



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRA-D-1088-DB of 2016 (O&M)

NarenderAppellant

Versus

State of Haryana

..... Respondent

Reserved on : 16.10.2025.
Pronounced on : 19.12.2025.

Whether full judgment
is pronounced
or
operative part thereof : Full.

CORAM:- HON'BLE MRS.JUSTICE LISA GILL
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Randeep S. Dhull, Advocate
for the appellant.

Mr. Dhruv Dayal, Addl.AG., Haryana.

LISA GILL, J.

1. Appellant-Narender has filed this appeal challenging judgment dated 05.10.2016 passed by the learned Sessions Judge, Rohtak, whereby he has been convicted for the offence punishable under Section 302 IPC. Vide separate order dated 05.10.2016, he has been sentenced as under:

Sections	Sentence
302 IPC	R.I for life and fine of Rs. 15,000/- and in default of fine, RI for one year

2. Brief facts necessary for adjudication of the matter are that SI/SHO Sukhbir Singh, PW-9 received a telephonic message on 22.07.2014 at about 9.45 p.m., that a murder had taken place at Gate No. 4-B Sonapat

Road, Rohtak. PW-9 along with PW-8-ASI Jagdish, Constable Bhupender and ASI Hari Om reached the place of occurrence. PW-6-complainant-Ranbir son of Sarup Chand met the police party. His statement Ex.PH was recorded to the effect that his son-Vikas @ Sonu (deceased) used to visit his friends Rakesh son of Mahinder, Sanjay son of Ram Kumar, PW-7-Vicky son of Rajbir and Rinku son of Ram Niwas near Railway Lines in the area of Subhash Nagar, Rohtak. On 22.07.2015 at about 6.30 p.m., Vikas (deceased) left his house to meet the abovesaid friends and when he did not return home for about two hours, complainant went to look for him. Complainant saw his son playing cards with his friends in the area of Subhash Nagar, Sonapat Road, Rohtak and in his sight, one boy (appellant) gave blows on the head and neck of his son Vikas with a *Dao/Chopar*. When complainant tried to apprehend that boy, he fled along with his weapon (dao). Complainant later came to know that assailant was present appellant-Narender son of Satbir. Complainant's son died at the spot due to injuries caused by appellant with the *dao*. It is further stated by complainant that a quarrel had taken place between his son and Narender over some money transaction. His son had told the complainant about the said quarrel and it is due to this reason that appellant murdered his son. Legal action was sought.

3. Upon the said statement, which was sent to Police Station through ASI Hari Om, formal FIR, Ex.PH/2 was registered. Inquest report Ex.PB was prepared. FSL team was called to the spot which carried out inspection of the spot. The FSL team headed by Smt. Saroj Dahiya arrived at the spot and inspected the same. Rough site plan, Ex.PO/1 was prepared. FSL report is available on record as Annexure PK. Dr. Palak and Dr. Sunny conducted postmortem examination of body of Vikas. Postmortem report

Ex.PA was submitted. Incised wounds were found on the head of deceased. It was opined that cause of death was head injury leading to intracranial bleed and death besides massive bleeding due to injury to major vessels in scalp leading to shock and death. SI/SHO-Sukhbir Singh, PW-9 on the basis of secret information apprehended appellant on 24.07.2015 from the area near Village Ismaila. Appellant during interrogation on 25.07.2015 suffered disclosure statement, Ex.PR to the effect that accused-appellant had kept concealed the Chopar/Dao/Darat in the bushes near Railway Lines underneath the bridge of old Industrial Training Institute (ITI) Rohtak and his clothes near Drain No. 6 in the area of village Guhna Farmana, District Sonapat. Appellant also got recovered Chopar/Dao/Darat from the area of Flyover of Old ITI Rohtak Railway Lines, Rohtak. Blood-stained clothes of appellant i.e., his shirt and pant were recovered from the disclosed place i.e., Drain No. 6. The abovesaid articles were taken in possession vide memo Ex.PO after converting the same into sealed parcels. Upon completion of investigation, report under Section 173 Cr.P.C., was prepared and submitted against the appellant. After complying with provisions of Section 207 Cr.P.C., the matter was committed to the Court of Sessions vide order dated 10.11.2015.

4. Charge for commission of an offence under Section 302 IPC was framed against appellant on 04.12.2015. Nine (09) witnesses were examined by prosecution to buttress its case. Appellant in his statement under Section 313 Cr.P.C., denied the incriminating facts and circumstances put to him and claimed innocence and false implication. However, no evidence was led in defence.

5. Keeping in view the facts and circumstances, learned trial Court concluded that prosecution had successfully proved its case beyond reasonable doubt proving complicity of present appellant in the matter.

6. Aggrieved therefrom, present appeal has been filed.

7. Learned counsel for appellant vehemently argued that learned trial Court has grossly erred on fact and in law while holding appellant guilty of commission of offence in question. It was submitted that there are material discrepancies in the statement of father of appellant and Vicky son of Rajbir, PW-7 which go to the root of the matter and are fatal for prosecution case. It was submitted that presence of father of deceased on the spot itself is extremely doubtful. It was further submitted that a number of persons were statedly present but no action whatsoever has been taken by the authorities to substantiate the version put-forth by present appellant by examining said independent witness. Therefore, conviction cannot be based solely upon testimony of the persons concerned. Motive as alleged by prosecution i.e., money transaction between the deceased and appellant is not proved by any evidence on record. Appellant, it is submitted has been made a scapegoat in this matter and while in custody another FIR No. 03 dated 07.01.2015, under Section 302 IPC, Police Station GRP Rohtak was falsely registered on the basis of his so called confessional statement. It was thus prayed that this appeal be allowed as prayed for.

8. Learned counsel for respondent-State opposed the appeal while submitting that no ground whatsoever is made out for interference in this matter as learned trial Court by way of a well reasoned and logical judgment has rightly convicted appellant for the offence punishable under Section 302 IPC. Dismissal of the appeal was sought.

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

10. Proceedings in the instant case were admittedly initiated on the statement of complainant-PW-6-Ranbir, who is the father of deceased-Vikas. PW-6-Ranbir in his testimony has reiterated the version on the basis of which FIR was registered. He has categorically stated that his son-Vikas was done to death by appellant with sickle blows on his head in his plain sight.

11. At the outset, it is to be noted that as per medical evidence as duly proved by Dr. Palak Bansal, PW-1 who conducted the postmortem of Vikas, following injuries were found on the person of deceased-Vikas:-

“1. An Incised wound 4x0.5 cms at base of right thumb horizontally.

2. An incised wound 20x3 cms at right tempo occipital region above right ear on right side of scalp going antero posteriorly and downward upto bone depth.

3. An incised wound 14x2 cms at right tempo occipital above injury no. 2 going antero posteriorly and downward upto bone depth.

4. An incised wound 24x3 cms anteroposteriorly and down indirection above injury no. 3 upto bone depth.

5. An incised wound 14x2 cms anteroposteriorly on parietal right region going downward upto bone depth just above injury no. 4.

6. An incised wound 14x3 cms going right to left in coronal plane at vertex of skull upto bone depth.

7. An incised wound 3 cms at apex of right pinna with distal part not seen (amputated). Int. injuries- skull + Brain ->Skull fracture + nt & intracranial bleed (+). Rest all viscerae pale and healthy In my opinion the cause of death is Head injury leading

to intracranial bleed and death and massive bleeding due to injury to major vessels in scalp leading shock and death.”

Cause of death is opined to be head injury leading to intracranial bleed and death and massive bleeding due to injury to major vessels in scalp leading to shock and death.

12. Postmortem report is duly proved by PW-1-Dr. Palak Bansal, Medical Officer, Polyclinic Sector-3, Rohtak.

13. Learned counsel for appellant argued that there are material discrepancies and contradictions in statement of PW-6 inasmuch as in FIR it is stated that complainant came to know the name and address of appellant at a later stage whereas in his cross-examination before learned trial Court, he stated that appellant was earlier known to him since 4 to 5 months prior to the occurrence. This variation does not in any manner prove fatal to the prosecution case as has been urged. PW-6 clearly stated that when his son did not return home after two hours, he had gone in his search along the Railway Line. He saw his son playing cards with his friends and within his sight, appellant attacked his son with sickle blows on his head and when he tried to catch hold of Narender, he tried to attack the complainant as well and managed to flee from the spot along with weapon. Appellant was unable to elicit anything in his favour during cross-examination of the complainant. PW-6, complainant has rendered a clear and cogent narration of facts as the incident unfolded. Presence of complainant on the spot is duly proved by statement of PW-7-Vicky, a shopkeeper in the area where the deceased was playing cards along with others. PW-7-Vicky stated that present appellant (Narender) came to the meat shop and asked Rakesh (who was running the shop) to provide him chicken. Rakesh asked him to wait for two minutes as

the game would be over soon. Thereafter, appellant took the sickle from the meat shop of Rakesh and inflicted blows on the head of Vikas. PW-7 duly stated that father of deceased had arrived at the spot. Yet again, nothing favourable to appellant could be elicited from cross-examination of PW-7. Presence of the complainant at the spot is succinctly proved. Learned counsel for appellant was unable to point out anything to the contrary and neither could he refer to any material on record which impinges upon credibility of material witnesses. It is thus evident that there is a clear-cut eye-witness account which is credible and free from any doubt. Ocular version is corroborated by medical evidence on record.

14 It is further to be noted that pursuant to disclosure statement, Ex.PR, suffered by appellant, Chopar/Darat/Sickle stained with blood was recovered on 26.07.2015. It was taken in custody vide memo Ex.PN. Recovery is duly proved by PW-8-Jagdish Chander and PW-9-Sukhbir Singh. Merely non-joining of independent witness at the time of recovery is of no avail to appellant in the given factual matrix. There is no material on record to indicate that police officials had any axe to grind against the present appellant.

15. In the given factual matrix, question of motive in any case pales into insignificance. Clear-cut and cogent eye-witness account as well as medical evidence on record cements the prosecution case. Doubtlessly, confession made before the police authorities is not relevant and not admissible in evidence. However, once such a disclosure leads to recovery of a fact, Section 27 of the Indian Evidence Act, 1872 would come into play.

16. It is further to be noted that incident in question took place at about 9.00 p.m. Information regarding occurrence was received by PW-9

Sukhbir Singh at about 9.45 p.m., itself. Intimation about commission of offence was promptly conveyed and there is no question of false implication of appellant in the matter. Learned counsel for appellant was unable to point out any material on record to substantiate such a plea. Argument that appellant was falsely implicated in FIR No. 03 dated 07.01.2015, under Section 302 IPC, Police Station GRP Rohtak is negated inasmuch as it is a matter of record that appellant was convicted and sentenced in said FIR No. 03 dated 07.01.2015, vide judgment and order dated 05.10.2016 passed by learned Sessions Judge, Rohtak, which has been upheld by this Court vide its decision dated 19.12.2025 in CRA-D-115-DB of 2017.

17. In the given factual matrix, in our considered opinion, prosecution has proved its case beyond reasonable doubt. Learned counsel for the appellant was unable to point out any evidence to the contrary.

18. No other argument was addressed.

19. Learned counsel for the appellants is unable to point out any illegality, infirmity or perversity in the impugned judgment of conviction dated 05.10.2016 and order of sentence dated 05.10.2016, passed by the learned Sessions Judge, Rohtak. The said judgment and order dated 05.10.2016, are accordingly upheld.

20. Consequently, present appeal is dismissed being devoid of any merit.

(LISA GILL)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

December 19, 2025.

s.khan

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.
Uploaded on : 22.12.2025