



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRA-D No.1238-DB of 2014 (O&M)

Gurtej Singh

...Appellant

Versus

State of Punjab

...Respondent

Reserved on: 27.10.2025

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

Argued by:- Mr. Abhijeet Partap Singh Chaudhary, Advocate
for the appellant.

Mr. Raghav Garg, AAG, Punjab,
for the respondent-State.

MEENAKSHI I. MEHTA, J.

By way of instant criminal appeal, the above-named appellant has laid challenge to the judgment and order on sentence dated 31.05.2014, as handed down by learned Additional Sessions Judge, Sangrur (for short 'the trial Court'), in the criminal case arising out of FIR No.220 dated 27.11.2013 registered at Police Station Dirba, under Section 302 IPC, whereby he (appellant) has been held guilty for committing the afore-said offence and has been awarded the sentence as under:-



<u>Offence</u>	<u>Sentence</u>
<i>Under Section 302 of IPC</i>	<i>To undergo imprisonment for life and pay a fine of Rs.1,00,000/- (Rs. One lac) and in case of default in payment of fine, to further undergo rigorous imprisonment for two years.</i>

It has, further, been ordered that in the event of realization of fine, an amount of Rs.80,000/- be given to the children of Ranjit Kaur (here-in-after to be referred as ‘the deceased’), as compensation under Section 357 Cr.P.C, subject to the provisions of Section 357(2) Cr.P.C.

2. Shorn and short of unnecessary details, the facts, culminating in the filing of present appeal, are that on 27.11.2013, Inspector/SHO Shubeg Singh, along-with some other police officials, was present at ‘*naka bandi*’ (putting-up of barricades) at Bus Stand, Dirba in connection with patrolling duty. Complainant Sukhdev Singh son of Piara Singh met him there and made a statement before him (SHO) which was reduced into writing accordingly. The complainant stated that his sister Ranjit Kaur (since deceased) was aged about 35 years and she had been married to the appellant about 13 years ago. Two children namely Amandeep Kaur and Karandeep Singh, aged about 12 years and 07 years respectively, had born out of their wedlock. The appellant was a drunkard and the deceased used to ask him to refrain from consuming alcohol and due to this reason, he (appellant) used to beat and torture her and send her to her parental house but they used to send her back to her matrimonial home after making her understand the matter. About four days prior to that day, the deceased called him (complainant) on the phone and informed him that the appellant



was beating her and was forcibly throwing her out of the house. Then, he sent his father to her (deceased's) matrimonial home but on 26.11.2013, the deceased and her father were forcibly turned out from there after being abused and they reached at his (complainant's) village at about 10:00 A.M. However, on receipt of a phone-call at about 12:00 Noon on the same day, regarding the demise of grandmother-in-law of deceased, he (complainant), his brother Jarnail Singh and cousin brother Pargat Singh took the deceased to her matrimonial house and attended the funeral. Thereafter, they left the deceased there and returned to their village. On that day (27.11.2013), at about 9:00 A.M, the deceased informed him on phone that the appellant had given her beatings under the influence of liquor and was ousting her from their home. On receiving this information, he, along-with his above-named cousin brother, reached at the matrimonial home of deceased around 12:00 Noon and she (deceased) started narrating her plight to them and when he tried to make the appellant understand the matter, he (appellant) picked up one '*Ghotna*' (a kitchen tool, i.e a wooden stick with a rounded head, used for mashing/grinding ingredients in a mortar) lying in the house and hit the same on the head of deceased who lost consciousness and fell down. On his raising an alarm, the appellant ran away from the spot along-with afore-said '*Ghotna*'. After making arrangement for transportation, he and his cousin brother took the deceased to Deep Hospital at Dirba for her treatment but she succumbed to her injuries. He had suspicion that the father-in-law of deceased namely Saun Singh, had also conspired to cause her death. This statement was forwarded to the Police Station where formal FIR was registered. Inquest proceedings were carried out. Post-Mortem



examination on the dead-body of deceased was conducted. The appellant was arrested and he suffered a disclosure statement and pursuant thereto, the alleged weapon of offence, i.e 'Ghotna', was recovered at his instance from the disclosed place. Further necessary investigation was carried out and on completion thereof, Challan/Final Police Report, as envisaged under Section 173 Cr.P.C, was prepared against the appellant (accused) and was presented in the Court.

3. After hearing learned Additional Public Prosecutor for the State and learned defence counsel and perusing the Challan/Final Police Report as also the documents annexed therewith, learned trial Court framed the charge against the appellant for commission of the offence punishable under Section 302 IPC. He (appellant) pleaded not guilty to the charge and claimed trial.

4. In order to bring home the guilt of appellant, the prosecution examined as many as twelve (12) witnesses namely Dr. Maghar Singh as PW1, Complainant Sukhdev Singh as PW2, Amandeep Kaur as PW3, Draftsman Dharminder Singh as PW4, ASI Bikramjit Singh as PW5, Dr. Balwinder Singh Bhatti as PW6, HC Karnail Singh as PW7, ASI Ranjit Singh as PW8, SI Gurbachan Singh as PW9, Constable Inderjit Singh as PW10, Inspector Shubeg Singh as PW11 and HC Ram Singh as PW12. Thereafter, learned Additional Public Prosecutor for the State tendered the report of FSL as Exhibit PX, in prosecution evidence and closed the same. Then, the appellant was examined under Section 313 Cr.P.C to explain the incriminating circumstances/material, appearing against him in prosecution evidence, as led on record, wherein he pleaded innocence and alleged his false implication and stated that the deceased had died due to having fallen



down from the roof. He led evidence in his defence by examining Sukhdev Singh as DW1, Jeet Singh @ Ranjit Singh as DW2, Harkesh Singh as DW3, Sukhpal Singh as DW4, Harpal Singh as DW5, Darshan Singh as DW6, Kailash Prabha as DW7, S.P. Jain as DW8 and Saun Singh as DW9. After hearing learned counsel for the parties and appraising the record, learned trial Court held the appellant guilty and awarded sentence to him, as already indicated in the opening para of this judgment.

5. We have heard learned counsel for the appellant as well as learned counsel for the respondent-State in the instant appeal and have also gone through the record carefully.

6. Learned counsel for the appellant has pointed out that PW2-complainant has stated during his examination-in-chief that on 27.11.2013, they had reached at the house of appellant at about 12.00 Noon and at that time, the appellant was quarrelling with his sister (deceased) and then, the alleged incident took place and he has also referred to the depositions made by DW3 Harkesh Singh, a teacher in the Government Primary School, Khanalkalan, to the effect that as per the attendance-register brought by him, Amandeep Kaur (PW3) was present in the Class up to recess-period, i.e 12:30 P.M, on 27.11.2013 and he has contended that these depositions make it quite explicit that above-named PW3 was away to her school at the time of said occurrence and even PW2-complainant was also not present at the spot at that time and thus, both of them had, later-on, been planted as prosecution witnesses. He has, further, contended that the place of recovery of alleged weapon of offence ('Ghotna') was an open space and was, thus, accessible to all and moreover, no independent witness from public was



joined while affecting the recovery of afore-said '*Ghotna*' and these facts make the recovery thereof, highly doubtful. His next contention is that it was DW1 Sukhdev Singh and DW6 Darshan Singh who had, in fact, witnessed the incident resulting in the death of deceased and they have specifically deposed that she (deceased) had gone to the roof of the house to fetch the sticks for preparing tea for them and had accidentally fallen from there. Lastly, he has contended that as per the prosecution version and deposed by PW2-complainant and PW3 as well, appellant had allegedly given two blows of '*Ghotna*' on the head of deceased whereas in her Post-Mortem Report Exhibit PW6/C, it has categorically been mentioned that six injuries were found present on her dead-body and this discrepancy casts a shadow of doubt on the entire case of prosecution and he has urged that in view of the above-discussed facts and circumstances, it is clear that the appellant has falsely been implicated in the present case and therefore, this appeal deserves to be allowed and the appellant is entitled to acquittal.

7. Per-contra, learned counsel for the respondent-State has argued that afore-named PW2 and PW3 were eye-witnesses to the commission of offence by the appellant and their testimonies are consistent and trustworthy, corroborating the prosecution version on all material particulars and the same, coupled with remaining prosecution evidence, do sufficiently substantiate the allegations of prosecution against the appellant and it being so, instant appeal is liable to be dismissed.

8. As regards the contention qua absence of PW3 Amandeep Kaur (daughter of deceased) at the spot at the time of alleged occurrence, the same is devoid of any force because DW3-Harkesh Singh, who had



brought the attendance-register, has deposed that on 27.11.2013, he was on leave for the first half-day, i.e from 9:00 A.M to 12:30 P.M. and had reached in the school after 12:30 P.M and PW3 was absent at that time. During his cross-examination, he has further stated that in the whole register, daily attendance had not been checked or initialled by any teacher of the school and has admitted that he did not know as to who had marked the presence of PW3 in the first half session on 27.11.2013 and that he had marked her absence for the second half of the day. DW7 Kailash Prabha, the acting Head Teacher of the school, has deposed that on the above-said day, Harkesh Singh, i.e DW3, was on leave for the first half of the day and during her cross-examination, she has stated that on that day, none of the other teachers had attended the school during 9:00 A.M to 12:30 P.M and she alone had managed the same and she was not personally known to any student of Class-5. In such circumstances, the afore-detailed depositions of DW3 and DW7 cannot be safely relied upon at all to infer that PW3 was not present at the spot at the relevant time.

9. The contention regarding PW2-complainant being not present at the spot at the time of incident in question, is also bereft of any merit because the above-said occurrence is stated to have taken place at about 12:00 Noon and PW2-complainant, has stated during his cross-examination that they had reached at the hospital at about 12:45 P.M and PW11 Shubeg Singh, the Investigating Officer, has specifically deposed during his cross-examination that PW2 had met him at 2:35 P.M on 27.11.2013, i.e the day of alleged incident. From the afore-discussed evidence, it becomes crystal clear that PW2-complainant had promptly taken his injured sister, since



deceased, to the nearest hospital for her treatment and had also reported the matter to the police without wasting any time and in such like eventuality, none can be expected to concoct stories for falsely implicating anyone in the crime.

10. So far as the contention regarding non-joinder of independent witness at the time of alleged recovery of weapon of offence, i.e 'Ghotna' and the place of its recovery being accessible to all, is concerned, the same does not hold any water because though in site-plan Exhibit PW11/D, the place of recovery of the above-mentioned weapon of offence ('Ghotna') is shown to be a vacant place behind Shri Krishan Gaushala but it is apposite to point out here that in disclosure statement Exhibit PW8/D, it has been mentioned that the appellant had disclosed that he had hidden the afore-said weapon under-neath 'Parali' (paddy-straw) beside the wall behind the 'gaushala' and it has categorically been noted in recovery memo Exhibit PW8/E that in pursuance of his disclosure statement, the appellant had led the police party to the above-referred place of recovery and had taken out the weapon of offence, i.e 'Ghotna', after removing the paddy-straw. As per FSL report, Exhibit PX, this weapon was stained with human blood. Further, even if no independent witness from public had been joined at the time of affecting the recovery of afore-described 'Ghotna' and testimony of PW2-complainant, who was stated to be a witness to the same, is also not taken into consideration, even then the depositions of PW11-Investigating Officer, coupled with the testimony of PW8 ASI Ranjit Singh, cannot be held to be tainted merely on account of their being police officials. Rather,



in such circumstances, the Court is required to appreciate and evaluate the depositions of police officials cautiously. However, there is nothing on the record to doubt the veracity or truthfulness of the depositions of both the above-named witnesses and to show that they had any axe to grind with the appellant and it being so, their testimonies do suffice to prove the factum of recovery of afore-mentioned ‘*Ghotna*’ at the instance of the appellant in pursuance of his disclosure statement.

11. Then, as regards the contention qua presence of above-named DW1 and DW6 at the spot and their version regarding the deceased having accidentally fallen from the roof, it is worth-while to point it out here that both of them have specifically deposed that on the day of occurrence in question, they had gone to the house of Saun Singh (DW9), father of the appellant but during his cross-examination, DW1 has admitted that the appellant had been residing separately from his father Saun Singh for the last many years. In site-plan Exhibit PW11/B also, the place of alleged incident and the residential house of Saun Singh are shown to be situated separately, i.e on different sides of the street. The afore-discussed evidence belies the version of above-said defence witnesses regarding their presence at the spot at the time of occurrence in question. Though these witnesses have deposed that the deceased had fallen from the roof and had sustained injuries but during his cross-examination, DW1 has stated that he had gone to the Police Station to record his statement and the same was not recorded and he had never made any complaint to the higher police authorities or Panchayat in respect thereof. Then, throughout during his depositions, DW6



has also nowhere stated that he had ever tried to approach higher police authorities to record his statement regarding the afore-described ‘accidental death’ of the deceased. To cap it all, DW1 has stated during his examination-in-chief that during their journey to the hospital, the deceased had told him that she had sustained injuries by default and had asked him to look after her husband and children. Similarly, DW6 has deposed that while being taken to hospital, the deceased had disclosed these facts to Sukhdev Singh (DW1). Both these witnesses claimed to have witnessed the accidental fall of the deceased from the roof of the house and had it been so, then it seems quite strange that the deceased would have had the occasion/necessity to disclose to them about the manner of her sustaining the injuries. Rather, their above-discussed depositions tantamount to a futile attempt on their part to save the appellant from clutches of law in this case.

12. So far as the contention regarding discrepancy in the medical evidence is concerned, we deem it appropriate to refer to the injuries as reported in Exhibit PW6/C, i.e Post-Mortem Report of the deceased and also detailed in the depositions of PW6-Dr. Balwinder Singh Bhatti in his affidavit Exhibit PW6/A which read as under:-

“II. INJURIES:

Injury No. 1. A lacerated wound of size 3 cm x 1 cm x bone deep present on the Right side of head 10 cm posterior to the Right ear pinna. Underlying bone fractured. Meninges, brain tissue contused and lacerated. Clotted blood present in the cranial cavity and extra cranial.



Injury No. 2. A lacerated wound of size 2 cm x 1 cm x bone deep present 1½ cm below the injury No. 1. Clotted blood present.

Injury No. 3. A lacerated wound > shaped with arms of 2 cm & 3½ cm x 1½ cm x bone deep present 2½ cm lateral to injury No. 1. Clotted blood present.

Injury No. 4. An abrasion of size 1 cm x 1 cm present on the Right tip of olecranon process. Clotted blood present.

Injury No. 5. An abrasion of size 1½ cm x 1 cm present 2 cm below the injury No.4. Clotted blood present.

Injury No. 6. An abrasion of size 2 cm x 1 cm present 3 cm below the injury No. 5. Clotted blood present.

x x x x x x x x

VII Opinion:- Cause of death in this case in our opinion is coma as the result of head injury attributed by syncope as the result of injuries, which is sufficient to cause death in ordinary course of nature.”

The afore-quoted evidence reveals that seat of injury No.1 was right side of head, 10 cm posterior to the right ear pinna and seats of injuries No.2 and 3 were reported to be below and lateral to injury No.1 respectively, meaning thereby that seats of these injuries were in close proximity to one another. However, throughout during his cross-examination, PW6 Dr. Balwinder Singh Bhatti, member of Board of doctors constituted to conduct post-mortem examination on the dead body of deceased, has not been asked or suggested about the probability of injuries No.1 to 3 having been caused by two blows of ‘Ghotna’. As regards injuries No.4 to 6, PW6 has deposed during his cross-examination that the above-referred injuries could not be the



result of fall from roof on right side and these were abrasions and could be the result of dragging. It being so, the possibility of these injuries having resulted while shifting the deceased from the spot to hospital at Dirba and subsequently, to Civil Hospital, Sunam, cannot be ruled out. In view of the afore-detailed facts and circumstances, the above-raised contention does not cut any ice and therefore, the same cannot be given any weightage and is, hence, rejected.

13. No other argument has been raised or addressed.

14. As a sequel to the fore-going discussion, it follows that the impugned judgment as well as order on sentence dated 31.05.2014, passed by learned trial Court, do not suffer from any infirmity, illegality, perversity or irregularity so as to call for any interference by this Court. Resultantly, the appeal in hand, being *sans* any merit, is dismissed.

15. Pending applications, if any, stand disposed of accordingly.

(LISA GILL)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

19.12.2025
seema

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>
<i>Uploaded on</i>	:	<i>22.12.2025</i>