



THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

106

CRA-D No.604-DB of 2004 (O&M)
Date of decision: August 13th, 2025

Ram Patti

.....Appellant

Versus

State of Haryana

.....Respondent

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

Present: Mr. Vivek Dahiya, *Amicus Curiae*
for the appellant.

Mr. Rahul Mohan, Additional Advocate General, Haryana
and Mr. Karan Sharma, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J.

The instant appeal has been preferred by the appellant against the judgment of conviction dated 19.04.2004 and order of sentence dated 23.04.2004 passed by learned Additional Sessions Judge, Fatehabad, whereby she has been convicted and sentenced as follows:

Offence under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
302 read with Section 34 IPC	RI for life	Rs.5,000/-	R.I. for six months

PROSECUTION CASE IN BRIEF & PROCEEDINGS BEFORE TRIAL COURT

2. In essence, the case of the prosecution is that the deceased, Nafe Singh, had developed illicit relations with the accused/appellant- Ram Patti, who is also distantly related to complainant Daya Nand (PW-12). Nafe Singh (hereinafter referred to as deceased), aged about 25-26 years,

was residing at Geeta Colony, Tohana, as a tenant in the house of one Satbir Singh (PW-7). Prior thereto, he had his own house in the same locality, which he later sold.

3. Appellant-Ram Patti and her son Rajinder alias Raju were living with deceased. The deceased earned his livelihood by selling shoes on a *rehdi*. He used to provide for the household expenses of appellant-Ram Patti and had even transferred his house in her favour at one stage, though subsequently he sold it to a third party.

4. On 07.10.2000, complainant-Daya Nand came to Tohana from his native Village Dharodi, District Jind, for some work. He visited the house of his brother Nafe Singh, where he found the main door bolted from outside. On opening the door, he was immediately struck by a foul smell emanating from inside. Upon entering, he noticed a gunny bag lying in the store-room, from which human feet were protruding. On checking, he discovered that the gunny bag contained the dead body of his brother Nafe Singh. The body bore multiple injuries on the head, neck, forehead and ear, apparently inflicted by a sharp weapon. Blood was found scattered on the floor, and the gunny bag itself was soaked with blood.

5. Daya Nand suspected that his brother had been murdered by appellant-Ram Patti and her sons, Randhir and Rajinder alias Raju on account of monetary disputes, particularly because deceased had recently sold his house for Rs.69,000/-. He informed Manohar Lal and another villager about the occurrence, leaving them at the spot to guard the body, and proceeded to lodge a report with the police.

6. On the way, he encountered a police party headed by Sub Inspector Jai Kishan (PW-16) at Tohana Bus Stand. His statement

Exhibit P-3 was recorded, which he signed after admitting its correctness. Sub Inspector Jai Kishan made his endorsement (Exhibit P3/A) and sent the same to the Police Station through Constable Surat Singh, on the basis of which a formal FIR (Exhibit P4) was registered.

7. Thereafter, Sub Inspector Jai Kishan proceeded to the place of occurrence with the complainant. On the way near the graveyard, they met Manphool and Raghubir Singh, who also accompanied them. A photographer was arranged, and photographs of the scene were taken.

8. The Investigating Officer inspected the dead body and conducted inquest proceedings, preparing the inquest report (Exhibit P-12). The body was entrusted to Head Constable Raghubir Singh (PW-8) and Jora Singh for post-mortem, along with police request (Exhibit P-11).

9. Bloodstained articles including a bed sheet, *khes*, two mattresses and a pillow were seized, sealed with the seal 'JK' and taken into possession vide memo Exhibit P-23, attested by complainant-Daya Nand and Head Constable Sunder Singh. A roughed site plan (Exhibit P-32) of the place of occurrence was also prepared. On the same day, in the evening at about 4:10 pm, PW-9 Dr. Satish Kumar Garg conducted the post-mortem examination. He found the following injuries on the body of the deceased:

- “1. A lacerated wound 4 x 1 cm on the right parietal region, bone deep.
2. An incised wound 5 x 75 cm on the right brow into bone deep.
3. A lacerated wound 10 x 2 cm on right lateral side of left eye alongwith fracture of skull.
4. A lacerated wound 12 x 2 cm in front of left external pinna alongwith fracture of skull and injury to brain matter.
5. An incised wound 4 cm linear skin deep on the interior aspect of neck just above larynx.”

10. He opined that the head injuries had resulted in brain damage and were sufficient in the ordinary course of nature to cause death. All the injuries were ante-mortem. The Post-Mortem Report (Exhibit P-13) was duly proved.

11. After the examination, the belongings of the deceased were handed over in a sealed parcel to Head Constable Raghbir Singh, who in turn handed it over to Sub Inspector Jai Kishan vide seizure memo (Exhibit P-10). The dead body was thereafter released to the relatives. Later the investigation was entrusted to Inspector Dilbagh Singh (PW-17), SHO, Police Station, City Tohana.

12. On 12.10.2000, PW-13 Zile Singh was sitting near the Bhakra Canal at the Truck Union, Tohana, when appellant-Ram Patti and her son Rajinder met him. They confessed to him that they had murdered Nafe Singh due to a dispute over money. They explained that Nafe Singh had sold a plot for Rs.69,000/- but had refused to pay appellant-Ram Patti her share. Consequently, Rajinder attacked Nafe Singh with a *kulhadi*, while appellant- Ram Patti held his legs. They further confessed that they had attempted to dispose of the body by putting it in a gunny bag and throwing it into the canal, but as the body did not fit, they abandoned the plan. They had then tried to wash away the bloodstains, but in panic fled the spot. Both requested PW-13 Zile Singh to produce them before the police.

13. While PW-13 Zile Singh was taking them, the police party led by Inspector Dilbagh Singh met him near the Bhakra bridge. The accused were produced before the Inspector, who arrested them and recorded the statement of Zile Singh.

14. Inspector Dilbagh Singh interrogated accused Rajinder alias

Raju first, who made a disclosure statement (Exhibit P-28), regarding concealment of the *kulhadi* and *bandiyan*. Pursuant to his disclosure, these articles were recovered, sealed with the seal 'DS' and seized vide memo Exhibit P-30. Rough site plans of the recovery were prepared (Exhibit P-43 and Exhibit P-44).

15. Thereafter appellant-Ram Patti made her disclosure statement (Exhibit P-29), stating that the clothes worn by her at the time of the occurrence had been concealed in a box in her house. In pursuance thereof she got recovered her *salwar* and jumper, which were seized vide memo Exhibit P-31.

16. On 30.10.2000, the recovered *kulhadi* was sent to Dr. Satish Kumar Garg (PW-9) for his opinion. He opined vide Exhibit P-20 that the injuries found on the body of Nafe Singh (deceased) could have been caused with the said weapon.

17. All seized articles including clothes, mattresses, pillow, *khes* and gunny bag were sent to FSL, Madhuban, for forensic analysis.

18. On completion of investigation, challan was presented against appellant-Ram Patti before the competent Court. Since accused-Rajinder alias Raju was found to be a juvenile, a separate challan against him was filed before the Juvenile Justice Board, Hisar. Thereafter the case was committed to the Court of Sessions.

19. Appellant-Ram Patti was charged under Section 302 read with Section 34 of the IPC, to which he pleaded not guilty and claimed trial.

20. In order to prove its case, the prosecution examined the following 18 witnesses:

- PW-1 Omda Singh-Registration Clerk, who proved sale deeds

Exhibits P-1 and P-2;

- PW-2 ASI Kishan Chand-formal witness, who recorded FIR (Exhibit P-4);
- PW-3 Head Constable Satpal Singh-formal witness, who delivered special report;
- PW-4 Constable Dhyan Singh;
- PW-5 Constable Ram Murti;
- PW-6 Head Constable Randhir Singh-formal witnesses, who proved affidavits (Exhibit P-6, P-7 and P-8 respectively);
- PW-7 Satbir Singh-landlord of deceased;
- PW-8 Head Constable Raghubir Singh-who carried the dead body for post-mortem;
- PW-9 Dr. Satish Kumar Garg-conducted the post-mortem and proved report (Exhibit P-13);
- PW-10 Girish Kumar, Draftsman, who prepared the scale site plan;
- PW-11 Daya Nand-complainant and brother of deceased;
- PW-12 Dalbir Singh Yadav-Inspector, who prepared the report under Section 173 of the Cr.P.C.;
- PW-13 Zile Singh-witness of extrajudicial confession;
- PW-14 Ram Kala, witness of disclosure and recovery;
- PW-15 Paramjit-Photographer, who proved photographs (Exhibits P-38 to P-41) and negatives (Exhibits P-35 to P-37);
- PW-16 Jai Kishan-Retired Inspector, initial Investigating Officer;

- PW-17 Dilbag Singh-Inspector, subsequent Investigating Officer;
- PW-18 Amir Chand-Sub Inspector, who collected ration card and application of the deceased.

21. Thereafter, prosecution, evidence was closed.

22. Accused/appellant-Ram Patti, when examined under Section 313 of the Cr.P.C., denied the incriminating evidence appearing against her, pleaded innocence, and alleged false implication. However, she did not lead any evidence in her defence.

SUBMISSIONS BY LEARNED AMICUS CURIAE ON BEHALF OF THE APPELLANT

23. Learned *amicus curiae*, appearing for the appellant, has assailed the conviction on several grounds:

- **Motive not proved:** The alleged motive was a dispute regarding Rs.69,000/- from the sale of a house. However, as per the sale deed (Exhibit P2), the appellant herself was the vendor. Naturally, the vendor would receive the sale consideration, not the deceased. The allegation of the complainant that the deceased received the money remained unproved since the vendee, Puran Chand, though cited as a witness, was not examined-the prosecution giving him up without reason.
- **Cohabitation unproved:** Landlord Satbir (PW-7), owner of the rented premises, categorically denied that the appellant or her son lived in his house with deceased-Nafe Singh. He was declared hostile and nothing favourable could be elicited even on his re-examination by the learned Public Prosecutor. Further,

even the ration card form (Exhibit P45/P46) bore the address of Adarsh Nagar, not Geeta colony. Thus, the prosecution failed to prove that the appellant was residing with the deceased immediately prior to the occurrence.

- **Unreliable extrajudicial confession:** It was wholly improbable that the appellant and her son would confess before a truck driver like Zile Singh (PW-13), who had no position of influence to protect or assist them. The very circumstances of this confession were suspicious, particularly as the Investigating Officer ‘coincidentally happened to be nearby’, and one Ram Kala-again from the village of the complainant- ‘coincidentally appeared to witness the disclosure and recovery’.
- **False recovery theory:** The recovery of jumper and *salwar* from the appellant was inconsequential as no bloodstains were detected. The version of the prosecution that these had been washed was contradictory to the deposition of Zile Singh (PW-13), who stated that the accused fled in panic without doing so. It was further improbable that bloodstains would be completely eliminated. Moreover, complete absence of traces of blood even after forensic analysis rendered the story wholly false.
- **Chain of circumstances incomplete:** The prosecution failed to prove essential links of motive, cohabitation, and confession, and the conviction rests only on suspicion.

SUBMISSIONS ON BEHALF OF THE STATE:

24. Learned State counsel, on the other hand, supported the

impugned judgment of conviction, contending that the extrajudicial confession, coupled with recovery of incriminating articles formed a complete chain establishing the guilt of the appellant.

25. We have heard learned counsel for the parties and perused the relevant material on record.

26. It is trite law that when a case rests on circumstantial evidence, the prosecution must prove the entire chain of circumstances so as to exclude every hypothesis consistent with innocence. Each link must be firmly established, and suspicion, however strong, cannot take the place of proof. Five golden principles stand articulated by the Hon'ble Supreme Court in '*Sharad Birdhi Chand Sarda Versus State of Maharashtra 1984 AIR 1622*' with respect to cases based on circumstantial evidence:

- (i) each incriminating circumstance must be firmly established;
- (ii) the circumstances must be consistent only with the hypothesis of guilt;
- (iii) they must be of a conclusive nature and tendency;
- (iv) they must exclude every hypothesis except guilt; and
- (v) the chain must be complete, leaving no reasonable ground for innocence. It equally follows that if two views are possible, the view favouring the accused must be adopted; suspicion, however strong, cannot substitute proof.

27. The prosecution in the present case heavily relied on the alleged extra-judicial confession made before PW-13 Zile Singh. An extra-judicial confession is a weak type of evidence, requiring cautious appreciation and corroboration. Unless such confession inspires confidence and is

corroborated by other independent evidence, conviction cannot be based upon it.

28. In the case at hand, the circumstances surrounding the alleged confession appear wholly unnatural. It is inexplicable why the appellant and her juvenile son would repose confidence in a truck driver, who had no influence over the police or capacity to shield them nor was he their close acquaintance. The further coincidence that the Investigating Officer was present at a short distance away at the very moment that PW-13 Zile Singh produced them, and that another villager of the complainant, Ramkala, suddenly appeared as a witness, further rendering the story highly suspicious. Significantly, though PW-13 Zile Singh admitted that several other persons were present when the confession was made, the non-examination of other neutral bystanders-erodes confidence in the spontaneity and reliability of the confession.

29. The alleged recovery at the instance of the appellant also does not advance the case of the prosecution. Her clothes bore no bloodstains. The explanation of washing and drying the bloodstained clothes by the appellant stands at odds with the account of PW-13 Zile Singh that, after a failed attempt to wash bloodstains off the premises/body, the accused fled in panic, leaving the body in the house. The alleged time-around 4:00 am on 06.10.2000 and given the early hours of October mornings further render immediate drying of clothes improbable. Even where washing occurs, residual traces of blood upon forensic examination is commonly detectable. In the present case, the FSL report found no such traces. The recovery is, therefore, incapable of incriminating the appellant.

30. The axe and bloodstained *baniyan* (vest) were recovered at the

instance of Rajinder (juvenile tried separately). Under Section 27 of the Evidence Act, 1872, this fact does not travel to inculcate the appellant absent independent linkage. No such linkage is forthcoming against the appellant.

31. The premise of the prosecution that the appellant and her son Rajinder lived with the deceased at the Geeta Colony premises is contradicted by PW-7 Satbir, landlord of the said premises, who categorically deposed that he never saw them living with the deceased. He turned hostile, and the prosecution drew no substantive support from his re-examination. The ration card application (Exhibit P-45/46) mentions “House No. 825, ... Nagar, Tohana”-spelled Adarsh in one part of the record and Azad elsewhere. Either way, it is not Geeta Colony, and cannot prove co-residence of the appellant at the house where the crime was committed. Coming next to the motive, which as per the prosecution was a dispute pertaining to the sale proceeds of a house allegedly retained by the deceased. Yet, Exhibit P-2 (sale deed) shows that the appellant was the vendor. The prosecution did not examine the Vendee Puran Chand-though cited-having given him up during trial. In a case based on circumstantial evidence, this omission also is fatal to the case of the prosecution. On preponderance, let alone prove beyond reasonable doubt, the recipient of sale consideration remained unproved, defeating the alleged motive. Thus, the three main planks of the prosecution-motive, cohabitation, and extra-judicial confession with recoveries-stand unproved. The chain of circumstances is incomplete, leaving serious gaps.

32. We have no hesitation, therefore, to hold that the prosecution has miserably failed to establish a chain of circumstances that is complete

and consistent with the guilt of the appellant. In such a situation, the benefit of doubt deserves to be given to the appellant not as a matter of grace but as a matter of right. The learned trial Court gravely erred in overlooking the caution that must govern extrajudicial confessions and cases based on circumstantial evidence.

33. The appeal succeeds. The judgment of conviction dated 19.04.2004 and order of sentence dated 23.04.2004 passed by learned Additional Sessions Judge, Fatehabad, are set aside. The appellant is acquitted of the charges framed against her. She be released forthwith, if in custody.

(MANJARI NEHRU KAUL)
JUDGE

August 13th, 2025
Puneet

(H.S. GREWAL)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes