

2025:PHHC:026227-DB



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

Date of Decision:-24.02.2025

CRA-D-314-DB-2005(O&M)

Geeta.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

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

Present:- Mr. Amandeep Singh Manaise, Advocate,
Amicus Curiae for the Petitioner.

Mr. Munish Sharma, DAG Haryana.

JASJIT SINGH BEDI, J.

The present appeal has been filed impugning the judgment dated 22/24.03.2005 passed by Sessions Judge, Faridabad whereby the accused/petitioner was convicted/sentenced of the charges framed against her.

2. The FIR in the present case came to be registered on 26.05.2004. The judgment of conviction/sentence was passed on 22/24.03.2005 by the Sessions Judge, Faridabad. The instant appeal was filed on 27.04.2005 and have come up for final hearing now i.e. after a period of 20 years from the date of registration of the FIR.

3. Prosecution case, in brief, may be narrated as under:-

Ram Kishan since deceased of village Daultabad was married with complainant Anup alias Annu about seven years prior to the occurrence. They had no issue. The deceased had five sisters. Geeta accused, aged about 22 years, was the youngest sister of the deceased. She was unmarried. Ram Kishan deceased had fixed the marriage of Geeta with Satbir younger brother of Raja Ram husband of Shanti Devi another sister of the deceased. However, the said marriage proposal was not acceptable to the accused. One Yashwant and a driver Jugnu used to visit the house of the complainant. Ram Kishan objected to the same and rebuked them and asked them not to visit his house. However, Geeta accused who did menial job in Bungalows, retorted saying that the aforesaid persons i.e. Yashwant and Jugnu would certainly visit their house. There was annoyance between accused and deceased over it for many days.

On 26.5.2004 Ram Kishan returned home at about 6.00/7.00 pm and went to the roof of the house and lay down on a cot. He asked the complainant to cook food and fell asleep. Geeta accused asked the complainant to go and enquire from Kalyani as to what vegetable she had cooked. Accordingly, complainant went to the house of Kalyani. While she was returning from there, Geeta accused picked-up an axe and inflicted axe blows on the neck, face and head of Ram Kishan who was asleep. The complainant raised an alarm. The accused tried to aim a blow at the complainant as well. However, the complainant went down stairs from the roof. Hearing her noise, Shanti Devi sister of the deceased also came there. The complainant and Shanti Devi took the axe from the accused. Then the accused went down stairs. Ram Kishan died at the spot due to the aforesaid axe blows. The axe was also thrown at the spot. Leaving Shanti at the spot, the complainant left to lodge a report with the police. Police party headed by

SI Mahender Singh, Incharge Police Post Sector-16, Faridabad met her near Sai Baba Mandir in village Daultabad (Sector-164), Faridabad. The Complainant made a statement Ex. PA to SI Mahender Singh regarding the occurrence. Mahender Singh made an endorsement Ex.PA/3 on the same and sent it to the police station Central Faridabad where on its basis, FIR Ex.PA/1 was recorded. Mahender Singh went to the spot. He conducted inquest proceedings on the dead body of Ram Kishan and prepared the Inquest Report Ex. PL. Statements of Shanti and Raja Ram were recorded. The dead body was sent to B.K. Hospital, Faridabad for post mortem examination. Next morning, Mahender Singh inspected the spot and prepared a rough site plan Ex.PH. He also took into possession blood stained pillow and mattress from the spot after sealing the same into parcels alongwith cot vide memo Ex.PH. The axe was also found lying in the woods near the spot on the roof. Its sketch Ex.PI/1 was prepared. The axe which was stained with blood was sealed into a parcel and was seized vide memo Ex.PI. Accused Geeta was arrested at about 2.30 a.m. during the same night. Her clothes (lady's shirt and Pyjama) which were stained with blood were got changed and were sealed into parcel and were seized vide memo Ex.PJ. Seal after use was given to ASI Naresh Kumar. All these recovery memos were attested by Naresh Kumar ASI and by Chander Sain who was the husband of Padma another sister of the deceased and resided in an adjacent house.

On police request Ex. PC, post mortem examination on the dead body of Ram Kishan was conducted by Dr. Lokvir Singh Tour Incised wounds and an incised cut as detailed in the post mortem report Ex.PC/1 were found on the body. Cause of death in the opinion of the doctor was severe hemorrhage and shock as a result of the aforesaid injuries to major vessels on the right side. All the injuries were ante-mortem and sufficient to

cause death in ordinary course of nature. Sealed parcel of clothes of the deceased i.e. under-wear and knicker (of track suit) given by doctor were taken into possession by the police vide memo Ex.PN. The entire case property i.e. articles recovered from the spot, except cot, and clothes of the deceased and the accused were sent to FSI Madhuban. As per the FSL report Ex. PE, blood was detected thereon. It was human blood on all the said articles / clothes except that origin of blood on knicker / Pyjama of the deceased could not be traced as the material was disintegrated.

Chander Sain also stated during investigation that when the complainant had gone to enquire about the vegetable at the house of Kalyani (also sister of the accused) accused Geeta had switched on the deck (music system) at a high volume. As he was unwell he asked his son to switch off the deck. His son disclosed that the room was lying closed. Chander Sain heard some voices (of altercation) but he ignored the same taking it to be routine altercation of the accused and the deceased. However, when there was more severe noise, then Chander Sain went to the compound of the deceased and saw the accused Geeta there. She was saying that she had finished (SAALE KO KHATAM KAR AYEE HOON) Chander Sain enquired from her as to whom she had finished. She replied that she had finished him. Chander Sain went to the roof. He also stated about various recoveries. Shanti and Raja Ram also stated about the axe in the hands of Geeta and her presence at the spot. Scaled site plan Ex.PD was got prepared from the police draughtsman Manoj Kumar. Photographs were obtained from the photographer.

On completion of investigation, the police submitted a report under Section 173 Cr.P.C. for prosecution of accused Geeta for the offence under Section 302 IPC.

4. On the basis of material on record, charge under Section 302 IPC was framed against the accused. She pleaded not guilty and claimed trial.

5. In support of its case, the prosecution examined ten witnesses.

Complainant Anup alias Annu, who is widow of deceased, appeared as PW1 and stated in detail according to the prosecution version narrated above. She was an eye-witness of the occurrence and reiterated the same.

Shanti PW-2 was the sister of the deceased as well as the accused. She stated that the accused was living with her brother Ram Kishan and his wife. On the day of occurrence at about 9:00 pm. Shanti Devi was cooking the food at her house when she heard noise that her brother had been killed. She immediately reached the house of her brother and went on to the roof where she found the dead body of her brother. Her sister-in-law i.e. Anup complainant and other neighbours were also there. Shanti was declared hostile and was cross-examined by the Public Prosecutor. She denied that she stated before the police that she saw Geeta accused with an axe in her hand standing near Ram Kishan who was lying injured. However, she admitted as correct that in her presence, Geeta was having axe in her hand and threw the same on the roof where woods were lying. Even in cross-examination by defence counsel Shanti repeated that when she went to the roof, Geeta was there and then she came down from the roof.

Dr. Lokvir Singh PW-3 stated that he conducted the post mortem examination on the dead body of Ram Kishan on police request Ex.PC. He stated about injuries found on the dead body as also detailed in post mortem report Ex. PC/1. He stated his opinion regarding cause of death.

Axe Ex.P-1 which was recovered from the spot was also shown to this witness. He stated that the injuries of the deceased could be caused by the said axe.

Manoj Kumar, Draughtsman PW-4 stated that he inspected the spot on the pointing out of complainant Anup and prepared the scaled site plan Ex. PD.

Constable Randhir Singh PW-5 stated that he had delivered copies of FIR as Special Report to the Illaqa Magistrate and Senior Police Officers without any delay.

ASI Tej Ram PW-6 stated that on receipt of statement Ex.PA, he recorded FIR Ex.PA/1 and made endorsement Ex.PA/2 on the ruqa.

ASI Pritam Singh, Photographer PW7 stated that he visited the spot on 26.5.2004 and took photographs Ex. P-2 to P-4 alongwith negatives thereof.

Chander Sain PW8 stated that his house abuts the house of the deceased. On the day of occurrence at about 8.30 p.m. he was present outside the gate of his house as he was not feeling well. Ram Kishan, his wife and his sister were on the roof of his house and nothing was visible from the house of this witness. He heard the noise of a quarrel in the house of Ram Kishan. He was taken to the roof of the house of Ram Kishan. He found Ram Kishan lying dead there. All family members of Ram Kishan and many persons of the village were present there. He also stated about this noise of a music system before the occurrence. Chander Sain added that he did not see anything regarding this incident. He was declared hostile and was cross-examined by Public Prosecutor. The witness stated that his statement was recorded by the police in the police post. He admitted that when he went near the house of his brother-in-law i.e. deceased, accused

Geeta met him. She was saying "SAALE KO KHATAM KAR AYEE HOON" Chander Sain enquired as to whom she had finished. She stated that she had finished him. The witness denied that in his presence pillow, mattress, cot and axe and clothes of the deceased were seized by the police. His signatures were obtained later on in the police post. He admitted his signatures on recovery memos Ex.PH, Ex PI and Ex.PJ.

ASI Naresh Kumar PW-9 stated that he alongwith SI Mahender Singh and two Constables was present near Sai Baba Mandir, Faridabad when Anup came there and made a statement to SI Mahender Singh The police went to the spot. Photographs of the dead body lying on the cot on the roof were taken. Inquest proceedings were conducted by SI Mahender Singh. Next morning, the mattress, cot and pillow were taken into possession vide memo Ex.PH and an axe lying on the roof near the wood, stained with blood, was taken into possession vide memo Ex, PI, after preparing sketch Ex PF/1 of the axe. The accused was arrested in the presence of lady ASI Kamlesh. Clothes of the accused were stained with blood. The clothes were got changed and taken into possession vide memo Ex.PJ. The clothes and the articles except cot had been sealed into parcels. Recovery memos were attested by ASI Naresh Kumar and Chander Sain. The witness identified the aforesaid articles / clothes in the Court.

SI Mahender Singh PW10 stated about the Investigation of the case conducted by him as already detailed above.

The prosecution also tendered in evidence the FSL report Ex.PE Affidavits Ex.PF of Head Constable Jai Kishan and Ex.PG of Constable Ram Jiwan were also tendered in evidence to prove that there was no tampering with the case property.

6. On conclusion of evidence, the accused was examined under

Section 313 Cr.P.C. wherein she denied all the incriminating circumstances appearing against her in the prosecution evidence and claimed to be innocent. She did not lead any evidence in defence.

7. Based on the evidence led, the accused came to be convicted and sentenced by the Sessions Judge, Faridabad vide judgment and order of sentence dated 22/24.03.2005 as under:-

Offence Section	under	Sentence RI/SI	Fine	RI/SI in default of payment of fine
302 IPC		RI for Life	Rs.2000/-	RI for 03 Months

8. The aforementioned judgment is under challenge in the present appeal.

9. During the pendency of the instant appeal, the sentence of the accused/appellant was suspended vide order dated 22.10.2008.

10. The Amicus Curiae for the appellant contends that it is a case of a blind murder and some unknown person had committed the offence in question. Ramwati who shouted on seeing the deceased being assaulted after which the complainant Anup @ Annu, PW-1 came to the spot and allegedly saw the occurrence, has not been examined as a prosecution witness which creates a doubt in the prosecution version. The conviction could not have been recorded on the sole testimony of the complainant, namely, PW-1 Anup @ Annu who is a related witness being the wife of the deceased, therefore contends that the impugned judgment of conviction is liable to be set aside and the accused be acquitted of the charges framed against her.

11. The Counsel for the State on the other hand contends that the medical evidence is totally in consonance with the ocular account. The witnesses have deposed consistently as to the manner of the occurrence. The motive also stands established beyond doubt. There is absolutely no reason

for the complainant to have falsely implicated the accused in the present case. He, therefore, contends that the appeal was liable to be dismissed.

12. We have heard Counsel for the parties and gone through the record.

13. It is a case of single accused who is none other but the real sister of the deceased. She is admittedly unmarried and aged about 22 years at the time of the occurrence. The complainant who is a widow of the deceased is an eye-witness of the occurrence and she has fully supported the prosecution case and categorically deposed that in her presence, the accused inflicted axe blows to the deceased who was sleeping on a cot. The complainant had reached the roof i.e. the place of occurrence, and the axe blows were given in her presence by the accused. There is no reason to doubt the sworn testimony of the complainant who is most natural witness at the time and place. She being the widow of the deceased would be the last person to allow the real culprit to go scot free and implicate the accused falsely. The FIR was lodged very promptly giving a detailed version of the occurrence. The occurrence took place around 8.30/9.00 pm. and statement Ex.PA of the complainant alongwith police endorsement Ex.PA/3 on it concluded at 9.45 p.m. The FIR itself came to be recorded at 10.10 p.m. The testimony of the complainant in court is fully corroborated by the FIR lodged promptly by her. Though it is true that there appears to have been some delay in delivering the special report to the Illaqa Magistrate, however, this by itself is not sufficient to doubt the prosecution case. If the police committed some lapse in not delivering the FIR to the Illaqa Magistrate promptly, the prosecution case cannot be doubted on this ground alone. On the other hand, relationship of a witness with the victim is not a factor to effect the credibility of a witness. A close relation would not shield the

actual culprit and make allegations against an innocent person. As has been mentioned above, the presence of the complainant at the spot is very natural as the occurrence took place at night in a house in which both she and her husband were residing.

14. The testimony of the complainant is further corroborated by medical evidence. Dr. Lokvir Singh, PW-3 has categorically stated that the injuries found on the deceased could have been caused by the axe which was seized from the spot. The mere fact that the opinion was given in the witness box would not effect the veracity or credibility of the opinion. Moreover, no such opinion could have been obtained during investigation as the axe had been sent to FSL Madhuban.

15. The testimony of the complainant is further corroborated by the statements of Shanti PW-2 and Chander Sain PW-8. They have partially turned hostile. However, their statements also corroborate the prosecution case to a considerable extent. Shanti is none else but the real sister of the accused and in view of this close relationship, Shanti could not be expected to support the prosecution case against her own sister and when cross examined by the PP she admitted that the accused was seen with an axe immediately after the occurrence. Similarly, Chander Sain is the husband of another sister of the accused, and so he also resiled partly due to said close relationship. However, he has admitted that he heard the noise of a quarrel on the roof of the house of the deceased. Therefore, the statements of both these witnesses have corroborative value for the prosecution case.

16. The prosecution case is further corroborated by the human blood detected on the axe which is the weapon of offence. The axe was recovered from the spot soon after the occurrence. The complainant has testified that she and Shanti had taken the axe from the accused and put the

same on the roof. It was recovered from there by the police. Human blood was detected on it. Besides it, human blood was also detected on the clothes of the accused herself. The presence of blood on her clothes further proves that the murder was committed by her and none else.

17. Motive for the occurrence is also proved. The accused had spurned the marriage proposal between her and Satbir brother-in-law of Shanti as fixed by the deceased. On the other hand, the accused had some relationship with one Jugnu. The deceased objected to the same because of which the accused and the deceased would quarrel after Chander Sain has stated that there was a noise of quarrel from the house of the deceased. Since the deceased objected to the visits of Jugnu to his house and the accused asserted that Jugnu would come there and the accused also rejected the proposal of her marriage with Satbir as fixed by the deceased, there was discord between the brother and the sister. Thus, the accused had sufficient motive to commit the crime.

18. The contention that the sole testimony of the complainant, who being the widow of the deceased is also interested witness and her testimony could not be believed, cannot be accepted. The testimony of a sole eye witness if found credible can certainly be acted upon to convict an accused even though she is a related PW. In the instant case, the testimony of the complainant eye-witness is very credible and inspires confidence. Her veracity could not be impeached in her lengthy cross-examination. Moreover, her testimony is fully corroborated by the medical evidence, recovery of the weapon of offence stained with human blood, clothes of the deceased having stains of human blood and also statements of Shanti PW2 and Chander Sain PW-8, as already discussed. The presence of the complainant at the spot was also very natural as already discussed. She

cannot be said to be an interested or partisan witness. Her testimony cannot be doubted merely because of her relationship with the deceased. On the other hand, this relationship is a guarantee of the truthfulness of her statement as on account of said relationship, the complainant would not have allowed the real culprit to go scot free and would not have falsely implicated the accused who is also her close relative.

19. Further merely because the statement of Ramwati was recorded as a PW does not create a doubt in the case of the prosecution in view of the other overwhelming evidence on the record.

20. The accused in her statement under Section 313 Cr.P.C. also has not alleged any reason as to why she had been falsely implicated in the case. Her case is of simple denial and of alibi.

21. In view of the aforementioned discussion, as the offence has been established beyond reasonable doubt, we find no merit in the present appeal and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

(GURVINDER SINGH GILL)
JUDGE

February 24, 2025
Vinay

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