



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRA-D No.936-DB of 2016(O&M)
Date of Decision: 13.11.2025

Parwinder Singh
.....Appellant
Versus
State of Punjab
.....Respondent

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

Argued by:- Mr. Ranbir Singh Sekhon, Advocate,
for the appellant.

Mr. R.S. Pandher, Additional Advocate General, Punjab
for the respondent-State.

MEENAKSHI I. MEHTA, J.

By way of instant criminal appeal, the appellant has laid challenge to the judgment dated 01.09.2016 and order on sentence dated 03.09.2016, as handed down by learned Additional Sessions Judge, Fazilka (for short ‘the trial Court’), whereby he has been held guilty for committing the offences punishable under Sections 302 and 449 IPC in the criminal case arising out of FIR No.40 dated 07.03.2014 registered at Police Station Sadar, Jalalabad, under Sections 302 & 307 IPC and has been awarded the sentences as under:-

<i>Offence</i>	<i>Sentence</i>
<i>U/S 302 IPC</i>	<i>To undergo imprisonment for life and pay a fine of Rs.1,00,000/- and in case of default in payment of fine, to further undergo rigorous imprisonment for two years.</i>



<i>U/S 449 IPC</i>	<i>To undergo imprisonment for life and pay a fine of Rs.1,00,000/- and in case of default in payment of fine, to further undergo rigorous imprisonment for two years.</i>
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Both the sentences have been ordered to run concurrently and the fine amount has been directed to be paid to the family of the victims under Section 357-A Cr.P.C.

2. Shorn and short of unnecessary details, the facts, culminating in the filing of present appeal, are that on 07.03.2014, a telephonic message was received at Police Station Sadar, Jalalabad from Police Station Fazilka regarding the admission of Kuldeep Kaur and Jasvir Kaur (here-in-after to be referred as ‘the victims’) in Civil Hospital, Fazilka, due to their having sustained injuries after being set on fire and their having been further referred to Medical College, Faridkot. On receipt of this message, SI/SHO Harinder Singh, along-with some other police officials, reached at G.G.S. Medical College & Hospital, Faridkot and there, he obtained the opinion of doctor on fitness of both the victims to make statement and the doctor opined them (victims) to be fit for the same. Then, the above-said SI/SHO moved an application to learned Chief Judicial Magistrate (CJM), Faridkot, for deputing any Judicial Officer for recording the statements of afore-named victims and he (CJM) deputed Sh. Satish Kumar, the then Judicial Magistrate 1st Class (JMIC), Faridkot, for this purpose and he (JMIC) recorded their (victims’) statements accordingly. Thereafter, the SI/SHO also recorded the statement of victim Kuldeep Kaur (wife of Iqbal Singh) who stated that prior to her marriage, she had been in relationship with the



appellant who had wanted to marry her. After her marriage, he came to her matrimonial place and told her that she had deceived him and therefore, he would not spare her and would teach her a lesson. She requested him not to spoil her marital life and he returned to his village. On the previous day, her mother Jasvir Kaur had brought her to her parental home and at about 9:00 P.M, the appellant came there and asked her to accompany him but she again told him that she was married and then, he left their house while threatening to kill her. At about 2.00 A.M, she and her mother were sleeping on one cot and her brother and Gagandeep, the daughter of her uncle, were sleeping on the other bed. The appellant entered their room and caught hold of her arm and asked her to accompany him. However, when she pushed him back, he took out a bottle of oil from the fold of his dress and sprinkled the same on her and her mother and threw a burning matchstick towards them and set them ablaze. She tried to catch hold of him but he fled from the spot and on her raising an alarm, several persons gathered there. This statement was forwarded to the Police Station where a formal FIR was registered under Section 307 IPC. Subsequently, both the victims succumbed to their injuries and the offence punishable under Section 302 IPC had been added in the case. Further necessary investigation was, then, carried out and on completion thereof, Challan/Final Police Report under Section 173 Cr.P.C was prepared against the appellant (accused) and was presented in the Court.

3. After hearing learned 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 charges against the appellant for committing the offences punishable under Sections 449 and 302 IPC. He (appellant) pleaded not guilty to the charges and claimed trial.

4. In order to bring home the guilt of appellant, the prosecution examined as many as eleven (11) witnesses namely Angrej Singh as PW1, Darshan Singh as PW2, Hardev Singh as PW3, Dara Singh as PW4, Gagandeep as PW5, Dr. Vikas Gandhi as PW6, Draftsman Sanjeev Kumar as PW7, Dr. Ashwani Kumar as PW8, SI Harinder Singh as PW9, Dr. Gurdhian Singh as PW10 and Sh. Satish Kumar, Judicial Magistrate 1st Class as PW11. Thereafter, learned Public Prosecutor for the State closed the prosecution evidence. Then, the appellant was examined under Section 313 Cr.P.C to explain the incriminating circumstances/material, appearing against him in the prosecution evidence led on record, wherein he pleaded innocence and stated that he had falsely been implicated in the case and the complainant in murder case, as registered against victim-Jasvir Kaur, had been threatening to take revenge and had, therefore, committed the offence in question. However, he did not lead any evidence in his defence. After hearing learned counsel for the parties and appraising the record, learned trial Court has held the appellant guilty and has awarded him punishment, as already described 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 contended that the statement of victim-Jasvir Kaur, i.e Exhibit P11/G, as recorded by the Magistrate (PW-11), cannot be read in evidence because she had disclosed therein that her children had apprised her that the appellant had set them on fire and thus, the same is to be termed as ‘hearsay evidence’ only. He has also contended that PW1 Angrej Singh has deposed that on his inquiring, his mother and sister had told him that the appellant had set them ablaze and PW2 Darshan Singh and PW3 Hardev Singh have stated that they had seen the appellant nervously coming out of the house of victims and PW4 Dara Singh has deposed that he had reached at the spot after being informed by Chamkour Singh regarding the occurrence in question and thus, it is explicit that none of these prosecution witnesses had seen the appellant setting the victims on fire and hence, their testimonies do not help the prosecution in connecting the appellant with alleged commission of offence. His next contention is that PW6 Dr. Vikas Gandhi and PW8 Dr. Ashwani Kumar, who had conducted post-mortem examination on the dead bodies of Kuldeep Kaur and Jasvir Kaur respectively, have stated that the bodies did not emit the smell of kerosene oil or petrol and these depositions cast a shadow of doubt on the entire version of prosecution. Lastly, he has contended that victim-Jasvir Kaur was involved in a murder case and the complainant named Satpal in the said case, had killed the victims out of revenge and he has urged that in view of the above-discussed facts and circumstances, the present appeal deserves to be allowed/accepted and the appellant is entitled to his acquittal.



7. Per-contra, learned State counsel has argued that victim-Kuldeep Kaur had been in relationship with the appellant before her marriage and after her marriage, the appellant had been forcing her to continue relationship with him and due to her refusal for the same, he (appellant) started nurturing grudge against her and thus, there was a strong motive for the commission of offence by him. He has further argued that in her dying declaration Exhibit P11/C, victim Kuldeep Kaur (since deceased) has specifically named the appellant as the culprit and this statement does suffice to connect him (appellant) with the offence in this case and in such circumstances, the instant appeal is liable to be dismissed.

8. As regards the contention qua Exhibit P11/G, i.e. the dying declaration of victim Jasvir Kaur (since deceased), being merely 'hearsay evidence', though she had stated therein that her children had apprised her about the appellant having set them ablaze but this fact, rather, goes to show that she was truthful and had not concocted any story to falsely involve the appellant in the case. Even if this statement is not taken into consideration, even then the fact remains that Exhibit P11/C is the dying declaration of victim Kuldeep Kaur wherein she has disclosed about her previously being in relationship with the appellant and has stated that he (appellant) was forcing her to marry him but she did not agree for the same and he had visited their house earlier in the evening to ask her to meet him but she had refused for the same and he had set her and her mother on fire. PW9 SI Harinder Singh, the Investigating Officer, had moved application Exhibit P9/A to the concerned doctor for seeking his opinion on the fitness of Kuldeep Kaur and Jasvir Kaur to make statement, whereupon the doctor



had opined them to be fit for this purpose. Exhibit P11/A is the application moved by PW9 to learned Chief Judicial Magistrate, Faridkot, for deputing any Judicial officer for recording the statements of afore-said victims and PW11 Sh. Satish Kumar, JMIC, had been deputed to do the needful in this regard. PW11 has categorically deposed that he had sought the opinion of doctor on the fitness of both the victims and on their having been declared fit for the same vide the opinions appended on Exhibits P11/B & P11/E, he had recorded their statements after directing their relatives to walk out from the place. It is well-settled that a dying declaration is construed to be the solemn and truthful statement/narration of the facts by the victim because anticipating the nearing death, the deponent (victim) cannot be expected to tell lies or to falsely implicate any person so as to settle any scores with him/her. In the present case, victim Kuldeep Kaur herself has admitted her relationship with the appellant before her marriage and in normal course of events, no female would stake her feminine dignity and honour for falsely involving anyone in a case. From the above-referred depositions of PW11, it becomes clear that her dying declaration has been recorded in accordance with the due procedure and there is nothing on the record to doubt the truthfulness or veracity of the same.

9. So far as the contention regarding testimonies of PW2 to PW4 is concerned, though none of them has deposed that he had witnessed the occurrence in question but we cannot lose sight of the fact that PW2 Darshan Singh and PW3 Hardev Singh have made categoric depositions that they had seen the appellant nervously coming out of the house of victims. These depositions duly corroborate the version of prosecution qua the presence of



appellant at the spot at the time of incident resulting in burn injuries to both the victims. PW4 Dara Singh has also deposed that the victims were loudly shouting that the appellant had put them on fire by sprinkling kerosene oil upon them and had run away from the spot and that he (PW4) had taken them (victims) to the hospital. It would be apposite to mention here that PW1 Angrej Singh and PW5 Gagandeep have also deposed that prior to the alleged occurrence, the appellant had visited the house of victims at about 9:00 P.M. and had asked victim Kuldeep Kaur to accompany him and on her refusal to do so, he had threatened to kill/eliminate her. These depositions lend strength/credence to the contents of dying declaration (Exhibit P11/C) of Kuldeep Kaur regarding the appellant having set her and her mother ablaze. To add to it, PW5 Gagandeep has made specific depositions qua her having witnessed the incident of the appellant sprinkling liquid on both the victims and setting them on fire.

10. PW6 Dr. Vikas Gandhi and PW8 Dr. Ashwani Kumar had conducted post-mortem examination on the dead bodies of Kuldeep Kaur and Jasvir Kaur respectively and had reported about their (victims) having suffered burn injuries to the extent of 90%. Though they have deposed that no smell of kerosene oil or petrol was coming from the dead bodies but it is pertinent to mention here that both these witnesses have also stated that the dead bodies were wrapped with bandages/covered with medical dressing (ASD). The occurrence in question had taken place during the intervening night of 6th/7th March, 2014 and Kuldeep Kaur had passed away on 10.03.2014 whereas Jasvir Kaur had expired on 09.03.2014 and post-mortem examination on their dead bodies had been conducted on



11.03.2014 and 10.03.2014 respectively. The victims had, admittedly, died 2/3 days after sustaining the burn injuries and in these circumstances, the smell of kerosene oil or petrol may not necessarily be emanating from their dead bodies at the time of post-mortem examination thereof. Even otherwise, this fact, by itself, is not sufficient to impinge upon or discredit the dying declaration Exhibit P11/C as made by victim Kuldeep Kaur.

11. The contention regarding one Satpal, the complainant in the murder case involving victim Jasvir Kaur, having killed both the deceased is devoid of any force because there is no material to substantiate the same. Moreover, it does not stand the test of logic as to why the victims would let the real culprit to go scot-free and falsely implicate the appellant in this case. Thus, the prosecution has successfully proved its case against the appellant beyond reasonable doubt and he has rightly been convicted and awarded the sentence as detailed earlier.

12. As a sequel to the fore-going discussion, it follows that the impugned judgment dated 01.09.2016 as well as order on sentence dated 03.09.2016, passed by learned trial Court, do not suffer from any infirmity, illegality or perversity or irregularity to warrant any interference by this Court. Resultantly, the appeal in hand, being *sans* any merit, is dismissed.

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

(LISA GILL)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

November 13, 2025
seema

Whether speaking/reasoned: Yes
Whether Reportable: Yes/No