living in the same house. He had known the appellant for the last 8-10 years and the appellant studied at Dhillon Public School. He categorically deposed that *Gopi Ghai* was not known by the name of Raj.

61. DW-4 deposed that the appellant was the son of her own brother and lived 2-3 streets away from her house. The appellant's father used to sell tea in front of the office of H.S. Nanda and said Harjeet Singh Nanda was also known as Raj/Raja. Neither the appellant nor his father worked with H.S. Nanda and since his childhood, the appellant was not called by any name other than *Gopi*. In her cross-examination also, she



stood on her ground and affirmed the statements made in her examination-in-chief.

62. All the four defence witnesses affirmed that the appellant had only one name i.e. *Gopi* and was not called by the name of Raj. Out of all the four defence witnesses, there were three independent ones who were not the family members of the appellant. Out of the three, two witnesses had been Municipal Councillors of the same locality (DW1), neighbouring locality (DW2). The learned trial Court held that there was strong circumstantial evidence on record to establish that the accused-appellant *Gopi Ghai* and Raj were one and the same person. To the mind of this Court, it is not comprehensible how that strong circumstantial evidence was established by the trial Court. The only two pieces of evidence connecting *Gopi Ghai* to the occurrence were (a) the statement under Section 161 of the Cr.P.C. of the victim; and (b) the deposition of PW-13/H.S.Nanda (property dealer). The statement recorded under Section 161 Cr.P.C Exhibit PW-2/C was not admissible in evidence. Further, in the present case it was recorded in the hospital only in front of the police and not in front of any doctor. PW-6/Dr. Davinder Kumar himself deposed that neither had he recorded any statement nor was any statement recorded in his presence nor had he signed at point 'A' of the statement. Therefore, it is perplexing that the trial Court sought to rely on Exhibit PW-2/C, which is inadmissible as evidence to bring home the guilt of the appellant.

63. From the perusal of Exhibit PW-8/C, it appears that two boys were following the victim on October 06, 2012 and since they were teasing her, she had beaten them up with slippers. Thereafter, they caught hold of her, strangulated her, tied her mouth with the duppatta, sprinkled kerosene



oil and set her ablaze. Out of said two boys, one was Raj who worked for H.S. Nanda. The said statement was recorded under Section 164 Cr.P.C by the Magistrate in front of PW-6 Dr. Davinder Kumar. The police neither tried to interrogate said PW-13/H.S. Nanda with regard to the employees working under him nor with regard to the identity of Raj, during investigation. They only enquired regarding the appellant-*Gopi Ghai* to H.S. Nanda and dropped the proceedings against Raj. There is vital link evidence missing, connecting the appellant to the perpetrator of the crime. No material was brought on record by the police to connect Raj with the appellant. How the Investigating Officer came to the conclusion during investigation that the appellant and Raj are one and the same person, is puzzling without causing any investigation on that subject. Significantly, nowhere in the statement recorded under Section 164 Cr.P.C. did the victim state that she was in a relationship with Raj and he had refused to marry her. Strenuous reliance was placed on the statement recorded under Section 161 Cr.P.C of the victim which was purportedly recorded in front of the doctor which was completely denied by the doctor. Relying on an inadmissible piece of evidence, the trial Court had come to the conclusion that Raj and the appellant are one and the same person just because from both the statements it appeared that the appellant-*Gopi Ghai* and *Raj* worked for one H.S. Nanda.

64. PW-13/H.S. Nanda had himself deposed that neither had he maintained any record of the persons/employees working at his banquet hall/palace, nor at the real estate's office from where he deals with his properties. All the persons were working on a daily basis/*ad hoc* basis for him. In the said circumstances, how PW-13 deposed that the appellant



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worked for him for the past three years also raises doubt in the mind of this Court. No details have been given as to where the appellant had accompanied PW-13 and when the said conversation was made by the appellant over phone holding himself out to be Raj. The statements of PW-13 in that regard are completely vague. The same raises serious doubts in the mind of this Court as the identity of the perpetrator being established. The Investigating Officer admittedly caused no investigation as to determine the identity of the appellant and also collected no records from the office of PW-13/H.S. Nanda to check whether the appellant was in PW-13's employment. The fact that the PW-13 incorrectly deposed regarding the appellant being apprehended from his palace is evident as the Investigating Officer deposed that the appellant on October 08, 2012, while trying to escape from his house, was apprehended from the streets.

65. The trial Court came to the conclusion that once H.S. Nanda/PW-13 deposed that the appellant and Raj were one and the same person and the appellant had worked for him for the past three years, the argument raised by the defence counsel became of no relevance as the defence counsel did not put any question to PW-13 with regard to the issue whether there was any other person working under him known as Raj and did not put any suggestion in that regard. It further went on to hold the arguments raised by learned defence counsel were demolished due to dying declarations of the victim.

66. It is trite law that the prosecution has to prove its case first before the defence is required to demolish it. In the present case, the chain of circumstantial evidence is wholly incomplete. Statement recorded under Section 161 Cr.P.C is inadmissible in evidence. Statement under Section



164 Cr.P.C.-PW-8/C does not even mention the appellant's name. Only the name of one Raj is mentioned therein. One prosecution witness i.e PW-13 only deposed that the appellant held himself out as Raj in a telephonic conversation the particulars of which he could not give. The said witness was not even joined in the investigation and could not produce any record to show that the appellant was working for him.

67. As opposed to that, four defence witnesses were produced to demolish the prosecution case. Why the trial Court refused to believe the evidence of the three independent defence witnesses is also beyond the comprehension of this Court. The testimony of DW-4 was discarded as she was aunt of the appellant and could have been an interested witness but the testimonies of PW-1/father of the victim and PW-4/aunt of the victim respectively were accepted *in toto* even though they were relatives of the victim and could have been interested witnesses. The trial Court on one hand held that the investigation was defective and there were serious lapses in the same and on the other hand, it held that the prosecution was able to prove the case beyond any reasonable doubt even though the vital link evidence was missing. The DNA sample was lost from the custody of the police which was a grave act of misconduct on the part of the police.

CASE LAWS

68. In "*Bhim Singh and another v. State of Uttarakhand*" (2015) 4 SCC 281, it has been held that where conviction is to be based on circumstantial evidence there should not be any snap in the chain of circumstances. If there is a snap in the chain, the accused is entitled to benefit of doubt. If some of the circumstances in the chain can be explained



by any other reasonable hypothesis, then also the accused will be entitled to the benefit of doubt.

69. Further reliance is place on a judgment passed by Apex Court in “*Darshan Singh v. State of Punjab*” in *Criminal Appeal No.163 of 2010*, relevant extract whereof is reproduced herein below:

“xxx

9. *There is no eye-witness to the incident. The case of the prosecution rests on circumstantial evidence. The normal approach in a case based on circumstantial evidence is that the circumstances from which an inference of guilt is sought to be drawn must be cogently and firmly established; that those circumstances should be of a definite tendency unerringly pointing towards the guilt of the accused; that the circumstances taken cumulatively should form a chain so complete that there is no escape from the conclusion, that within all human probability, the crime was committed by the accused and they should be incapable of explanation on any hypothesis other than that of the guilt of the accused and inconsistent with his innocence.*

xxx”

70. In the case of “*Uttam v. The State of Maharashtra*” (2022) 8 SCC 576, the Apex Court held that where there are more than two dying declarations, each one must be examined with care and caution and only after satisfying itself as to which dying declaration seems to be free from suspicious circumstances and made voluntarily, the same should be accepted. Relevant extract thereof is reproduced herein below:

“xxx

19. *It is thus clear that in cases where the Court finds that there exist more than one dying declarations, each one of them must be examined with care and caution and only after satisfying itself as to which of the dying declarations appears to be free from suspicious circumstances and has been made voluntarily, should it be accepted. As observed in the judgments quoted above, it is not necessary that in every case, a dying declaration ought to be corroborated with material evidence, ocular or otherwise. It is more a rule of prudence*



that courts seek validation of the dying declaration from attending facts and circumstances and other evidence brought on record. For the very same reason, a certificate by the doctor that the declarant was fit to make a statement is treated as a rule of caution to establish the truthfulness of the statement made by the deceased.

xxx”

71. After examining the statements recorded under Sections 161 and 164 Cr.P.C, this Court is of the considered view that second dying declaration/statement under Section 164 Cr.P.C made before the Magistrate inspires more confidence as the statement recorded under Section 161 Cr.P.C seems to be pre-meditated and well structured and not recorded in front of the doctor. The statement under Section 161 Cr.P.C cannot be made the sole basis of conviction in this case.

72. In the case of “*Irfan alias Naka v. State of Uttar Pradesh*” 2023 SCC Online SC 1060, the three Judge Bench of Apex Court held that the Courts in India followed a pattern whereby they were required to satisfy themselves as to the reliability and truthfulness of a dying declaration before placing reliance upon it. A dying declaration while carrying a presumption of being true must be wholly reliable and inspire confidence. Where there is any suspicion as to the veracity of the same or the evidence on record shows that the dying declaration is not true, it will only be considered as a piece of evidence but cannot be the sole basis of conviction. Several factors which have to be examined are reproduced herein below:

“xxx

62. *There is no hard and fast rule for determining when a dying declaration should be accepted; the duty of the Court is to decide this question in the facts and surrounding circumstances of the case and be fully convinced of the truthfulness of the same. Certain factors below reproduced can*



be considered to determine the same, however, they will only affect the weight of the dying declaration and not its admissibility: -

(i) Whether the person making the statement was in expectation of death?

(ii) Whether the dying declaration was made at the earliest opportunity? "Rule of First Opportunity"

(iii) Whether there is any reasonable suspicion to believe the dying declaration was put in the mouth of the dying person?

(iv) Whether the dying declaration was a product of prompting, tutoring or leading at the instance of police or any interested party?

(v) Whether the statement was not recorded properly?

(vi) Whether the dying declarant had opportunity to clearly observe the incident?

(vii) Whether, the dying declaration has been consistent throughout?

(viii) Whether, the dying declaration in itself is a manifestation/fiction of the dying person's imagination of what he thinks transpired?

(ix) Whether, the dying declaration was itself voluntary?

(x) In case of multiple dying declarations, whether, the first one inspires truth and consistent with the other dying declaration?

(xi) Whether, as per the injuries, it would have been impossible for the deceased to make a dying declaration?

63. It is the duty of the prosecution to establish the charge against the accused beyond the reasonable doubt. The benefit of doubt must always go in favour of the accused. It is true that dying declaration is a substantive piece of evidence to be relied on provided it is proved that the same was voluntary and truthful and the victim was in a fit state of mind. It is just not enough for the court to say that the dying declaration is reliable as the accused is named in the dying declaration as the assailant.

xxx"

73. In that case, the Apex Court set-aside the conviction of the appellant even though there were dying declarations by two deceased which



were sought to be corroborated by the appellant's sister- Soni and held that the prosecution had failed to prove its case beyond reasonable doubt.

74. Since the appellant had married second time and his brothers Irshad (deceased), Nausahd (deceased) and his son Islamuddin (deceased) were opposed to it, it was held by the trial Court that the appellant had locked the room in which three of them were sleeping and set them on fire. The Apex Court after examining the dying declaration of Irsahd (brother) and Islamudin (son), came to the conclusion that the prosecution's case was doubtful and benefit of doubt had to be given to the accused.

75. In the present case also, there is substantial doubt whether the statement was made by the victim in expectation of her death or whether the statement was recorded properly by the Investigating Officer or was a product of prompting or tutoring or leading at the instance of the police. The two dying declarations were not consistent with each other and the first dying declaration does not inspire truth nor is consistent with other dying declaration.

FINDINGS OF THE COURT

76. Under Article 21 of the Constitution of India, the life and liberty of a person is required to be protected. Due to the lapses on the part of police, there is every chance of an innocent person would be convicted and incarcerated and the Courts should be conscious of the life and personal liberty of a citizen.

Article 21 of the Constitution of India is reproduced here under:

“ No person shall be deprived of his life or personal liberty except according to procedure established by law.”



77. In the present case the prosecution has been able to establish that the appellant had a love affair with the victim and the victim got pregnant due to that reason and the victim was pressurising the appellant to marry her but there was no material on record which connected the appellant to the person named Raj who along with another person were the perpetrators of the crime. The structured manner, in which statement under Section 161 Cr.P.C has been written, raises a serious doubt in the mind of this Court as to whether any such statement was ever made by the victim. There was a grave apprehension that a concerted effort was made to connect the appellant to crime and bring home his guilt by establishing his identity as Raj as the appellant may have been in a relationship with the victim.

78. Even if the deposition of DW-4 was discarded by the trial Court for being an interested witness, there was no reason to discard the evidence given by DW-1 to DW-3 who were independent witnesses and rely on deposition of PW-13/H.S. Nanda only when the same suffered from material inconsistencies. Statement of PW-13 with regard to the appellant being Raj was also vague and without any particulars whatsoever. Therefore, the link evidence is incomplete.

CONCLUSION

79. Therefore, this Court holds that the chain of events was not complete so as to prove the guilt of the appellant beyond any shadow of reasonable doubt. The prosecution has been unable to bring home the guilt of the appellant. Consequently, the appeal is allowed. This Court acquits the accused-appellant and he shall be released forthwith, if not required to be detained for any other offence.



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80. Pending criminal miscellaneous application(s), if any, also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

DECEMBER 05, 2024
Shalini

Whether speaking/reasoned : Yes
Whether reportable : Yes