

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRA-D-321-DB-2004 (O&M)
Date of Decision:-26.5.2025

Sukhwant Kaur ... Appellant

Versus

State of Punjab ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Viren Sibal, Advocate as Amicus Curiae for the appellant.
Mr. Siddharth Attri, AAG, Punjab.

GURVINDER SINGH GILL, J.

1. The appellant – Sukhwant Kaur assails judgment dated 2.12.2003 passed by learned Additional Sessions Judge, Amritsar, wherein learned Trial Court while holding her guilty of having committed offences punishable under Sections 302 & 201 of Indian Penal Code, sentenced her as under:

Offence(s)	Imprisonment	Fine	In default of payment of fine
302 IPC	Life imprisonment	Rs.2,000/-	R.I for 6 months
201 IPC	Three years	Rs.500/-	R.I for 1 month

2. The matter arises out of FIR No.154 dated 6.7.2002 registered at Police Station Jandiala, under Sections 302, 201 and 34 of Indian Penal Code



(Ex.PC/2) at the instance of Bachan Singh (PW-2). The translated gist of his statement (Ex.PC/1) leading to FIR is reproduced herein-under:

“I am a resident of Village Ajaibwali. I have solemnized two marriages. My second marriage was with Gango and out of the said wedlock I have three sons and a daughter, all of whom are married. Out of them, my son Hansa Singh @ Kabal Singh was married about 22-23 years ago to Sukhwant Kaur @ Sukho resident of Village Kotla Bathungarh, P.S. Jandiala. My son Hansa Singh started residing separately at Village Kotla Bathungarh with his wife and had constructed a separate house after purchasing land in the said village. His two sons and a daughter were born in Village Kotla Bathungarh. His eldest son is named Raju and younger to him is his daughter Sunita and youngest is Angrej Singh. My son Hansa Singh was employed as a crane truck driver at Amritsar. In the month of February this year, my daughter-in-law Sukhwant Kaur @ Sukho sent a message to me and to other relatives that Hansa Singh had met with an accident and had died in a hospital at Panipat and that the police had cremated his dead-body being unclaimed. We and our relatives performed the last rites of the deceased and also participated in the ‘bhog’ ceremony of Hansa Singh. Today, I have come to know that Hansa Singh was killed by my daughter-in-law Sukhwant Kaur @ Sukho and the dead body had been buried near a pond near her old house so as dispose of the same. My daughter-in-law has committed murder of my son Hansa Singh and had kept the said fact concealed from us. I have made a complaint. Action be taken.”

3. The aforesaid statement Ex.PC/1 was recorded by Deputy Superintendent of Police Bakshish Singh (PW-15), when the complainant Bachan Singh (PW-2) met him during the course of patrolling at Adda Manawala. The aforesaid statement was sent to the police station for lodging FIR (Ex.PC/2). PW-15 Deputy Superintendent of Police Bakshish Singh proceeded to Village



Bathungarh and visited the house of Sukhwant Kaur, which was found to be lying closed. Upon making inquiries he was informed that Sukhwant Kaur had left the house about 2-3 days back.

4. It is further the case of prosecution that Sadha Singh (PW-3) met DSP Bakshish Singh (PW-15) and got his statement recorded to the effect that Sukhwant Kaur and Tarsem Singh had been seen by him at a tea shop at Adda Tangra and upon hearing their conversation he gathered that Tarsem Singh had brought some poisonous substance, which was administered by Sukhwant Kaur @ Sukho to Hansa Singh through his meals and that after having meals Hansa Singh had died in the morning. Sadha Singh further disclosed that Tarsem Singh had gone to the house of Sukhwant Kaur @ Sukho in the morning and the dead-body was wrapped in a '*parali*' (straw) and was further wrapped in a gunny bag and was thrown in a pond at the back of the old house of Sukhwant Kaur. It was pursuant to the said statement that Sukhwant Kaur and Tarsem Singh came to be nominated as accused.
5. It is the case of prosecution that when DSP Bakshish Singh again visited Village Buthangarh on 7.7.2002, Member Panchayat Chanchal Singh produced both the accused Sukhwant Kaur and Tarsem Singh and the said Chanchal Singh informed that both the accused had confessed their guilt. When DSP Bakshish Singh interrogated Sukhwant Kaur she disclosed that she with the help of Tarsem Singh had thrown the dead-body of her husband in the pond and she knew about the same and could get it recovered. The said disclosure statement (Ex.PJ) was taken down in writing and attested by Head Constable Tarlochan Singh and Assistant Sub Inspector Baljit Singh. DSP Bakshish Singh interrogated Tarsem Singh as well. The Executive Magistrate



and doctor were contacted and digging work commenced on 8.7.2002, but on the said day the dead-body could not be traced and it was on the next day i.e. on 9.7.2002 that they were able to take out the dead-body with the help of labourers. A crane was also called. The dead-body was cleaned by the doctor. A bracelet was recovered from the gunny bag on which 'Hansa Singh' was written in Punjabi language. Inquest proceedings were conducted. The dead-body was identified by Salwinder Kaur (PW-4). Dr. Sumit Singh (PW-13) and Ajit Singh, Naib Tehsildar (PW-12) were also present and the recovery memo Ex.PP was attested by them. A rough site plan (Ex.PR) of the place of recovery of dead-body was prepared. The dead-body was photographed and was sent for post-mortem examination, as per which Hansa Singh had been poisoned to death as aluminum phosphate was found in the viscera.

6. Upon conclusion of investigation, challan was presented against the accused in the Court of learned Judicial Magistrate 1st Class, Amritsar on 18.9.2002, who committed the case to the Court of Sessions vide commitment order dated 10.10.2002. Learned Additional Sessions Judge, Amritsar framed charges against the accused for offences under Sections 302 and 201 of Indian Penal Code on 30.10.2002 to which the accused pleaded not guilty and claimed trial.
7. The prosecution, in order to substantiate the charges framed against the accused, examined as many as 15 PWs. The gist of their testimonies is being briefly referred to herein under:-

PW-1 Dr. Gurmanjit Rai, Lecturer, Forensic Science, Government Medical College, Amritsar stated that on 10.7.2002 he alongwith Dr. Amarjit Singh conducted the post-mortem on the dead-body of



Hansa Singh @ Kabal Singh. Dr. Gurmanjit Rai proved the post mortem report as Ex.PA and opined that the cause of death was poisoning with 'aluminum phosphate', which was sufficient to cause death in ordinary course of nature.

PW-2 Bachan Singh, who is complainant in the present case, stated that Hansa Singh was his son from his second wife and that Hansa Singh had been residing in the village of his in-laws i.e. at village Kotla Bathungarh and had purchased some land there and constructed a house. He further stated that Hansa Singh had been blessed with three children. He stated that his wife Sukhwant Kaur @ Sukho sent a message to him that Hansa Singh had gone to Panipat and had died in a road accident and that the police had cremated his dead-body being unclaimed and that they had performed the last rites. PW-2, however, stated that he had not made any statement to SHO Bakshish Singh and had never stated that Sukwant Kaur had administered poison to her son or that the dead-body had been concealed in the pond. The said witness was declared hostile and was permitted to be cross-examined by learned Public Prosecutor.

PW-3 Sadha Singh stated that he is illiterate and that about 6 months back, he had gone to Patwari at Tangra and had tea alongwith him at the tea shop and that he did not see the accused taking tea and had not heard any conversation between the accused. The said witness was also declared hostile and was permitted to be cross-examined by learned Public Prosecutor.

PW-4 Salwinder Kaur, sister of deceased Hansa Singh, stated that Hansa Singh was her real brother, who had been residing at Village Kotla



Bathungarh. She stated that son of Hansa told her that Hansa Singh had died near Panipat and that she remained with the family of Hansa Singh for two days, but nothing much was disclosed to her and that Sukhwant Kaur, however, told her that Hansa Singh had sustained injuries and that some unknown person had taken away the dead-body. PW-4 further stated that later on the dead-body of Hansa Singh was fished out of pond in the village and that the said place from where dead-body was recovered was pointed out by the accused. PW-4 stated that she came to know that Hansa Singh had been killed by administering poison to him and that Sukhwant Kaur had disclosed that on account of her illicit relations with Tarsem Singh, she had killed her husband Hansa Singh. She further stated that some other persons of the village were also present when the dead-body was taken out from the pond and that she had identified the dead-body.

PW-5 Buta Singh stated that he was married at Village Ajaibwali, P.S. Kathunangal and that Salwinder Kaur is his wife and that Hansa Singh was his brother-in-law. He stated that Hansa Singh was residing in Village Kotla Bathungarh and that Sukhwant Kaur's brother came to him and informed that Sukhwant Kaur had been arrested by the police in connection with the accident of Hansa Singh and that on 6.7.2002 when he alongwith his wife went to Village Kotla Bathungarh the police dug out the dead-body of Hansa Singh from the pond and he came to know that both the



accused had killed Hansa Singh. He further stated that he had identified the dead-body of Hansa Singh.

PW-6 Head Constable Mahinder Singh stated that on 9.7.2002 the dead-body of Hansa Singh was handed over to him for getting the post-mortem examination conducted from Civil Hospital, Amritsar and that he got the needful done and after the post-mortem examination had been conducted, the dead-body was handed over to Buta Singh.

PW-7 Chanchal Singh stated that he is Member Panchayat of his village and that he does not know or identify the accused as they belong to different village. He, however, stated that on 6.7.2002 both the accused alongwith 2 other persons came to his tubewell at 9 P.M. and that Sukhwant Kaur alongwith 2-3 other ladies disclosed that they had committed a blunder and requested that they be produced before the police. PW-7 stated that he told them to come on the next day at about 11/12 A.M. at Tangra and accordingly he produced them before Inspector Bakshish Singh the next day. He, however, stated that Sukhwant Kaur and Tarsem Singh did not tell him as to what wrong they had committed. The said witness was also declared hostile and was permitted to be cross-examined on behalf of the Public Prosecutor.

PW-8 Hardev Singh, Crane Driver, stated that on 9.7.2002 as per orders of BDPO, Jandiala Block, he had gone to Village Kotla Bathungarh alongwith his crane and had dug the pond to the extent of 8 feet and that the dead-body packed in a bag was taken out from the pond. He further stated that a doctor and Tehsildar were also present there



apart from police officials and that the dead-body was cleaned in his presence.

PW-9 Sarwan Singh, Photographer, CIA Staff, Majitha stated that he had taken photographs of the dead-body of Hansa Singh. He proved the negatives as Exs.PF/1 to PF/11 and the positives as Exs.PF/12 to PF/22.

PW-10 Rishi Ram, Draftsman, District Court, Amritsar stated that he had prepared the site plan Ex.PH by visiting the place of occurrence.

PW-11 Assistant Sub Inspector Baljit Singh stated that on 7.7.2002 he was posted as Incharge of Police Post Tangra and was associated with the police party headed by Inspector Bakshish Singh and that on the said day Chanchal Singh, Member Panchayat Jambowal produced Sukhwant Kaur and Tarsem Singh before Inspector Bakshish Singh. He further stated that Sukhwant Kaur was interrogated in his presence, who suffered a disclosure statement (Ex.PJ) to the effect that after causing death of Hansa Singh his dead-body had been put in a gunny bag and had been thrown in a pond. He further stated that as per the disclosure statement the accused got the dead-body of Hansa Singh recovered on 9.7.2002.

PW-12 Ajit Singh, Naib Tehsildar, Sub Tehsil Tarsikka stated that on 8.7.2002 he was posted as Naib Tehsildar at Sub Tehsil Tarsikka and that he was deputed by SDM Baba Bakala to go to Village Bakunth in connection with recovery of dead-body and when he went there, S.P., Dr. Sumit Goel, SHO Bakshish Singh and DSP Ashok Kumar and other police officials were already there and that



efforts were made in his presence to recovery the dead-body from pond, but the same could not be traced and it was on the next day when a crane was brought to the spot that the dead-body was recovered on the evening of 9.7.2002, which was in a gunny bag. He stated that the dead-body was examined by the doctor and was washed and on his right hand there was a silver bracelet on which 'Hansa Singh' was written. He stated that the dead-body was recovered by Salwinder Kaur, sister of the deceased, and was taken into possession vide recovery memo Ex.PP, which bears his signatures.

PW-13 Dr. Sumit Singh, CHC Tarsikka, District Amritsar stated that on 9.7.2002 he was deputed for duty at Village Uthan Kotla under orders of SMO, Tarsikka and accordingly he went there and from where the dead-body of Hansa Singh was taken out, which was in a gunny bag. He further stated that a white metaled bracelet was worn by the dead-body on which the name 'Hansa Singh' was inscribed and that the dead-body was identified by the accused and other witnesses.

PW-14 Head Constable Gurmit Singh, Police Station Jandiala, stated that on 9.7.2002 Inspector Bakshish Singh had deposited the case property with him which included a vest, a shirt, gunny bag, bracelet etc.

PW-15 Bakshish Singh, Deputy Superintendent of Police, Vigilance, Gurdaspur, who had initially investigated the case and before whom the complainant Bachan Singh had initially got his statement



(Ex.PC) recorded, stated about the proceedings of investigation, which was conducted by him. He proved various documents and memos prepared during the course of investigation.

8. Upon closure of the prosecution evidence, statements of the accused were recorded in terms of provisions of Section 313 Cr.P.C., wherein they pleaded false implication. The accused, however, did not lead any evidence in their defence.
9. Learned Trial Court upon examining and appreciating the evidence brought on record returned its findings to the effect that while the prosecution had failed to establish charges against the accused Tarsem Singh, but held that the charges stood fully established against Sukhwant Kaur @ Sukho and accordingly held her guilty of having committed offences punishable under Sections 302 and 201 of Indian Penal Code vide impugned judgment dated 2.12.2003 passed by learned Additional Sessions Judge, Amritsar.
10. Learned counsel representing the appellant – Sukhwant Kaur, while assailing the impugned judgment, submitted that it is a case based totally on circumstantial evidence, wherein the accused has been nominated without there being any credible evidence to connect her with the alleged occurrence. It has been submitted that although PW-2 Bachan Singh, complainant i.e. father of the deceased and also PW-3 Sadha Singh, who had allegedly overheard conversation of the two accused, had not supported the case of the prosecution at all, but despite the same learned Trial Court proceeded to hold the accused guilty even when another witness i.e. PW-7 Chanchal Singh before whom the accused had allegedly confessed her guilt also did not support the case of the prosecution.



11. Learned counsel representing the appellant further submitted that the dead-body recovered was beyond identification and is alleged to have been identified only from a bracelet on which 'Hansa Singh' was written, which is alleged to have been recovered alongwith the dead-body. Learned counsel thus been submitted that the mere factum of recovery of dead-body would not be sufficient to hold the accused guilty and, under these circumstances, the impugned judgment deserves to be set aside and consequently the accused deserves to be acquitted of all the charges framed against her.
12. On the other hand, learned State counsel submitted that since it is a case where the dead-body was recovered at the instance of the accused and was recovered from a place about which nobody else knew, therefore, the complicity of the appellant is clearly evident. It has further been submitted that the dead-body having been recovered in the presence of Tehsildar and doctor apart from police officials, the same would lend credibility to the factum of recovery at the instance of the accused. Learned State counsel, thus, submitted that the findings of guilt of appellant as recorded in the impugned judgment do not warrant any interference and the instant appeal, as such, be dismissed.
13. We have considered rival submissions addressed before this Court and with the assistance of learned counsel have also perused the record of the case.
14. It is apposite to first of all refer to the medical evidence as regards the cause of death. The prosecution has examined PW-1 Dr. Gurmanjit Rai, who had conducted the post-mortem examination on the dead-body, who has clearly opined that the cause of death was due to aluminum phosphate poisoning. It



is thus apparent that it is not a case of natural death. The cause of death, as opined, is in tune with case of prosecution.

15. Admittedly, there is no eye-witness to the occurrence. However, the prime evidence against the accused would be that she had made one extra-judicial confession before PW-7 Chanchal Singh. PW-7 Chanchal Singh stated that on 6.7.2002 both the accused had come to his tubewell at 9 P.M. and that they disclosed that they had committed a wrong and since he (Chanchal Singh) was known to the police, therefore, they requested him to produce them before the police. Although the witness to some extent resiled inasmuch as he stated that Sukhwant Kaur and Tarsem Singh did not specifically disclose as to what wrong they had committed, but the fact that the production of the accused by Chanchal Singh before the police i.e. before DSP Bakshish Singh stands proved and further the fact that the accused made a disclosure statement before DSP Bakshish Singh to the effect that she with the help of Tarsem Singh had thrown the dead-body in the pond and that she knew about the place and infact the appellant did lead the police to the said place from where the dead-body was recovered from the pond, speaks volumes about her complicity.
16. The proximity of place of recovery of dead-body, which was recovered from a pond near the house of the accused is also very relevant and is in tune with the case of the prosecution inasmuch as it is the case of the prosecution that the accused had poisoned her husband by administering aluminum phosphate in his meals and after he had died, his dead-body was disposed of in a pond at the back of her house, which seems quite probable as it was easier for the accused to have disposed off the dead-body at a nearby place.



17. Given the fact that the entire proceedings of fishing out of dead-body from the canal took place in the presence of PW-12 Ajit Singh, Naib Tehsildar, PW-13 Dr. Sumit Singh and other police officials, who are all independent witnesses and were present at the spot in discharge of their official duties, having been deputed by their seniors, does not leave any room to doubt their presence or credibility at the spot. As such, the factum of recovery of dead-body from the pond at the instance of the accused stands fully established. The dead-body was duly identified by the sister of the deceased i.e. PW-4 Salwinder Kaur and also by PW-5 Buta Singh and the dead-body was found to be wearing a bracelet on which the name 'Hansa Singh' was inscribed. Further the fact that the dead-body was recovered after more than 3 months of the death as the doctor in the post-mortem report has defined the duration between death and recovery to be 3-6 months, leaves much to be explained on the part of the accused inasmuch as the accused being wife of the deceased never came out with any complaint or any explanation regarding disappearance of her husband. It appears that she rather tried to make others believe that her husband had been killed in a road accident and that the dead-body had been cremated by the police being unclaimed. Such like conduct is an additional factor to be borne in mind even though other evidence in the shape of recovery of dead-body at the instance of the accused fully nails the guilt of the accused.
18. As a sequel to the discussion made above, we find that the evidence led by the prosecution fully establishes the guilt of the accused qua both the offences i.e. offences under Sections 302 and 201 of Indian Penal Code. Consequently, the findings of guilt as recorded by the Trial Court do not warrant any



interference and are hereby affirmed. Finding no merit in the instant appeal, the same is hereby dismissed.

19. Necessary Intimation be sent to quarters concerned for effecting arrest of the appellant – Sukhwant Kaur so as to undergo remaining part of her sentence. Case property be dealt with under rules upon expiry of limitation for filing appeal.

(GURVINDER SINGH GILL)
JUDGE

26.5.2025
Pankaj

(JASJIT SINGH BEDI)
JUDGE

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