

2025 PHHC 176419-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-D-115-DB of 2017 (O&M)

Narender**.....Appellant****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 appellant-Narender 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 25 years 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 on the intervening night of 06/07.01.2015, Hari Om, Deputy Station Superintendent, Rohtak (PW-6) was on duty from midnight to 08 a.m. After departure of Train No. 12983 i.e., Garib Rath at about 3.15 a.m., he telephonically informed all Gateman about departure of said train. When no response was received from the Gateman manning Gate No. 4-B, he instructed Gateman of Gate No. 4-A to check. At about 3.40 a.m., driver of the said Train namely Jagdish Chander found that Gateman of Gate No. 4-B was lying injured. Gateman of Gate No. 4-A i.e., Sunil also telephonically informed PW-6-Hari Om, Deputy Station Superintendent about the incident. Sunil was instructed to initiate proper proceedings upon which information was conveyed to Assistant Chief Medical Superintendent and SHO, GRP, Rohtak vide memo Ex.PF.

3. On receipt of information, SI, SHO-Sukhbir Singh (PW-13) along with ASI Snehi Raj-PW-9 reached the spot i.e., Gate No. 4-B where dead body of Krishan Kumar, Gateman was found lying on a slab in Signal Cabin (GUMTI) of the Gate. FSL Team was summoned. PW-12-Dr. Saroj Dahiya, Incharge FSL Team along with the others carried out spot inspection and submitted report Ex.PO. PW-13 also inspected the spot. Ruqa Ex.PB was sent to Police Station GRP for registration of the case through HC Rajesh. Formal FIR No.03 dated 07.01.2015, Ex.PP was recorded

on the said information. Rough site plan, Ex.PQ, was prepared by PW-13 and scaled site plan Ex.PL, was thereafter prepared by ASI Raj Kumar-PW-10. Blood-stained iron rod Ex.MO3 was recovered and taken in custody vide memo Ex.PH after converting into separate sealed parcels. Blood-stained brick Ex.MO4 was also lifted and taken in custody vide memo Ex.P1. SIM issued by IDEA bearing No. 86078-92161 was taken in custody vide memo Ex.PJ. Inquest proceedings were conducted. Inquest report is Ex.PR. Postmortem was conducted at PGIMS Rohtak by Dr. Sangeeta-PW-14. Statements of witnesses were recorded under Section 161 Cr.P.C. As per postmortem report, cause of death was multiple injuries and their implications like hemorrhage and shock which were found sufficient to cause death in normal course of nature. Injury was found on the head of deceased-Krishan Kumar.

4. Present appellant was arrested on 23.07.2015 in FIR No. 49 dated 23.07.2015, under Section 302 IPC, registered at Police Station GRP, Rohtak. During interrogation in the said case, appellant suffered disclosure statement Ex.PT wherein he revealed that he had murdered Krishan Kumar on 06/07.01.2015. He was joined in investigation in the present case after permission from Court and was arrested in the present matter as well. During investigation, appellant suffered disclosure statement, Ex.PU on 27.07.2015 to the effect that appellant's house was situated near Railway Track Gate No. 4-B, Krishan Kumar (deceased) was serving as Gateman at Gate No. 4-B and that appellant was on visiting terms with him and they would also consume liquor and sulfa together. It is further stated that on 06.01.2015, appellant and deceased (Krishan Kumar) consumed liquor while sitting in the GUMTI. When liquor was finished, Krishan Kumar asked to bring some

more but appellant had no money, he refused to do so, Krishan being drunk gave 2 or 3 slaps in anger. Appellant further stated that he went to the meat shop (khokha shed) in front of the GUMTI. The shopkeeper had left from the shop at that time. When Ekta Express Train went towards Rohtak while coming from Gohana side, Krishan Kumar opened the gate, took his meals and slept on the stone-slab constructed in the GUMTI. Appellant stated that he went inside the GUMTI and taking the iron rod lying in the GUMTI itself gave two blows with the iron rod on Krishan's head. Appellant then left the GUMTI while leaving the iron rod, however he took away the Railway Attendance Register as it was stained with blood and that he concealed the said Register, shoes and clothes worn by him at the time of murder at the house of his in-laws at village Farmana District Sonapat. Thereafter, on 28.07.2015, another disclosure statement of appellant was recorded to the effect that the Duty Attendance Register and blood-stained clothes and shoes were not kept concealed at village Farmana at his in-laws residence but were concealed by him at his own residence at Subhash Nagar in a broken iron box in the fodder room. Pursuant thereto, appellant demarcated the place of occurrence and got recovered his shoes and Duty Register, Ex.MO1 and MO2 respectively from his residence which is across the Railway Line and across the place of occurrence. Rough site plan, Ex.PW, of the place of recovery was prepared. Upon completion of investigation, challan/Final report under Section 173 Cr.P.C was prepared and submitted.

5. Case was committed to the Court of Sessions on 31.10.2015. Charge under Section 302 IPC was framed by learned trial Court on 10.11.2015 to which appellant pleaded not guilty and claimed trial.

6. Prosecution in order to substantiate its case examined as many as 15 witnesses. 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.

7. Learned trial Court on considering evidence on record, facts and circumstances of the matter, concluded that prosecution had successfully proved its case against the appellant for commission of the offence in question beyond reasonable doubt.

8. Aggrieved of judgment and order dated 05.10.2016, present appeal has been filed.

9. Learned counsel for appellant vehemently argued that the present is a case of purely circumstantial evidence which is woefully insufficient to connect the appellant with commission of offence in question. It was vehemently argued that prosecution falsely implicated appellant, who was arrested in another matter under Section 302 IPC on 23.07.2015 (FIR No. 49 dated 23.07.2015). Entire case of prosecution, it was submitted rests on the disclosure statement, allegedly suffered by present appellant, firstly in FIR No. 49 dated 23.07.2015 (Ex.PT) and disclosure statement Ex.PU and Ex.PM in the present case recorded on 27.07.2015 and 28.07.2015 respectively. It was submitted that no motive on the part of appellant has been proved. Furthermore, reliance by learned trial Court upon recovery of the blood-stained register is totally misplaced inasmuch as no evidence has been led on record to show that this Register was actually missing since January 2015. No such entry has been proved on record. It was further submitted that there is a material discrepancy in the site plan, Ex.PL and PQ.

It was urged that present is a case of a blind murder which took place on

07.01.2015 and that present appellant being an easy target, having been arrested in FIR No. 49 of 2015 was falsely involved in this case merely on the basis of his disclosure statement and recovery of the so called blood-stained register and shoes which is absolutely illegal and arbitrary. It was thus prayed that this appeal be allowed and appellant be acquitted of the charge framed against him.

10. Learned counsel for State opposed the appeal while submitting that prosecution has led clear and cogent evidence on record which amply proves commission of the offence by appellant as charged. Dismissal of appeal was sought.

11. We heard learned counsel for the parties at length and have carefully perused the record.

12. Undoubtedly, present case rests entirely on circumstantial evidence. It is a settled position that for basing a conviction on circumstantial evidence, the chain of events must be so complete that it points conclusively and solely to the guilt of accused and is inclusive of no other hypothesis. At this stage, gainful reference can be made to judgment of Hon'ble the Supreme Court in **Hanumant Govind Nargundkar Vs. State of M.P. , AIR 1952 SC 343** wherein it has been held that:-

“10.It is well to remember that in cases where the evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should in the first instance be fully established and all the facts so established should be consistent only with the hypothesis of the guilt of the accused. Again, the circumstances should be of a conclusive nature and tendency and they should be such as to exclude every hypothesis but the one proposed to be proved. In other words, there must be a chain of evidence so far complete as not

to leave any reasonable ground for a conclusion consistent with the innocence of the accused and it must be such as to show that within all human probability the act must have been done by the accused"

13. In **Sharad Birdhichand Sarda v. State Of Maharashtra, 1984 AIR 1622**, it was held that chain of events must form a consistent chain, so conclusive, as to rule out the possibility of any other hypothesis, except the guilt of the accused. Five golden principles enunciated were as follows:-

(1) the accused must be and not merely may be guilty before a Court can convict and the mental distance between 'may be' and 'must be' is long and divides vague conjectures from sure conclusions."

(2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty.

(3) the circumstances should be of a conclusive nature and tendency.

(4) they should exclude every possible hypothesis except the one to be proved, and

(5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.

14. In **Dharam Deo Yadav Vs. State of Uttar Pradesh, (2014) 5 SCC 509**, after referring to **Hanumant** case (*supra*), Hon'ble the Supreme Court observed that *"Each and every incriminating circumstance must be clearly established by reliable and clinching evidence and the circumstances so proved must form a chain of events from which the only irresistible*

conclusion about the guilt of the accused can be safely drawn and no other hypothesis against the guilt is possible. Even when there is no eyewitness to support the criminal charge, but prosecution has been able to establish the chain of circumstances which is complete leading to inference of guilt of accused and circumstances taken collectively are incapable of explanation on any reasonable hypothesis save of guilt sought to be proved, the accused may be convicted on the basis of such circumstantial evidence.”

15. It is to be seen whether in the present case, prosecution has proved each and every incriminating circumstance against the accused so as to form a chain of events so complete that the only irresistible conclusion is of guilt of accused leaving no scope for any other hypothesis.

16. In the present case, no headway was admittedly made by Investigating Agency after commission of the crime on the intervening night of 06/07.01.2015. It is when appellant was arrested on 23.07.2015 in FIR No. 49 dated 23.07.2015 for murder of one Vikas by causing injury on the head that his involvement in the present case came to light on the basis of his disclosure statement.

17. At this stage, it is pertinent to note that a disclosure statement recorded in police custody would be relevant only if it leads to discovery of a fact in terms of Section 27 of the Indian Evidence Act, 1872. In the instant case, dead body of Krishan Kumar was discovered in the Signal Cabin (GUMTI) as has been narrated in the foregoing paras. Description of the crime scene as detailed in the Crime Scene Visit Report, Ex.PO, reads as under:-

“Observations:- The spot where crime had been committed and its surrounding area was examined meticulously by FSL team for the presence of some physical clue related to the crime.

1. The deceased was found in lying position on cemented floor in the small room.
2. The deceased was wearing grey colour pant, yellow blue Shirt and red colour Woolen.
3. Whole body and clothes were smudged with blood stained.
4. Left side of the head region had a deep injury, Mouth and head smudged with blood stained.
5. Pool of Blood stained/splashes had been found on the bedding, wall & floor of the room.
6. An Iron rod found on the spot smudged with blood stained.”

18. The said Crime Scene Visit Report has been proved by PW-12- Dr. Saroj Dahiya, Head FSL Team, Unit Rohtak. Injuries upon person of deceased-Krishan Kumar as proved by Dr. Sangeeta Arora-PW-14 are as under:-

“Injuries:

1. A chopped bone of irregular shape 7 x3 cm in their maximum dimensions over the left temporo occipital region of scalp. Underlying vessels and neuromuscular bundles are crushed. Tissue bridging is present Underlying tissue is ecchymosed. On dissection underlying skull is depressed. Fracture line is irregular. Fracture in the corresponding area. Left temporalis muscles is contused Fracture line 7 x 8 cm long and terminating in many small fractures lines Bony trabeculae of fracture bones are blood infiltrated. On further exploration epidural haemorrhage present at left occipital area of brain Dural membrane is missing at corresponding area brain matter protruding out.
2. A lacerated wound of irregular shape of size measuring 3 x 1 cm over the upper aspect of left pinna of the ear. Underlying

tissue is ecchymosed. Tissue bridging is present. Margins are irregular. On further the dissection underlying left parietal bone is fractured in irregular manner. Fractured ends of bony trabeculae blood infiltrated. Subdurai hemorrhage present below the parietal area.”

19. Cause of death is opined to be due to multiple injuries and their complications like hemorrhage and shock which were sufficient to cause death in ordinary course of nature. In order to connect appellant with the commission of crime, prosecution has relied upon recovery of blood-stained register which was with the deceased as well as blood stained shoes (of appellant), from the residential house of appellant pursuant to his disclosure statement. It is succinctly proved that pursuant to the disclosure statement, Ex.PM, blood-stained shoes of appellant and Railway Register was recovered from the broken iron box placed in the fodder room of appellant’s residential house at Subhash Nagar, Rohtak. Perusal of the site plans Ex.PL, Ex.PQ and Ex.PW clearly show that residential house of appellant from where abovesaid recoveries were effected is across the Railway Line and across the place of occurrence i.e., the Signal Room/GUMTI where dead body of Krishan Kumar was found. It is stated by appellant in his disclosure statement that he was on visiting terms with deceased-Krishan Kumar who was serving as Gateman at Gate No. 4-B and that both of them used to consume liquor and Sulfa together. On 06.01.2015, when liquor was finished Krishan Kumar asked appellant to bring some more but as he had no money he refused to bring said liquor. Krishan Kumar being drunk gave two or three slaps in anger to appellant and asked him to leave the room. Appellant further stated that he waited at the meat shop (a *khokha*) situated in front of the GUMTI. Shopkeeper at that time had left. He kept watching over

Krishan Kumar and when Ekta Express Train reached towards Rohtak from Gohana side, Krishan Kumar opened the gate took his meals and went to sleep on the stone of slab constructed in the GUMTI. When he was in deep sleep, appellant took the iron rod lying in the GUMTI and gave two blows on the head of Krishan Kumar due to which Krishan Kumar died. It is further revealed in the disclosure statement that appellant took the Railway Attendance Register lying in the room as it got stained with blood. Entries of movement of trains were made in this register by Krishan Kumar. Recovery of this register along with blood-stained shoes of appellant was made from his residence. It is duly noted in the seizure memo Ex.PN that last entries in the register had been made regarding ‘(a) information of coming (up) train on 06.01.2015 at 21.50 hours (b) closing of railway gate at 22.20 hours (c) crossing of gate by train no. 14796 at 22.23 hours and (d) opening of train gate at 22.25 hours. These entries have signatures of gateman Krishan Kumar’. It is to be noted that as per Crime Scene Visit Report, Ex.PO, bloodstains/splashes were found on the bedding, walls and floor. Evidence on record indicates the recoveries as effected from the residence of appellant himself to be genuine. There is no evidence on record to indicate as to why present appellant would be falsely implicated in this matter. As per FSL report, Ex.PO, the register and shoes recovered at the instance of appellant had human blood.

20. Learned counsel for appellant was at pains to submit that there is no evidence on record to indicate that the said Railway Register ever went missing. This argument is devoid of any merit inasmuch as PW-7-Anil, Trackman Railway Department, Railway Station Rohtak specifically stated that upon receiving information about Krishan Kumar being murdered at

Gate No. 4-B, he had reached the spot where police personnel as well as officials of the Railway Department were present. Dead body of Krishan Kumar was lying on the slab of the room at railway crossing at Gate No.4-B and thereafter he was deputed by Jagmender for duty as Gateman at Gate No. 4-B and that when he assumed charge, he could not find the Gate Register, information of which was duly given to Jagmender who issued a new register to PW-11-Sunil for record of trains. PW-7 has clarified that he was orally instructed by Jagmender to perform duty at Gate No. 4-B and he had taken charge of the same at about 8 a.m. on 07.01.2015. PW-Jagmender had been given up as unnecessary by the prosecution. Thus, argument raised by learned counsel for appellant that recovery of this blood-stained register is doubtful inasmuch as there is nothing on record to indicate that such a register at the first instance had gone missing, is devoid of any merit hence rejected.

21. Another argument raised by learned counsel for appellant was that appellant was falsely implicated merely because he had been arrested in another FIR No. 49 dated 23.07.2015, under Section 302 IPC, registered at Police Station GRP Rohtak itself and that present case has been incorrectly foisted upon him. This argument is also devoid of any merit keeping in view the specific evidence on record in the present case as has been discussed in the foregoing paras. There is indeed no evidence on record to indicate that a false case has been foisted upon the appellant. Offence in question in the present case may have come to light when appellant was arrested in FIR No. 49 dated 23.07.2015 but evidence as adduced in the instant case clearly and cogently proves commission of the offence in question by present appellant.

22. 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 anything to the contrary or 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.

23. No other argument was addressed.

24. The said judgment and order dated 05.10.2016, are accordingly upheld.

25. Consequently, present appeal is dismissed. Pending application(s), if any stand(s), disposed of accordingly.

(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