



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

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1.

CRA-D-920-DB-2004

Date of decision: 28.08.2025

Lakhwinder Singh @ Lakha @ Sukhpal Singh

.....Appellant

Versus

The State of Punjab

.....Respondent

2.

CRR-2313-2004

Date of decision: 28.08.2025

Karamjit Singh

.....Petitioner

Versus

Lakhwinder Singh @ Lakha @ Sukhpal Singh

.....Respondent

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

Present : Mr. Akshay Bhan, Sr. Advocate with
Mr. Gurinder Singh, Advocate
for the appellant in CRA-D-920-DB-2004 and
for the respondent in CRR-2313-2004.

Mr. Gautam Dutt, Advocate and
Mr. Sukhsharan Sra, Advocate
for the complainant in CRA-D-920-DB-2004 and
for the petitioner in CRR-2313-2004.

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

MANJARI NEHRU KAUL, J.

1. This order shall dispose of above-referred **CRA-D-920-DB-2004** and **CRR-2313-2004** as they both arise out of the same incident, FIR and judgment of conviction, and similar questions of facts and law are involved in them. In CRA-D-920-DB-2004, appellant-accused Lakhwinder Singh @ Lakha @ Sukhpal Singh is challenging his conviction whereas in CRR-2313-2004, complainant Karamjit



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Singh is praying for enhancement of fine imposed/sentence awarded to appellant Lakhwinder Singh @ Lakha @ Sukhpal Singh.

2. For the sake of convenience, the facts are being taken from CRA-D-920-DB-2004.

3. The instant appeal is directed against the judgment of conviction dated 28.08.2004 and order of sentence dated 02.09.2004 passed by learned Sessions Judge, Sangrur, in case FIR No.156 dated 22.09.2003 under Section 302 of the IPC, registered at Police Station Lehra, whereby the appellant has been convicted and sentenced under Section 302 of the IPC for the murder of Chanan Singh.

Facts Leading to the Filing of the Instant Appeal

4. The genesis of the prosecution case lies in an occurrence which took place on the evening of 21.09.2003. On that day, complainant Karamjit Singh (PW-1), accompanied by his father Chanan Singh (deceased) and his uncle Ram Chand (PW-2), proceeded to their agricultural fields for the purpose of availing their turn of canal water. As per the irrigation record (Ex.PE) their turn to draw water commenced at 7.56 pm, immediately after the turn of Lakhwinder Singh @ Lakha @ Sukhpal Singh, the accused (appellant herein).

5. When Chanan Singh attempted to divert the flow of water towards his own fields, the accused, who was armed with a *kahi* (Ex.P4), objected to such diversion. At approximately 8.00 pm, as Chanan Singh entered the canal to cut and divert the water, the accused launched an attack upon him. He struck a blow on the head of Chanan



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Singh with the *kahi*, causing him to collapse, and thereafter inflicted yet another blow on his head. Karamjit Singh (PW-1) immediately raised an alarm, and Ram Chand (PW-2), who was present at the spot, also witnessed the occurrence. Thereafter, the accused fled from the scene, carrying the weapon of offence with him.

6. The injured Chanan Singh was promptly removed to the Civil Hospital, Sangur, where Dr. Surjit Singh (PW-5) provided medical treatment and simultaneously despatched a medical *ruqa* (Ex.PF) to the police. Owing to the gravity of the injuries, Chanan Singh was referred first to Rajendra Hospital, Patiala, and ultimately to Amar Hospital, Patiala, where despite medical intervention, he succumbed to his injuries on 22.09.2003. His admission at Amar Hospital was duly proved by Balwinder Singh (PW-12), Accountant of the said hospital.

7. On the basis of the statement of Karamjit Singh (Ex.PA), recorded by ASI Amrik Singh (PW-8), a formal FIR (Ex.PA/2) was registered at Police Station Lehra. Inquest proceedings were conducted on the dead body (Ex.PL), and the same was thereafter forwarded for post-mortem examination. The post-mortem (Ex.PJ) was conducted by Dr. S.S. Oberoi (PW-6), who found four distinct injuries on the body, including two incised wounds on the head of a grievous and fatal nature. He opined that death had occurred due to head injuries, which was sufficient in the ordinary course of nature to cause death.

8. The accused was arrested on 26.09.2003. During the course of investigation, he made a disclosure statement (Ex.PM), which



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led to the recovery of blood-stained *kahi* (Ex.P4), vide Recovery Memo (Ex.PO). In addition, blood-stained earth and the clothes of the deceased were collected from the scene of occurrence. A scaled site plan (Ex.PD) was prepared by Jaspal Singh (PW-3), Patwari. All the seized articles were forwarded for chemical examination. The reports of the Forensic Science Laboratory (Ex.PY and Ex.PZ) confirmed the presence of human blood on the weapon of offence and on the clothes of the deceased.

9. In support of its case, the prosecution examined the following 12 witnesses, namely :

- PW-1 Karamjit Singh-complainant and eyewitness to the occurrence.
- PW-2 Ram Chand-eyewitness to the occurrence.
- PW-3 Jaspal Singh-Patwari who prepared the site plan.
- PW-4 Ajit Singh-official from Irrigation Department who proved Irrigation Record (Ex.PE).
- PW-5 Dr. Surjit Singh-Medical Officer who initially examined the injured and prepared MLR (Ex.PF).
- PW-6 Dr. S.S. Oberoi-conducted post-mortem and proved post-mortem report (Ex.PJ).
- PW-7 Gurnam Singh-witness to recovery of weapon of offence.
- PW-8 ASI Amrik Singh-Investigating Officer who recorded and registered FIR (Ex.PA/2).
- PW-9 Constable Kewal Singh-carrier of sealed parcels to



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FSL.

- PW-10 Chand Singh-Second Investigating Officer.
- PW-11 Head Constable Mehar Singh-custodian of case property.
- PW-12 Balwinder Singh-Accountant of Amar Hospital, who proved admission of the deceased.

10. When examined under Section 313 of the Cr.P.C., the accused denied the allegations in toto and claimed false implication due to previous enmity. In his defence, he examined DW-1 Amar Gir, who sought to attribute the fatal assault to PW-2 Ram Chand instead of the accused.

11. Upon appraisal of the entire evidence on record, the learned Trial Court held that the prosecution had succeeded in establishing its case beyond reasonable doubt. The ocular version of PW-1 Karamjit Singh and PW-2 Ram Chand was found consistent, reliable and trustworthy. Their testimonies stood corroborated by the medical evidence contained in the post-mortem report (Ex.PJ) as well as by the scientific evidence reflected in the FSL reports (Ex.PY and Ex.PZ).

12. The delay in lodging the FIR was explained satisfactorily by the prosecution in light of the immediate medical exigency and referral of the injured to higher hospitals. The motive for the crime was established from the water dispute, substantiated by the irrigation record (Ex.PE). The recovery of the blood-stained *kahi* (Ex.P4) at the instance of the accused pursuant to his disclosure statement (Ex.PM),



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was duly proved and lent further corroboration. The medical opinion was in complete harmony with the ocular account of the eyewitnesses.

13. The defence version attributing the role of assailant to PW-2 Ram Chand was rejected as an afterthought and a feeble attempt to create doubt, without any evidentiary support. The plea of false implication was also disbelieved.

14. Consequently, the learned Trial Court returned a finding of guilt against the accused Lakhinder Singh @ Lakha @ Sukhpal Singh under Section 302 of the IPC and sentenced him as follows:-

Offence(s) under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
302 IPC	RI for life	Rs.5,000/-	RI for 01 year

15. Feeling aggrieved, the accused-appellant has filed the instant appeal.

Submissions on Behalf of the Appellant-Accused

16. Learned senior counsel for the appellant has assailed the judgement of conviction dated 28.08.2004 passed by learned Sessions Judge, Sangrur, whereby the appellant was convicted under Section 302 IPC, on the following grounds :

(I) Delay in Lodging of the FIR

(a) It is submitted that the occurrence allegedly took place around 8.00 p.m. on 21.09.2003, yet the statement of the complainant Karamjit Singh (PW-1) was recorded only at 11.15 a.m. on 22.09.2003, and the formal FIR was registered thereafter at 1.45 p.m. The special report reached the learned JMIC, Sunam at 5.45 p.m. Such an



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inordinate delay in setting the criminal law in motion has not been satisfactorily explained by the prosecution.

(b) Even if the family members of the deceased were engaged in providing medical aid to the injured, it is urged that nothing prevented them from sending someone to the police station to lodge the complaint immediately. The unexplained delay creates serious doubt about the authenticity of the case of the prosecution and provides scope for concoction and deliberation.

(II) Alleged False Implication Owing to Family Dispute

(a) Learned senior counsel further contends that the learned Trial Court failed to appreciate the defence case that, in fact, the quarrel was between Ram Chand (PW-2) and deceased Chanan Singh, who were real brothers. Due to prior enmity with the appellant, the case was falsely foisted upon him. This defence finds corroboration from the delay in lodging the FIR, which strengthens the possibility of a fabricated version being introduced against the appellant.

(III) Absence of Motive

(a) It is urged that the prosecution has failed to establish any motive on the part of the appellant. The consistent defence has been that the appellant neither owned nor cultivated any land, which fact was even admitted by Ram Chand (PW-2) during his deposition. In the absence of any land holding, the alleged motive of a water dispute is wholly untenable. The conviction based on such an unfounded premise is, therefore, unsustainable.

(IV) Lack of Independent Witnesses



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(a) The prosecution has examined only the close relatives of the deceased, namely PW-1 Karamjit Singh and PW-2 Ram Chand, as eyewitnesses. No independent witness from the village or vicinity was produced to corroborate the prosecution version, despite the fact that the incident allegedly occurred in an open area when neutral witnesses could have been available. Further, in light of the consistent case of the defence that Ram Chand (PW-2) himself had in all likelihood inflicted the fatal injuries, the absence of any independent corroboration assumes critical importance. The learned Trial Court erred in placing unreserved reliance on partisan witnesses.

(V) Improper Rejection of the Evidence Led By Defence

(a) The testimony of DW-1 Amar Gir, who specifically deposed regarding the existing enmity between the deceased and the appellant and who also suggested that Ram Chand (PW-2) was the actual assailant, was unjustifiably discarded by the learned Trial Court. His evidence was material to the defence plea and could not have been brushed aside without adequate reasons.

(VI) Intention and Knowledge not Established

(a) It is contended that even if the prosecution version is accepted at its highest, the incident took place in the heat of the moment during a sudden quarrel over canal water. There is no evidence to establish that the appellant had the intention of causing such bodily injury as was sufficient in the ordinary course of nature to cause death, or that he had any knowledge that death was a likely consequence of his act. In such circumstances, the offence, if any, would not fall under



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Section 302 IPC but even in the worst case scenario would fall within the ambit of culpable homicide not amounting to murder under Section 304 IPC.

17. On the basis of the above submissions, it is vehemently contended that the judgement of the learned Trial Court is arbitrary, perverse, and unsustainable in law. The prosecution has failed to discharge its burden of proving the guilt of the accused beyond all reasonable doubt. The conviction under Section 302 IPC is, therefore, liable to be set aside.

Submissions on Behalf of the Respondent-State Assisted by Counsel for the Complainant, Who Has Filed CRR2313-2004 Seeking Enhancement of Fine and Sentence Awarded to the Appellant-Accused

18. Learned State counsel assisted by learned counsel for the complainant while supporting the judgement of conviction dated 28.08.2004, has urged that the appeal is devoid of merit and deserves to be as dismissed. Learned counsel for the complainant has further submitted that the appellant deserves the maximum punishment of death. The submissions advanced by the counsel for the State as well as the complainant are as follows :

(I) Delay in Lodging the FIR Adequately Explained

(a) It is contended that the delay in lodging the FIR has been satisfactorily explained by the prosecution. Immediately after the assault, the family members were occupied with saving the life of the injured Chanan Singh, who was rushed first to Civil Hospital, Sangrur, then referred to Rajendra Hospital, Patiala, and ultimately taken to



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Amar Hospital, Patiala. The priority of the family members was medical treatment rather than approaching the police.

(b) The statement of Karamjit Singh (PW-1) was recorded without undue delay on the following morning, and the FIR was promptly registered thereafter. The chain of medical referrals fully explains the time lapse. Thus, the argument of concoction or fabrication is wholly unfounded.

(II) Presence of Eyewitnesses Natural and Credible

(a) The occurrence took place in the fields at night, and the only person present were the deceased, his son Karamjit Singh (PW-1), and his brother Ram Chand (PW-2). Their presence at the spot is natural, as they had gone together to take their turn of canal water, which is duly corroborated by the irrigation record (Ex.PE).

(b) The testimonies of PW-1 Karamjit Singh and PW-2 Ram Chand are consistent, cogent, and inspire confidence. Their evidence has further stood corroborated by medical evidence i.e. post-mortem report (Ex.PJ) and scientific evidence i.e. FSL reports (Ex.PY and Ex.PZ). The law does not discredit related witnesses merely for being relatives, so long as their testimony is trustworthy, which in this case it is.

(III) Motive Duly Proved

(a) The argument regarding absence of motive is misconceived. The motive has been clearly proved through the irrigation record (Ex.PE) which demonstrates the dispute over canal water between the parties. The fact that the appellant did not own land



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himself is immaterial, as he was admittedly exercising his turn of water. The objection raised by him to the diversion of water by Chanan Singh proves both presence and motive.

(IV) Recovery of Weapon and Corroborative Evidence

(a) The recovery of the blood-stained *kahi* (Ex.P4) at the instance of the appellant, pursuant to his disclosure statement (Ex.PM), stands fully approved. The weapon was found stained with human blood as per FSL reports. This recovery provides strong corroboration to the ocular account. In addition, the collection of blood-stained soil, seizure of clothes of the deceased, and their positive forensic analysis further strengthen the case of the prosecution.

(V) Defence Plea Wholly Unreliable

(a) The plea that Ram Chand (PW-2) was the real assailant has been rightly rejected by the learned Trial Court. It is an afterthought without any foundation in evidence. The testimony of DW-1 Amar Gir was rightly disbelieved, as it was vague, partisan, and inconsistent with the medical and ocular account. The learned Trial Court has given cogent reasons for discarding his testimony and no interference is, therefore, warranted.

(VI) Intention and Knowledge Proved—Offence Falls Squarely Under Section 302 IPC

(a) The medical evidence proves that two successive blows were inflicted on the head of the deceased with a heavy, sharp-edged weapon. Both injuries were independently sufficient to cause death in the ordinary course of nature, as opined by Dr. S.S. Oberoi (PW-6). The manner of assault, the part of body chosen, and the nature of injuries



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clearly demonstrate that the accused acted with the intention of causing death or, at the very least, with the knowledge that such injuries were sufficient to cause death.

(b) The argument of a sudden fight or lack of intention is untenable. The assault was unilateral, and there is no evidence that the deceased had provoked or attacked the accused. Hence, the offence is clearly one of murder under Section 302 IPC, and not culpable homicide not amounting to murder.

19. Accordingly, the counsel for the State as well as the complainant have prayed for upholding the impugned judgement.

Findings of the Court

20. We have carefully examined the evidence on record, considered the submissions of both sides and reappraised the reasoning of the learned Trial Court. We do not find any merit in the instant appeal for the reasons to follow.

21. It is true that the occurrence took place at around 8.00 p.m. on 21.09.2003, whereas the FIR was recorded at 11.15 a.m. on the following day. However, the explanation furnished by the prosecution is both natural and convincing. The injured was immediately removed to Civil Hospital, Sangrur, then referred to Rajendra Hospital, Patiala and thereafter shifted to Amar Hospital, Patiala, where despite best efforts he ultimately succumbed. In the circumstances, the foremost concern of the family was understandably to save his life rather than to rush to the police station. This sequence stands corroborated by the contemporaneous medical records and referral slips. Once so explained,



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the delay ceases to have any adverse impact. Once the delay in lodging the FIR is satisfactorily explained and supported by surrounding circumstances, it does not erode the substratum of the case of the prosecution.

22. Further, the prosecution rests principally on the testimony of PW-1 Karamjit Singh (son of the deceased) and PW-2 Ram Chand (brother of the deceased). Both witnesses are natural participants in the events : they had accompanied the deceased to the fields to take canal water, as per the irrigation record (Ex.PE). Their presence at the scene is, therefore, both natural and inevitable.

23. Their version is consistent, free from material contradictions, and withstood searching cross examination. The fact that they are related to the deceased does not by itself render their evidence suspect; indeed, in Indian rural settings, family members are often the most natural eyewitnesses. What is crucial is that their testimony finds full corroboration from medical and scientific evidence.

24. We find no reason to doubt their account. Their conduct after the occurrence further lends assurance—they themselves took the injured to hospital without delay. This reinforces the conclusion that they were present at the spot and witnessed the assault.

25. Furthermore, the medical evidence offered by PW-6 Dr.S.S. Oberoi, who conducted the post-mortem, is wholly consistent with the ocular version. The deceased had sustained two incised wounds on the head, either of which, in the opinion of the doctor, was sufficient in the ordinary course of nature to cause death. These injuries



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squarely tally with the blows described by PW-1 Karamjit Singh and PW-2 Ram Chand as inflicted with the *kahi* (Ex.P4).

26. The recovery of the blood-stained weapon at the instance of the accused pursuant to his disclosure statement (Ex.PM), the seizure of blood-stained earth and clothes, and the FSL reports (Ex.PY and Ex.PZ), confirming the presence of human blood on these articles, all provide strong corroborative evidence that clinches the case of the prosecution.

27. The contention of the learned senior counsel that the accused had no motive is unpersuasive. The irrigation record (Ex.PE) clearly proves that the turn of the accused for canal water immediately preceded that of the deceased. The quarrel, thus, erupted when the deceased attempted to divert the water soon after the turn of the accused was over. The absence of ownership of land by the accused is immaterial; what matters is that he was availing water at that time. This furnished a proximate and sufficient motive for the crime.

28. Even otherwise, this is a case resting on direct eyewitness account. In such cases, motive, though relevant, pales into insignificance. Once the eyewitnesses are found trustworthy, absence or insufficiency of motive is of no consequence. Here, the eyewitness account is not only trustworthy but stands fortified by medical and scientific corroboration.

29. The defence plea that PW-2 Ram Chand himself was the assailant, is wholly implausible. It defies logic that PW-1 Karamjit Singh, the son of the deceased, would falsely implicate the accused



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while exonerating his own uncle PW-2 Ram Chand, if the latter was indeed the assailant. Prudence dictates that in such a scenario, PW-1 Karamjit Singh, would have at least implicated both. The very fact that PW-1 Karamjit Singh consistently attributed the assault to the accused alone is a strong indicator of truthfulness.

30. The plea of false implication, sought to be buttressed by the testimony of DW-1 Amar Gir, does not inspire confidence. The account of DW-1 Amar Gir is vague, partisan, and unsupported by any contemporaneous material. It also stands contradicted by the unimpeachable ocular and medical evidence. The learned Trial Court was, therefore, correct in discarding it, and this Court sees no reason to take a different view.

31. The manner of assault clearly rules out the defence plea that the case falls under Section 304 IPC. The accused inflicted two successive blows with a heavy sharp-edged weapon on the head—a vital part of the body. The injuries were sufficient in the ordinary course of nature to cause death, as confirmed by the doctor. The assault was deliberate, unilateral, and unprovoked.

32. In such circumstances, intention to cause death or, at the very least, knowledge that death was the most likely outcome, is manifest. The case, therefore, falls squarely within the four corners of Section 302 IPC. The plea of sudden fight or absence of intention is devoid of merit.

33. On an appraisal of the entire evidence, we are satisfied that the prosecution has succeeded in proving its case beyond all reasonable



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doubt. The findings recorded by the learned Trial Court are well reasoned, firmly anchored in evidence, and free from any illegality, perversity, or material irregularity warranting interference. Accordingly, the instant appeal is dismissed and the impugned judgment of conviction and order of sentence passed by the learned Trial Court is upheld.

34. The learned Chief Judicial Magistrate/Trial Court concerned is directed to take necessary steps to take appellant-Lakhwinder Singh @ Lakha @ Sukhpal Singh into custody to serve out his remaining sentence.

35. Coming next to CRR-2313-2004 filed by the complainant for enhancement of fine imposed/sentence awarded to appellant Lakhwinder Singh @ Lakha @ Sukhpal Singh, this Court is of the considered opinion that the learned Trial Court has passed a well reasoned judgment of conviction awarding life imprisonment to the appellant. This Court, therefore, is not inclined to enhance either the fine imposed/sentence awarded to the appellant as the case does not fall in the “rarest of rare” category. Consequently, the revision petition filed by the complainant also stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

(H.S. GREWAL)
JUDGE

28.08.2025

Vinay

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