



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

**Reserved on 23.07.2025
Pronounced on: 01.08.2025
CRA-D-1009-DB-2004**

1.

Amarjit Singh and anotherAppellants

Versus

State of PunjabRespondent

2.

CRR-176-2005

Parminder SinghPetitioner

Versus

Amarjit Singh and anotherRespondents

3.

CRR-968-2005

Parminder SinghPetitioner

Versus

Satnam Singh and anotherRespondents

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
HON'BLE MR. JUSTICE H.S. GREWAL**

Argued by : Mr. R.S. Cheema, Sr. Advocate with
Mr. Siddharth Bhukkal, Advocate,
Mr. A.S. Cheema, Advocate and
Mr. Satish Sharma, Advocate
for the appellants in CRA-D-1009-DB-2004.

Mr. P.S. Ahluwalia, Advocate with
Mr. H.S. Randhawa, Advocate
for the complainant in CRA-D-1009-DB-2004 and
for the petitioners in CRR-176-2005 and CRR-968-2005.

Mr. H.S. Deol, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. This order shall dispose of above referred three cases as they all arise out of the same FIR and judgment of conviction, and similar questions of facts and law are involved in them. In CRA-D-1009-DB-2004, the accused appellants are challenging their conviction

while in CRR-176-2005 and CRR-968-2005, the complainant-petitioner is praying for conviction of the other accused persons Satnam Singh and Hardev Singh, who were acquitted vide the impugned judgment, and enhancement of fine awarded to the appellants by the learned Trial Court.

2. For the sake of convenience, the facts are being taken from CRA-D-1009-DB-2004.

3. The instant Criminal Appeal is directed against the judgement of conviction and order of sentence dated 03.11.2004 passed by learned Sessions Judge, Fatehgarh Sahib, whereby appellants Amarjit Singh and Sukhdev Singh, were convicted under Section 302 read with 34 of the IPC, for the murder of Iqbal Singh, and sentenced accordingly.

4. The appellants have assailed the conviction on various grounds, challenging the reliability of the evidence led by the prosecution, contending procedural irregularities, and asserting false implications due to prior litigation. Upon meticulous examination of the evidence on record, the submissions made by learned counsel for the parties, and the reasoning advanced by the learned Trial Court, vide impugned order, this Court finds no reason to interfere with the conviction.

5. The findings and conclusions of this Court are detailed hereinunder:-

(i) As per the case of the prosecution, the FIR (Ex.PA/2), which was lodged by PW-2 Parminder Singh, the brother-in-law of

Iqbal Singh (hereinafter referred to as 'deceased'). On the evening of 11.04.2002, around 6.30 pm, he and deceased were harvesting fodder (*barseen*) in the fields of Ujjagar Singh, when four accused—Amarjit Singh, Sukhdev Singh, Hardev Singh and Satnam Singh—arrived on motorcycles and scooters.

(ii). Hardev Singh and Satnam Singh allegedly raised exhortations (*lalkaras*) to teach deceased a lesson for past quarrels. Hardev Singh is said to have caught deceased by the collar, while Amarjit Singh delivered a *lathi* blow to the back of his head. Sukhdev Singh followed by striking the forehead of the deceased with another blow, leading to his collapse. Even after the fall, the accused continued to inflict injuries, while Satnam Singh and Hardev Singh restrained the deceased. PW-2, Parminder Singh, raised an alarm but was threatened with death. The assailants then fled the scene.

(iii) PW-3, Beant Singh, cousin of the deceased, reportedly arrived as the accused were fleeing. PW-2 Parminder Singh left PW-3 Beant Singh at the spot and went to lodge the report. The FIR (Ex.PA/2) was recorded the same night at 11.30 pm, and a formal investigation ensued. The police recovered blood stained earth, *barseen* (Ex.PF & Ex.PB) datar (Ex.PG), and a pair of slippers (Ex.PD). Post-mortem examination of the deceased was conducted by PW-9 Dr. Baljit Singh, which revealed 31 injuries, including 3 lacerated wounds on the skull and multiple bruises on the body, with fractured ribs and damage to internal organs. Amarjit Singh and Sukhdev Singh were arrested on 21.04.2002, weapons allegedly used in the assault were recovered

pursuant to their disclosure statements (Ex.PW5/D and PW5/E). On completion of investigation, accused Amarjit Singh, Satnam Singh, and Sukhdev Singh were challaned. Accused Hardev Singh was placed in column No.2 of the report under Section 173 of the Cr.P.C.

(iv) The prosecution, in support of its case, examined as many as 11 witnesses, including PW-2 Parminder Singh, PW-3 Beant Singh, PW-9 Dr. Baljit Singh, PW-10 Inspector Harinder Singh, investigating officer PW-4 ASI Rakesh Kumar. In addition, the FSL report (Ex.PX) was also tendered into evidence by the prosecution.

(v) On closure of the prosecution evidence, all the incriminating evidence appearing against the accused during the trial was put to them under Section 313 of the Cr.P.C. to which they claimed innocence and pleaded false implication. In defence, the accused examined DW-1 Indermohan Singh.

(vi) On the basis of the evidence led, the learned Trial Court convicted accused Amarjit Singh and Sukhdev Singh and sentenced them as follows:-

Offence(s) under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
302/34 IPC	Imprisonment for life	Rs.10,000/-	RI for 01 year

(vii) However, accused Satnam Singh and Hardev Singh were acquitted by the learned Trial Court by giving them the benefit of doubt.

Submissions on Behalf of the Accused-Appellants (Amarjit Singh and Sukhdev Singh) in CRA-D-1009-DB-2004

6. Learned Senior Counsel appearing for the appellants has advanced detailed submissions assailing the case of the prosecution as well as supporting the judgement of acquittal qua the two co-accused Hardev Singh and Satnam Singh. At the forefront, it is contended that the FIR was not a spontaneous account of the incident, but a delayed and contrived version. Attention was drawn to the testimony of PW-2 Parminder Singh (the complainant and an alleged eyewitness) who, during his cross-examination, conceded that the police had already seen the injuries on the deceased before his statement was recorded. It was asserted that this witness also admitted to having signed the statement at around 11.30 pm. This, it was urged, clearly undermines the spontaneity of the FIR and gives rise to a strong inference that the same was lodged after due deliberation and post facto tailoring, so as to suit the narrative subsequently advanced by the complainant party.

7. The learned Senior Counsel further contended that the transmission of the special report to the learned Illaqa Magistrate following the registration of the FIR was marked by undue delay and suspicious circumstances, reinforcing the inference of manipulation in the initial stages of investigation.

8. A key pillar of the case of the defence, as projected by the learned Senior Counsel, was that the accused were falsely implicated due to long-standing enmity arising from a land dispute. It was submitted that appellant Amarjit Singh had previously initiated legal proceedings against the deceased for breach of an agreement

concerning land, which formed the genesis of the underlying hostility. The animus between the parties, it was urged, provided a compelling motive for the complainant party to maliciously implicate the accused.

9. Referring once again to the cross-examination of PW-2 Parminder Singh, the learned Senior Counsel submitted that the said witness acknowledged that there existed prior resentment between the parties and further admitted that the accused persons were the only adult male members in their family—making them convenient targets for a false narrative. The implication of even physically infirm individuals such as Satnam Singh, who was admittedly disabled was cited as further evidence of over-implication and contrived prosecution story. This, according to the learned Senior Counsel, pointed unerringly to the false and fabricated nature of the allegations made against the accused persons.

10. Learned Senior Counsel also drew attention of this Court to the testimony of PW-3 Beant Singh, which, it was argued, was inherently improbable and riddled with inconsistencies. Although PW-3 was stated to have been left behind at the scene by PW-2, Parminder Singh, to guard the body of the deceased post-incident, his name strangely did not find mention in the inquest report (Ex.PC) prepared by the police. This omission, it was argued, casts serious doubt on the very presence of PW-3 Beant Singh at the scene.

11. Moreover, it was argued that PW-3 Beant Singh's unfamiliarity with the place of occurrence and the admitted absence of any test identification parade to establish the identity of the

assailants/accused further weakened his credibility. The learned Senior Counsel also invited the attention of the Court to material omissions in the site plan (Ex.PW1/A), particularly the absence of details indicating the position of the eyewitnesses and the location of vehicles at the time of occurrence. These omissions, it was urged, militated against the presence of eyewitnesses at the spot and suggested a stage-managed investigation.

12. It was further submitted that the prosecution case hinges primarily on the testimony of PW-2 Parminder Singh, however, PW-2 Parminder Singh was admittedly not a resident of the same village and was just a close relative of the deceased. He was, therefore, an interested witness. In light of material contradictions in his version and the absence of any independent corroboration, it was argued that exclusive reliance on his deposition rendered the case of the prosecution highly vulnerable.

13. The learned Senior Counsel also pointed out that no clear-cut motive could be established on the part of the accused to commit the crime. On the contrary, the defence had successfully demonstrated a counter motive—namely, a pending civil litigation between the parties—which, if anything, suggested a reason for false implication rather than for the accused to perpetrate the offence.

14. With respect to the medical evidence, it was argued that it did not support the ocular version of the prosecution. Though as many as 31 injuries were noted on the person of the deceased, only 02 were found to be grievous while the rest were characterised as superficial

bruises located on non-vital parts of the body. In such circumstances, the learned Senior Counsel asserted that the applicability of Section 302 of the IPC was seriously contested. At most, it was argued the case, if proved at all, would fall under Section 304 Part II IPC, being an act done without the intention to cause death.

15. It was still further emphasised that as per the Dr. Baljit Singh, PW-9, who conducted the post-mortem on the deceased, the injuries on the body of the deceased were inflicted much earlier in the day, around afternoon, whereas the incident was alleged to have occurred later in the evening. This discrepancy, it was argued, effectively demolished the case regarding the presence of PW-2 Parminder Singh at the time of occurrence and dealt a significant blow to the narrative of the prosecution.

16. Finally, it was argued that accused Satnam Singh and Hardev Singh, despite having been attributed specific roles of restraining the deceased during the assault, were acquitted on the ground of over-implication. The ocular version against them was identical to that of the present appellants. Therefore, it was submitted that the benefit of parity ought logically to have been extended to the remaining accused as well.

Submissions on Behalf of the State and Complainant-Parminder Singh (Petitioner in CRR-176-2005 and CRR-968-2005)

17. The learned State counsel, assisted by learned counsel for the complainant (petitioner in CRR-176-2005 and CRR-968-2005) while opposing the prayer and submissions made by the counsel

opposite, asserted that the impugned judgement and order of conviction came across as a very well reasoned one which did not warrant any interference.

18. It was contended that the First Information Report (FIR) was lodged promptly and without any undue delay, reflecting the spontaneity of the prosecution's version. In the given factual matrix, the presence of key eyewitnesses—PW-2 Parminder Singh and PW-3 Beant—at the scene of occurrence was both natural and convincingly established. It was further argued by the learned counsel that the ocular version presented by PW-2 Parminder Singh, who is the complainant and brother-in-law of the deceased, as well as that of PW-3 Beant Singh, was not only consistent and cogent but also found substantial corroboration in the medical evidence tendered by PW-9 Dr. Baljit Singh.

19. While it was not disputed that PW-2 Parminder Singh was not a resident of the same village, however, it was emphasised that he lived only about 10 kilometres away and thus, his presence could not be doubted and furthermore, he had accompanied the deceased to the fields on the fateful day at the relevant time of occurrence. His presence at the time of the occurrence was, thus, both probable and credible. Merely because he was a relative of the deceased did not render his testimony unreliable particularly, in the absence of any material contradictions or indications of embellishment.

20. The learned counsels further submitted that the learned Trial Court had rightly relied upon the unimpeachable evidence led by

the prosecution. The impugned judgement, it was submitted, demonstrated an application of judicial mind, sound reasoning, and discernment in appreciating the roles assigned to each accused. The appeal, therefore, it was prayed deserved to be dismissed. A prayer was, however, made by the learned counsel for the complainant to set aside the acquittal of accused-Satnam Singh and Hardev Singh (respondents in CRR-968-2005) in view of the cogent and convincing evidence led during trial against them. The presence of the accused/respondents stood proved as the prosecution witnesses stood their ground during trial. Both these accused/respondents came to the spot along with the convicted accused and, therefore, it left no manner of doubt about their complicity in the crime in question.

Findings of the Court

21. We have heard learned counsel for the parties and perused the relevant material on record including the impugned judgment with due care and circumspection.

22. The genesis of the prosecution case stems from the prompt statement of PW-2 Parminder Singh, the complainant and brother-in-law of the deceased. As per the FIR (Ex.PA/2), the occurrence took place around 6.30 p.m., when the deceased accompanied by PW-2 Parminder Singh, was harvesting fodder in the fields of PW-7 Ujjagar Singh. It is alleged that the four accused persons, including the two who were later acquitted by the learned Trial Court, arrived at the scene armed with *lathis* and launched a violent assault on the deceased.

23. PW-10 Inspector Harinder Singh reached the spot and

recorded the statement of PW-2, Parminder Singh, prepared the site plan (PW-1/A), collected blood stained earth, a pair of *chappals*, a *datar* and fodder and subsequently registered the FIR the same night at 11.30 p.m. The special report was despatched to the Magistrate promptly at 11.55 p.m.—a delay that is both marginal and adequately explained by the complainant's initial act of informing his sister.

24. The post-mortem conducted by PW-9 Dr. Baljit Singh at 12.15 a.m. on 12.04.2002 revealed a total of 31 injuries on the body of the deceased including :

- (i) 03 lacerated wounds on the head and facial region—including the left forehead, left eyebrow and right peritoneum region;
- (ii) extensive reddish blue bruising across the back, shoulders, abdomen, thighs, buttocks and chest;
- (iii) multiple abrasions including near the umbilicus;
- (iv) fractures of the 6th and 7th ribs of both the right and left sides of the chest cavity.

25. PW-9 Dr. Baljit Singh categorically opined that the injuries were inflicted by a blunt object, like a *lathi*, and that the cumulative effect—particularly the head injuries and fractured ribs—was sufficient in the ordinary course of nature to cause death.

26. The contention of the learned Senior Counsel that the doctor had opined that the incident occurred sometime in the afternoon is based solely on a suggestion put to Dr. Baljit Singh (PW-9) during his cross-examination. In response, this witness merely stated that the possibility could not be ruled out. At no point did he offer any

definitive opinion ruling out the possibility of the occurrence having take place at around 06:30 p.m.

27. The medical findings, thus, lend unequivocal support to the case of the prosecution of a sustained, brutal, and intentional assault. The multiplicity, nature, and distribution of the injuries entirely negate the defence of a single blow incident or sudden provocation and rather suggest a premeditated attack executed with lethal force.

28. PW-2 Parminder Singh gave a clear, consistent and natural account of the incident. His presence at the site is explained and is not rendered doubtful merely because he was not a resident of the same village. The law is well settled that merely on account of relationship with the deceased, it would not discredit a witness *ipso facto* especially when corroborated by unimpeachable medical and forensic evidence. The site plan and the recovery of material objects from the place of occurrence further supports his version.

29. PW-3 Beant Singh, though arriving at the scene shortly after the assault, testified in a manner that reaffirmed the core narrative of the prosecution. His testimony, despite minor inconsistencies, aligns with the principle that truth in rural criminal litigation often bears the stamp of spontaneity rather than perfection. His omission from the inquest report is not fatal and does not dent the reliability of his testimony.

30. The learned Trial Court's appreciation of evidence stands on sound legal and factual footing. It correctly appreciated the nature and gravity of the injuries, took note of the intention evident from the

targeted assault on vital organs, and rightly inferred that the appellants had the knowledge that death was likely to result from their act.

31. The contention that the injuries were mostly bruises misconceives the settled principle that even blunt force trauma, when applied repeatedly and on vital areas, can be fatal. It is not the label of the injury that matters but the effect—and here, the evidence of death caused due to cumulative trauma stands proved. We note that while there may be certain lapses in the investigation—such as the absence of reports from the FSL or precise marking of positions in the site plan—such shortcomings do not, in our considered view, vitiate the entire trial or impeach the core of the case of the prosecution. The law is clear that unless prejudice is demonstrable and the foundational prosecution evidence is eroded, such lapses cannot be grounds for acquittal.

32. The contention that a prior land dispute casts doubt on the prosecution version cuts both ways. In fact, it furnishes possible motive and does not, in the face of direct evidence, support a theory of false implication. Importantly, the acquittal of two of the accused namely Hardev Singh and Satnam Singh reveals that learned Trial Court's calibrated approach, indicating that the conviction was not rooted in mere suspicion or general enmity, but in specific and proved participation.

33. The assailed judgement manifests a reasoned and judicious appraisal of all material evidence. It appropriately balanced the testimony of eyewitnesses with medical findings and documentary evidence, while also exercising caution in acquitting two of the co-

accused. Such discernment further fortifies the legality and correctness of the judgement under challenge. Accordingly, the Criminal Appeal filed by appellants-Amarjit Singh and Sukhdev Singh is dismissed.

34. Coming next to the Revision Petitions filed by the complainant for enhancing the fine and as well as setting aside the acquittal of the accused/respondents-Satnam Singh and Hardev Singh. This Court finds no merit in these petitions and is not inclined to accept them. The learned Trial Court has passed a well-reasoned order and correctly distinguished between the culpability of the convicted-Amarjit Singh and Sukhdev Singh and acquitted accused/respondents-Satnam Singh and Hardev Singh. The impugned order does not warrant interference by this Court. Consequently, the Revision Petitions filed by the complainant are also dismissed.

(MANJARI NEHRU KAUL)
JUDGE

(H.S. GREWAL)
JUDGE

01.08.2025
Vinay

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No