



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

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CRA-D-361-DBA-2005 (O&M)
Date of decision: August 08, 2025

STATE OF HARYANA

...Appellant

Versus

RAMESH AND ANOTHER

...Respondents

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

Present: Mr. Shiva Khurmi, DAG, Haryana.

MANJARI NEHRU KAUL, J.

1. The present appeal by the State of Haryana is directed against the judgment of acquittal dated 18.11.2004 passed by the learned Additional Sessions Judge, Jind in case FIR No.185 dated 29.10.2002 under Section 302 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Sadar Narwana, District Jind, whereby the accused-respondents namely Ramesh and Billu were acquitted of the charge under Section 302 read with Section 34 IPC for the alleged murder of one Satya Narayan.

2. Learned counsel, at the outset, submits that appellant No.2 i.e. Billu has expired during the pendency of the present appeal. Therefore, the instant appeal *qua* appellant No.2 Billu stands abated.



3. The case of the prosecution in brief is that on 29.10.2002, Amrit Singh, father of the deceased-Satya Narayan, lodged a report with ASI Heera Lal (PW12) at the Octroi Post, Narwana, regarding the suspicious disappearance of his son. The deceased, aged around 21-22 years, was last seen on 27.10.2002 consuming liquor in the company of the accused-respondents Ramesh and Billu at a kiosk allegedly owned by respondent-Ramesh in Village Badanpur.

4. It was apprehended by the complainant that the accused-respondents had eliminated his son owing to past animosity – specifically, an incident where the deceased had allegedly removed a canister of illicit liquor belonging to the accused Ramesh during the period of prohibition in Haryana.

5. A case under Section 364/34 IPC was initially registered. During investigation, PW9-Baljit Singh, a resident of Village Budan, informed the police that he had seen the deceased in a visibly disturbed state sitting with both the accused near the Barwala Branch Canal on the evening of 27.10.2002. He also claimed to have overheard the accused talking about taking revenge by pushing the deceased into the canal.

6. On 31.10.2002, the dead body of deceased-Satya Narayan was recovered from the Barwala Branch Canal and was identified by the complainant and one Kirpal Singh. An autopsy conducted at the General Hospital, Hisar revealed that the cause of death was *asphyxia* due to



drowning, ante-mortem in nature and sufficient to cause death in the ordinary course of nature. While accused Billu was arrested on 07.11.2002, accused Ramesh was arrested on 19.11.2002; they were stated to have confessed during interrogation to pushing the deceased into the canal after consuming liquor.

7. On completion of investigation, challan was presented before the competent Court, which then committed the case to the Court of Sessions. Charges under Section 302 read with Section 34 IPC were framed against both the accused, to which they pleaded not guilty.

8. The prosecution examined 12 witnesses, including: PW1 Dr. M.L. Kamra – who conducted the autopsy; PW5 Amrit Singh – complainant and father of the deceased; PW8 Punjab Singh – brother of the complainant, who allegedly saw the deceased with the accused; PW9 Baljit Singh – who claimed to have heard the accused discussing revenge; other police and official witnesses involved in the investigation and recovery.

9. The accused were examined under Section 313 Cr.P.C. and all the incriminating material appearing during trial was put to them. They denied the allegations and claimed false implication. No defence evidence was led by either of them. The learned trial Court, on the basis of the evidence, acquitted both the accused, giving them the benefit of doubt.

10. Learned State counsel has assailed the impugned order and judgment of acquittal by arguing as follows: -



(I) The learned trial Court erred in appreciating the evidence and discrediting the testimonies of PW5 Amrit Singh, PW8 Punjab Singh and PW9 Baljit Singh, which along with the medical and other evidence, clearly pointed towards the guilt of the accused.

(II) The last seen theory, coupled with the extrajudicial confessions and the absence of any alternative explanations by the accused, clearly made out a case under Section 302 read with Section 34 IPC.

(III) PW9 Baljit Singh specifically heard the accused conspiring to push the deceased into the canal, and the deceased was never seen alive thereafter.

(IV) The extrajudicial confessions made by the accused were wrongly discarded by the learned trial Court; these confessions, it was argued, should have been accepted as corroborative evidence.

(V) The motive, though minor, could not be ignored, giving the prohibition-era dispute between the deceased and the accused.

11. Having heard the learned State counsel and considered the evidence and other material on record, we find that the findings recorded by the learned trial Court are based on sound reasoning and correct appreciation of evidence.

12. The case of the prosecution suffers from blatant infirmities, rendering the conclusion of guilt unsustainable in law.



13. The entire case of the prosecution hinges on last seen theory. It is claimed that the deceased was last seen consuming liquor with the accused on the evening of 27.10.2002. This however, by itself, is insufficient to sustain a conviction, particularly when there is no established proximity in time between the last seen and the death.

14. The law is well-settled that the last seen theory must be supported by other cogent evidence and a complete chain of circumstances to exclude every other hypothesis except that of guilt.

15. Here, although PW8 Punjab Singh and PW9 Baljit Singh stated that the deceased was seen with the accused, there is no evidence to suggest that the accused were last seen with him at or near the time of death. Moreover, there is an abnormal and questionable delay in disclosing this information – PW9 Baljit Singh claimed to have overheard a conversation about revenge but neither intervened nor informed the complainant until 3 days later, which casts serious doubt on the credibility of his testimony.

16. The conduct of PW9 Baljit Singh is wholly unnatural. In a situation where he claims to have heard threats to the life of the deceased, his silence and inaction until after the body was recovered cannot inspire confidence. This unnatural conduct of such a key witness was rightly taken as a relevant factor while rejecting the case of the prosecution by the learned trial Court.



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17. Coming to the alleged confessions made by the accused while in police custody, these statements are squarely hit by Section 26 of the Indian Evidence Act, which renders confessions made to police officers inadmissible unless made in the immediate presence of a Magistrate. There is nothing on record to suggest that these confessions were made voluntarily or in compliance with the safeguards provided under law. The learned trial Court, therefore, rightly disbelieved this piece of evidence to hold that confession made while the accused is in custody must be strictly scrutinized and generally excluded from evidence unless proven to be voluntary and made outside any police coercion.

18. In the present case, no such conditions are satisfied. Hence, the confessional statements are inadmissible and rightly excluded by the learned trial Court.

19. Furthermore, as per the postmortem report (Ex.PB), no signs of injury or struggle were visible. That was due to drowning. If the accused had forcibly pushed the deceased into the canal with intent to kill, some evidence of resistance or trauma would ordinarily be expected.

20. The absence of such injuries, coupled with the fact that the deceased was habitual drinker – as admitted by none other than his own father PW5 Amrit Singh and uncle PW8 Punjab Singh – opens the possibility that the death could have been accidental, especially given the



state of intoxication of the deceased, which was confirmed by the positive Ethyl Alcohol Test Report.

21. Furthermore, the motive attributed to the accused is that the deceased had once removed the canister of illicit liquor belonging to them during prohibition. This incident allegedly took place four years prior. No evidence of ongoing hostility or tension between the parties has been brought on record.

22. It is far-fetched to suggest that a theft of a liquor can committed years earlier would lead to premeditated murder. It needs to be emphasized that motive, while relevant, must be cogent and contemporaneous to the act; an old grudge, unsupported by actual grudge of animosity, cannot suffice.

23. The circumstances proved by the prosecution fall short of forming a complete chain. At best, the evidence established that the deceased was seen with the accused and later found dead. However, in the absence of corroborative evidence linking the accused directly to the death, the chain remains broken and incomplete.

24. In a case based on circumstantial evidence, the circumstances must be fully established and form a chain so complete as to exclude every hypothesis except the guilt of the accused. We find no hesitation to hold that that test is not satisfied in the present case.

25. In view of the foregoing discussion, we are in complete agreement with the findings of the learned trial Court. The prosecution has

failed to prove the case beyond reasonable doubt. The evidence on record is riddled with gaps and lacks the necessary probative force to bring home the charge under Section 302 read with Section 34 IPC.

26. Accordingly, the instant appeal stands dismissed, and impugned judgment of acquittal rendered by learned trial Court is affirmed.

(MANJARI NEHRU KAUL)
JUDGE

August 08, 2025
Jaspreet Kaur

(H.S. GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No