

2025:PHHC:141431



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-487-DB of 2004
Date of Decision: 14.10.2025

Amrik Singh and others ...Appellants
Vs.
State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE N.S.SHEKHAWAT
HON'BLE MS. JUSTICE SUKHVINDER KAUR

Present: Mr. Akshay Bhan, Sr. Advocate with
Mr. Gurinder Singh, Advocate
for the appellants.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.SHEKHAWAT, J.

1. The appellants have filed the present appeal against the
impugned judgment and order dated 16.04.2004, whereby, the
appellants have been convicted and sentenced as under:-

1. AMRIK SINGH

*(1) Under Section 420 IPC to undergo R.I. for 3 years
and to pay fine of Rs.500/-. In default of payment of fine,
he shall further undergo R.I. for 6 months.*

*(ii) Under section 120-B IPC imprisonment for life and
to pay fine of Rs.1000/-. In default of payment of fine, he
shall further undergo R.I. for 1 year.*

(iii) Under section 467 IPC to undergo R.I. for 3 years and to pay fine of Rs.500/-. In default of payment of fine, he shall further undergo R.I. for 6 months.

(iv) Under section 302 IPC imprisonment for life and to pay fine of Rs.1000/-. In default of payment of fine, he shall further undergo R.I. for 1 years.

2. GURCHARAN SINGH

(i) Under sections 302/120-B IPC imprisonment for life and to pay fine of Rs.1000/-. In default payment of fine, he shall further undergo R.I. for 1 year.

(ii) Under section 120-B imprisonment for life and to pay fine of Rs.1000/-. In default of payment of fine, he shall further undergo R.I. for 1 year.

(iii) Under section 420 IPC to undergo R.I. for 3 years and to pay fine of Rs.500/-. In default of payment of fine, he shall further undergo R.I. for 6 months.

(iv) Under section 467 IPC to undergo R.I. for 3 years and to pay fine of Rs.500/-. In default of payment of fine, he shall further undergo R.I. for 6 months.

3. DARSHAN KAUR.

(i) Under sections 302/120-B IPC imprisonment for life and to pay fine of Rs.1000/-. In default of payment of fine, she shall further undergo R.I. for 1 year.

(ii) Under section 120-B imprisonment for life and to pay fine of Rs.1000/-. In default of payment of fine, she shall further undergo R.I. for 1 year.

(iii) Under section 420 IPC to undergo R.I. for 3 years and to pay fine of Rs.500/-. In default of payment of fine, she shall further undergo R.I. for 6 months.

(iv) Under section 467 IPC to undergo R.I. for 3 years and to pay fine of Rs.500/-. In default of payment of fine,

she shall further undergo R.I. for 6 months.

However, the sentences were ordered to run concurrently”.

2. The formal FIR Ex.PF/2 in the present case was initially registered on the basis of the statement made by Ajaib Singh, Lambardar and the same has been reproduced below:-

“Statement of Ajaib Singh Lambardar son of Inder Singh caste Jat resident of ward No.1. Patran aged about 6 5 years.

Stated that I am resident of aforesaid address and am doing the work of a agriculture. Beyond me I have five brothers and two sisters and all of them are married. My younger sister Amritpal Kaur was married to Amar Singh of Badungar about 24/25 years back who previously resided in a Kothi constructed near Goal Chakar Model Town Patiala. My aforesaid brother-in-law died after about 8 years of his marriage and my widow sister Amritpal Kaur had no issue who alone got constructed shops in kothi of Model Town Patiala and maintained herself. My aforesaid widow sister felt herself very much lonely who for her care and for support in her old age had kept one Amrik Singh aged about 20 years with her for the last about 2 years treating her as son and our sister did not tell us much regarding his family. Since the time Amrik Singh has started living with our sister, our sister was fed of his behaviour from the very beginning and whenever she came to see us she told us about her grief that as to how she met with the expenses to please her adopted son in which she brought one Maruti Car and one Scooter by

selling the shop and brought machinery in her house. Even then Amrik Singh did not leave his inferior behavior about which on 1.4.02 when our sister Amritpal came in her car alongwith Amrik Singh to see us and told us that as to how Amrik Singh used to give her beatings and threatened with dire consequences at the time of demanding money. Today at about 01.00 P.M., the bell of my phone rang in my house and when I heard the phone my widow sister Amritpal was nervous and while crying she was saying that Amrik Singh will kill her. In the meanwhile telephone was disconnected and I without any delay alongwith my brothers Mewa Singh, Gamdoor Singh and Kashmir Singh started for Patiala in a private car. When we reached Samana Octroi Post Patiala, our nephew Rambir Singh son of Mewa Singh who is residing at Patiala stopped us and told us that the dead body of our sister was lying in Rajindera Hospital, Patiala. We reached there and saw that our sister was lying dead due to grievous injuries on her head and was smeared with blood. My aforesaid sister has been given beatings and murdered by Amrik Singh who was kept by her. He was thinking that after killing her he will become the owner of property of my sister.

We four brothers were going to the police station with the information of the unhuman act of the accused and you have met. I have made my statement to you and have heard the same and is correct”.

Attested

I/C M-Town Patiala.

Sd/- Ajaib Singh.in Panjabi”

3. After registration of the FIR, SI Tejinder Singh

alongwith other officials and complainant, reached Rajendera Hospital, Patiala and prepared the inquest report and recorded the statements of the witnesses. The postmortem was conducted on the dead body of Amrit Pal Kaur, since deceased and various recoveries were made from the spot. The inquest report Ex.P10/3 was also prepared and the statements of the various witnesses were recorded. Even, the broken pieces of "*Ghotna*" were also lifted from the spot and taken into possession by drawing a recovery memo. The rough site plan Ex.PQ of the place of the occurrence with correct marginal notes were prepared. Even during the course of investigation, Satinder Singh produced Amrik Singh, appellant No.1 before Tejinder Singh SI and a car alongwith RC were taken into possession vide recovery memo Ex.PL and Amrik Singh was formally arrested in the present case. Even, in pursuance of disclosure statement suffered by Amrik Singh, one foot mat, one shirt, one pant and broken "*Ghotna*", which was blood stained were recovered by the police. After the completion of investigation, the final report under Section 173 Cr.P.C. was presented against Amrik Singh, Gurcharan Singh and Darshan Kaur. The appellants No. 2 and 3 were found to be innocent during the investigation. During the course of trial, the statements of Karambir Singh, Deepak Kumar and Dr. D.S. Bhullar were recorded by the police and appellants No. 2 and 3 were also summoned as additional accused under Section 319 Cr.P.C.

4. After hearing the learned counsel for the parties, a *prima facie* case for commission of the offence punishable under Sections 302, 120-B, 420 and 467 IPC was made out against the appellants/accused, and they were charge sheeted for the same. The charge was read over to the appellants, to which they pleaded not guilty and claimed trial.

5. During the course of trial, the prosecution examined 10 witnesses and certain documents were also exhibited before the trial Court. The prosecution examined Deepak Kumar as PW1, who was running a shop near the place of the occurrence. As per him, at 02.15 p.m. on 02.04.2002, while he was standing outside his shop, Amrik Singh, appellant No.1 told him that his mother Amritpal Kaur received injuries. They went at the spot and he found that the injuries had been caused on the head of Amritpal Kaur and the blood was oozing. The blood stains were also found on the clothes of Amrik Singh and at about 08.30/9.00 p.m. on 02.04.2002, he came to know that Amritpal Kaur had been murdered. There was some minor altercation between Amritpal Kaur and Amrik Singh, appellant No.1. In his cross-examination, he admitted that Amritpal Kaur had adopted Amrik Singh accused on 25.06.2002 vide a registered adoption deed and she treated Amrik Singh appellant No. 1 as her own son. Even he used to look-after and serve Amritpal Kaur. The prosecution further examined PW2 Karambir Singh, who also reached the house of

Amritpal Kaur at 02.00 p.m. on 02.04.2002 and found that the door of the house were lying open. He went upstairs on the first floor, where Amritpal Kaur was residing and found that Amritpal Kaur (since deceased) and Amrik Singh appellant No. 1 were quarreling with each other. In his presence, appellant No.1 gave 2/3 “Ghotna” blows on the head of Amritpal Kaur. He asked him as to what he was doing and when he rushed towards Karambir Singh, he ran out of the place due to fear and reached his house. After joining his parents, he informed the police. He further stated that the appellant No.1 had conspired with his parents, appellants No. 2 and 3 and other persons and had killed Amritpal Kaur. They were pressurizing Amritpal Kaur to sell her shop within 06 months prior to the occurrence. In his cross-examination, he also admitted that about 02 years ago, from 02.04.2002, they had come to know that Amritpal Kaur had adopted Amrik Singh accused and used to treat him as her son.

6. Even PW3 Dr. D.S. Bhullar, proved on record the injuries on the dead body and original postmortem report as Ex.PA, which was signed by him. He observed the following injuries on the person of Amritpal Kaur (since deceased):-

“1. Black left eye.

2. Lacerated wound 7 x 1.5 cm. bone deep on right side of scalp 3 cms above pinna of right ear.

3. Lacerated wound 4 x 1 m. bone deep on right side of scalp on the frontal region.

4. Lacerated wound 6 x 1 cm. bone deep on right side of scalp on the frontal region running obliquely, 2.5 cm. behind injury No.3.

5. Lacerated wound 2 x 1 cm. bone deep on left side of scalp on the parietal region, 3 cm. above the pinna of left ear.

On dissection brain underneath injuries 2 to 5 was injured with extradural, subdural and intra-cerebral haemorrhage present underneath.

6. Incised wound 5 cm. x 0.5-1 cm. present on palm of the right hand.

7. Contusion 2 x 1 cm. with three small contusions each 1 x 0.5 cm. present on medial side of ankle joint of the left foot.

Stomach and intestines were healthy and contained semi-digested food contents and liquid chyme. Other abdominal viscera were pale”.

7. As per PW3 Dr. D.S. Bhullar, cause of death in the present case was hemorrhage and shock due to the injuries prescribed, which were antemortem in nature and were sufficient to cause death in the ordinary course of nature. Still further, the prosecution examined PW4 Subhash Sharma, who had prepared the photographs Ex.P1 to P4 and had exhibited the negatives Ex.P5 to Ex.P8 which were taken into police possession vide Ex.PB.

8. PW5 Indresh Khanna, had prepared the site plan Ex.PC at the instance of Ghamdoor Singh. Similarly, the testimony of PW6 HC Harmesh Singh, PW7 ASI Sukhpal Singh and MHC Sukhpal

Singh (as mentioned as PW7) were formal in nature.

9. The prosecution further examined Ajaib Singh, who supported the case of the prosecution and also proved the FIR Ex.PF/2. SI Tejinder Singh was examined as PW9, who proved the formal investigation conducted by him in the present case. Even, the prosecution examined ASI Gurdev Singh as PW10, who remained associated with PW9 SI Tejinder Singh during the process of investigation. Still further, the statement of PW11, Constable Lali Singh was formal in nature and he tendered his affidavit Ex.PB on record. After closer of the prosecution evidence, the entire evidence was put to the accused in the present case in the shape of statement under Section 313 Cr.P.C. The appellant No.1 stated that he was adopted as son of Amritpal Kaur, since deceased on 25.06.2000 vide registered adoption deed No. 25, which was registered in the Sub-Tehsil Lehra and, thereafter, he remained in her house as her son and she also treated him as her son. The complainant party never visited Amritpal Kaur and she also never visited the complainant party. On 02.04.2002, he had gone to the market and on his return, he saw that Amritpal Kaur was lying in an injured condition and he shifted her to the hospital. She succumbed to the injuries suffered by her at the hands of some unknown persons. Even, the complainant party had filed a civil suit against him after the death of Amritpal Kaur, however, no stay was granted in favour of the complainant party.

Similarly, the appellants No. 2 and 3 had taken a stand that Amritpal Kaur (since deceased) had adopted her son Amrik Singh vide a registered adoption deed and, thereafter, Amrik Singh remained with Amritpal Kaur as her son. In fact, they had been falsely implicated in the case, being the natural father/mother of Amrik Singh, main accused.

10. The appellants also tendered in defence Ex.DX , a copy of the judgment dated 01.05.2003 passed in appeal titled as ***“Amrik Singh Vs. Ajaib Singh and others”***.

11. Learned senior counsel appearing on behalf of the appellants has vehemently argued that admittedly, the occurrence had taken place at about 01.00 p.m. on 02.04.2002 and the occurrence had allegedly been witnessed by PW2 Karambir Singh, nephew of Amritpal Kaur, since deceased. Apart from that, PW1 Deepak Kumar was also present at the time of suffering of the injuries by Amritpal Kaur. However, the FIR in the present case was recorded at 07.45 p.m. on 02.04.2002 and the special report was received at 12.45 a.m. on 03.04.2002. Consequently, it is apparent that the appellants have been falsely implicated in the present case due to a property dispute, after due consultations and confabulations. Learned counsel for the appellants has extensively referred to the testimonies of PW1 Deepak Kumar and PW2 Karambir Singh and submitted that the presence of both the witnesses at the place of the occurrence was doubtful. In

fact, Deepak Kumar was running a barber shop and admittedly 02nd April 2002 was Tuesday and on Tuesday the barbers keep their shops closed as per convention. Still further, even PW2 Karambir Singh was introduced as an eye witness in the present case. Admittedly, he was a young boy aged about 22 years and while injuries were being allegedly caused by appellant No.1, he ran away due to fear and, admittedly, did not inform his parents or any other person till 06.30 p.m. Still further, he entered the house of the deceased, however, neither he tried to catch hold of Amrik Singh nor tried to shut the door nor bolted the same from outside. Even, he did not apply bandage on the injuries suffered by his Masi (aunt) nor served her water and did not make any effort to shift her to the hospital. Still further, PW8 Ajaib Singh was also introduced as a witness due to ongoing civil dispute between the parties as the appellant No.1 as well as the complainant side were claiming the property of Amritpal Kaur, who was a widow and had left behind no issue. Learned senior counsel further argued that even the Investigating Officer in the present case was admittedly tainted and the appellants had been falsely implicated at the instance of the complainant party. It was also an admitted fact that Amrik Singh was treated by Amritpal Kaur as her own son and she had admittedly executed an adoption deed in favour of appellant No.1. Even, the material prosecution witnesses had admitted the factum of adoption and there was no question of forgery of adoption

deed Ex.PS by the appellants and they have been wrongly convicted for the offences punishable under Sections 420/467 IPC. There was no evidence to show that the appellants had cheated any person and no evidence has been lead with regard to the forgery of the adoption deed. Thus, the appellants are liable to be acquitted by this Court.

12. On the other hand, learned State counsel assisted by the learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the appellants and submitted that the case of the prosecution cannot be rejected on the ground of minor inconsistencies appearing in the testimonies of various prosecution witnesses. In fact, the statements of the witnesses are formally recorded after several months and such contradictions are bound to creep in the testimonies of truthful witnesses. In the present case, the witnesses of the prosecution have been examined extensively and the defence could not elicit anything, which could shatter their testimonies in any manner. In fact, Karambir Singh PW2 was an young witness, who was present at the place of occurrence and had duly identified Amrik Singh. Amrik Singh had given “*Ghotna*” blows on the head of Amritpal Kaur and when he was spotted by him, Amrik Singh ran towards him with a “*Ghotna*”. Even immediately after the occurrence, Amritpal Kaur was shifted to the hospital and the said witness had informed other family members as well as the relatives. Learned counsel further submitted that the trial Court had

recorded detailed findings and the impugned judgment is liable to be upheld by this Court.

13. We have heard the learned counsel for the parties and carefully perused the record.

14. The first argument raised by the learned counsel for the appellants is with regard to the delay in reporting the matter to the police and the possibility of false implication by the complainant side.

In fact, the occurrence had taken place at about 01/02.00 p.m. on 02.04.2002 and the statement of Ajaib Singh PW8/complainant was recorded at about 07.30 p.m. In fact, at about 01.00 p.m. on 02.04.2002, Amritpal Kaur, since deceased, had made a telephonic call to her brother Ajaib Singh and informed him that Amrik Singh had beaten her up. He alongwith his other brothers came to Patiala on a car and on the way, he came to know that his sister has already been shifted to Rajendera Hospital, Patiala and found his sister dead there. Immediately thereafter, the police was informed and the statement of the complainant was recorded at about 07.30 p.m. Thus, it can never be stated that there was any unreasonable delay in the recording of the FIR and this minor delay in registration of the FIR stood properly explained by the prosecution.

15. Still further, the learned senior counsel has assailed the testimonies of PW1 Deepak Kumar, PW2 Karambir Singh and PW8 Ajaib Singh by submitting that their presence at the place of

occurrence was doubtful and they were introduced by the prosecution at a later stage.

16. To prove the case of the prosecution, the prosecution has relied upon the testimonies of 11 witnesses. The prosecution examined Deepak Kumar, whose shop was situated across the road of the house of Amritpal Kaur, since deceased, and was an independent witness. He had no concern with the civil dispute, which was pending between the parties and had no reason to depose falsely against the appellants. He was called by Amrik Singh, appellant No.1 and with his help, Amritpal Kaur was shifted to the hospital. Even, he found that Amritpal Kaur had suffered injuries on her head and blood was oozing. He also stated that there was altercation between Amritpal Kaur (since deceased) and appellant No.1, on account of purchase of a car and a scooter and she had suffered injuries in the altercation. Similarly, PW2 Karambir Singh stated that at about 01.30 p.m., he received a phone call from Ajaib Singh and he went at the place of Amritpal Kaur (his *massi*) aunt. He saw that Amritpal Kaur and appellant No. 1 were quarreling with each other and in his presence, the appellant No. 1 gave "*Ghotna*" blows on the head of Amritpal Kaur. When he asked appellant No. 1 as to what he was doing, he came towards him with a "*Ghotna*" and he ran away out of fear. He was waiting for his parents to reach home and immediately thereafter whole incident was narrated to them and the matter was reported to

the police without any delay. Apart from that it is also an admitted fact that immediately after the occurrence, Amritpal Kaur was shifted to the hospital and thereafter the FIR was got registered. The testimonies of PW1 Deepak Kumar and PW2 Karambir Singh are duly supported by PW8 Ajaib Singh. He stated that on 01.04.2002, i.e., one day prior to the occurrence, his sister Amritpal Kaur had gone to Patra and she had disclosed that appellant No.1 was raising a dispute and wanted to sell the shops of Amritpal Kaur. Still further, at about 01.00 p.m. on 02.04.2002, he received a telephonic call from Amritpal Kaur, since deceased, who said that Amrik Singh had beaten her up (*Marya*) and, thereafter, the connection was disconnected. He went to his brother Mewa Singh and Gamdoor Singh and immediately went to Patiala on a car. On the way, Kashmir Singh also joined them and when they came to Patiala near Samana Octroi Post Patiala, Rambir Singh son of Mewa Singh met them on the way and informed that Amritpal Kaur was murdered by Amrik Singh with a “*Ghotna*” blow and had been shifted to the hospital. Still further, we have carefully examined the testimonies of PW1 Deepak Kumar, PW2 Karambir Singh and PW8 Ajaib Singh and even after lengthy cross-examination, the defence could not cause any dent in their testimonies.

17. Still further, the statements of PW1 Deepak Kumar, PW2 Karambir Singh and PW8 Ajaib Singh have been duly supported by

the testimony of PW3 Dr. D.S. Bhullar, who had conducted the postmortem examination on the dead body of Amritpal Kaur on 03.04.2002. As per him, the following injuries were suffered by the deceased:-

- “1. Black left eye.*
- 2. Lacerated wound 7 x 1.5 cm. bone deep on right side of scalp 3 cms above pinna of right ear.*
- 3. Lacerated wound 4 x 1 m. bone deep on right side of scalp on the frontal region.*
- 4. Lacerated wound 6 x 1 cm. bone deep on right side of scalp on the frontal region running obliquely, 2.5 cm. behind injury No.3.*
- 5. Lacerated wound 2 x 1 cm. bone deep on left side of scalp on the parietal region, 3 cm. above the pinna of left ear.*
- On dissection brain underneath injuries 2 to 5 was injured with extradural, subdural and intra-cerebral haemorrhage present uriderneath.*
- 6. Incised wound 5 cm. x 0.5-1 cm. present on palm of the right hand.*
- 7. Contusion 2 x 1 cm. with three small contusions each 1 x 0.5 cm. present on medial side of ankle joint of the left foot.*

Stomach and intestines were healthy and contained semi-digested food contents and liquid chyme. Other abdominal viscera were pale”.

18. As per him, the cause of death in the present case was hemorrhage and shock due to the injuries described, which were antemortem in nature and were sufficient to cause death in the

ordinary course of nature. He proved on record the copy of the original postmortem report as Ex.P10. From the postmortem report, it is apparent that the majority of injuries suffered by Amritpal Kaur could be caused with a "*Ghotna*", which was recovered at the instance of appellant No.1.

19. Still further, the prosecution has relied upon the testimony of Tejinder Singh SI, who had conducted the investigation in the present case. He had lifted the blood stained earth from the spot and had taken the same into possession vide recovery memo Ex.PH. Apart from that, the broken pieces of "*Ghotna*" were also lifted from the spot and taken into possession vide recovery memo Ex.PJ. He also prepared rough site plan Ex.PQ of the place of the occurrence and arrested Amrik Singh, appellant No. 1 on 03.04.2002. During police custody, Amrik Singh suffered a disclosure statement and at the instance of Amrik Singh, appellant No.1, one foot-mat, one shirt, one pant and broken "*Ghotna*" were recovered and all the four articles were found to be blood stained. His testimony has been duly corroborated by the statement of PW10 ASI Gurdev Singh, who remained associated with him during the course of investigation. Thus, there was sufficient evidence to show that the appellant No.1 had caused serious injuries on the person of Amritpal Kaur and she had succumbed to the injuries suffered in the incident.

20. In the present case, the appellants have also been

convicted for the offences punishable under Sections 420/467 IPC. The said charge was framed against the appellants by alleging that on or before 25.06.2000, the appellants had prepared a false adoption deed, which was allegedly executed by Amritpal Kaur in favour of Amrik Singh, appellant No.1 just to cheat and grab the property of Amritpal Kaur (since deceased). Still further, the appellants had forged the adoption deed in favour of appellant No.1, purporting to be a valuable security by showing the age of Amrik Singh as 15 years, even though he was above the age of 15 years at that time. In fact, Section 471 of IPC provides for the punishment for using a forged document as genuine and valid document. As per the definition provided under Section 463 IPC, a person can be held guilty for committing forgery, when he makes any false document with an intention to cause damage or injury to the public or to any other person or to support any claim or title or to cause any person to part with property or with an intention to commit fraud. Section 464 of IPC provides for punishment for the making of a false document. A person is said to make a false document, who dishonestly or fraudulently makes, signs, seals or executes a document or a part of document with the intention of causing it to be believe that such document was made, signed, sealed, executed or affixed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed or executed. Still further, a person is

also said to make a false document, who unlawfully, dishonestly and fraudulently alters a document after it has been made, executed or signed either by himself or any other person.

21. In the present case, in the considered opinion of the Court, the appellants have been wrongly convicted for the offences punishable under Sections 420/467 of IPC. In fact, the appellants were charge sheeted under Sections 420/467 of IPC on the ground that they had prepared a false adoption deed of Amritpal Kaur (since deceased) in favour of appellant No.1 by illegal means with a view to grab the property of Amritpal Kaur (since deceased). It was alleged that the adoption deed was forged by showing the age of appellant No.1 as 15 years, even though he was above the age of 15 years at the time of registration of the adoption deed. In fact, at this stage, it would be appropriate to refer to the testimonies of PW1 Deepak Kumar, PW2 Karambir Singh and PW8 Ajaib Singh, in this regard. PW1 Deepak Kumar clearly admitted in his statement that it was known to him that Amritpal Kaur had adopted appellant No.1 on 25.06.2002 vide registered adoption deed. Even, Amritpal Kaur was treating the appellant No.1 as her son and he was living with her in the same house. The appellant No.1 used to lookafter and serve Amritpal Kaur. When he purchased a car, Amritpal Kaur (since deceased) visited the market and offered sweets to the shop keepers including him. Similarly, PW2 Karambir Singh also admitted in his

cross-examination that two years prior to the date of occurrence, he came to know that Amritpal Kaur (since deceased) had adopted Amrik Singh, appellant No.1 as her son and this fact was told to them by Amritpal Kaur herself.

22. Still further, PW8 Ajaib Singh also admitted that Amritpal Kaur (since deceased) had told him that in case Amrik Singh did not obey her, she would cancel adoption deed. He also admitted that the appellant No.1 was staying with Amritpal Kaur, since deceased, in the same house. He admitted that the photographs Mark DA and DB on the registered adoption deed executed by Amritpal Kaur, since deceased. He admitted in his statement Ex.PF, that Amritpal Kaur had told him that in case Amrik Singh did not obey her, she would get the adoption deed canceled. Thus, there was sufficient evidence to show that the adoption deed Ex.PS dated 22.06.2000 was executed by Amritpal Kaur in favour of Amrik Singh, appellant No.1. Moreover, the adoption deed Ex.PS was admittedly executed and registered on 22.06.2000 and till the date of occurrence, i.e., 20.04.2002, the said adoption deed had not been set aside by any competent Court of law. Apart from that, simply because the age of Amrik Singh was mentioned less in the adoption deed, it cannot be stated that it was a forged deed/document. Thus, the appellants No. 1 to 3 are liable to be acquitted of the charge under Sections 420 and 467 of IPC in the instant case.

23. Now adverting to the roles of appellants No. 2 and 3, it is apparent that in the statement Ex.PF, Gurcharan Singh and Darshan Kaur, appellants No. 2 and 3 were not named as accused in the present case. Even, during the course of investigation, the appellants No. 2 and 3 were found to be innocent and were later arrayed as accused in the instant case by invoking the provisions of Section 319 Cr.P.C. Even, while convicting the appellants No. 2 and 3, the trial Court observed that the appellants No. 2 and 3 had also hatched a criminal conspiracy with appellant No.1. Even, the inference regarding hatching of conspiracy has been drawn on the basis of a adoption deed Ex.PS, which was executed by Amritpal Kaur in favour of Amrik Singh, appellant No.1. However, from the above referred discussion, it is apparent that the most of the prosecution witnesses had admitted the factum of executing of the said adoption deed by Amritpal Kaur. In fact, it is never easy to prove the ingredients of “criminal conspiracy”. It is matter of common knowledge that conspirators invariably plan and act in secret over a period of time. It is also not necessary that each one of them must have actively participated in the commission of the crime or must remained involved from beginning till end. The conspiracy arises and the offence is committed as soon as the crime is executed and it continues to be committed so long as the continuation persists. However, Court has to be satisfied that there is a reasonable ground to believe the

existence of conspiracy and an inference has to be drawn from the facts and circumstances of each individual case. In the present case also, even though, the witnesses of the prosecution have levelled allegations with regard to hatching of conspiracy by appellants No. 2 and 3 with appellant No. 1, however, no substantial evidence could be led by them to prove the ingredients of criminal conspiracy. Even, the trial Court has drawn an inference with regard to hatching of conspiracy by all the appellants on the ground of execution of a adoption deed dated 22.06.2000 (Ex.PS) which was executed two years prior to the occurrence. It appears that the trial Court has committed the grave error while drawing an inference from the registration/execution of adoption deed dated 22.06.2000 (Ex.PS) and the findings are held to be erroneous.

24. As a consequence of the above discussion, this Court has no hesitation to hold that the prosecution has failed to prove the charge against appellants No. 2 and 3 and both of them are ordered to be acquitted of the charge. Still further, the prosecution has also failed to prove the charge under Sections 420, 467 and 120-B of IPC against the appellant No.1 and he is also acquitted of the said charge. However, the prosecution has proved the charge under Section 302 IPC against appellant No. 1 beyond the shadow of reasonable doubt and the impugned judgment is liable to be upheld to that extent. Accordingly, the appellant No.1 is ordered to be convicted for

commission of the offence under Section 302 of IPC and is ordered to be sentenced to imprisonment for life and to pay a fine of Rs.1,000/- as ordered by the trial Court and in default of payment of fine, he is sentenced to undergo rigorous imprisonment for period of one year, as ordered by the trial Court.

25. The appellant No.1 is directed to surrender within 15 days from today, failing which, the CJM concerned shall issue non bailable warrants against the present appellant No.1/accused and shall commit him to custody to serve the remaining sentence of imprisonment.

26. All pending applications, if any, are disposed off, accordingly.

27. The case property, if any, may be dealt with as per the rules after expiry of period of limitation for filing the appeal.

28. Records of the Court below be sent back.

(N.S.SHEKHAWAT)
JUDGE

(SUKHVINDER KAUR)
JUDGE

14.10.2025
amit rana

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