



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

(I) CRA-D-267-DB-2004 (O&M)

Sat Pal ... Appellant

Versus

State of Haryana ... Respondent

(II) CRA-D-829-DB-2006 (O&M)

Shri Bhagwan ... Appellant

Versus

State of Haryana ... Respondent

Date of Decision:-24.3.2025

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Sudhir Sharma, Advocate,
for the appellant(s) in both the appeals.

Mr. Ranvir Singh Arya, Addl.A.G., Haryana.

GURVINDER SINGH GILL, J.

1. This judgment shall dispose of above-mentioned set of two appeals i.e. CRA-D-267-DB-2004 filed on behalf of appellant – Sat Pal assailing judgment dated 21.2.2004 passed by learned Additional Sessions Judge, Jhajjar & CRA-D-251-DB-2005 filed on behalf of appellant – Shri Bhagwan assailing judgment dated 26.9.2006 passed by learned Additional Sessions Judge,



CRA-D-267-DB-2004 (O&M) &
CRA-D-829-DB-2006 (O&M) (2)

Jhajjar. Vide these impugned judgments, the appellants have been separately held guilty and sentenced as under:

Vide judgment dated 21.2.2004

Name of the convict	Offences	Imprisonment	Fine	In default of payment of fine
Sat Pal	302/34 IPC	Life imprisonment	Rs.5,000/-	R.I for 6 months

Vide judgment dated 26.9.2006

Name of the convict	Offences	Imprisonment	Fine	In default of payment of fine
Shri Bhagwan	302 IPC	Life imprisonment	Rs.2,000/-	R.I for 3 months

2. Although, two separate judgments are being assailed by two appellants, but the same are being taken up together as not only these appeals arise out of the same FIR, but even the evidence (12 PWs out of 13 PWs) was recorded when trial was proceeding jointly against both of them. Subsequently, on account of appellant Shri Bhagwan having been declared proclaimed offender on 9.4.2003 the trial proceeded further only qua Sat Pal who was convicted on 21.2.2004. Subsequently, upon re-arrest of Shri Bhagwan, the sole remaining prosecution witness i.e. PW-13 was examined afresh in his presence and he came to be convicted later vide separate judgment dated 26.9.2006.
3. The matter arises out of FIR No.123 dated 5.5.1999 registered at Police Station Sadar, Bahadurgarh, under Sections 302, 323, 34 of Indian Penal Code and Section 25 of Arms Act lodged at the instance of Jai Narain (PW-1), who in his statement (Ex.PA/1) recorded by ASI Rohtash Singh stated as under:



“I am a resident of Village Chhudani and am an agriculturist. I have four sons. My son namely Ramesh aged 28 years used to sell milk. About one year back Shri Bhagwan uttered obscene words to wife of Ramesh leading to a tussle between Ramesh and Shri Bhagwan, which I got settled. Shri Bhagwan started visiting the house of my brother Daya Nand, which was adjacent to my house. Yesterday, when I and my son Ramesh were present in the house, Shri Bhagwan came to the house of Daya Nand. Ramesh told Shri Bhagwan not to visit the house of Daya Nand as had already told to him earlier several times. Shri Bhagwan felt insulted. Today (5.5.1999) at about 06:30 A.M. when I was working in my house, Shri Bhagwan, who was carrying a knife alongwith Sat Pal and Setha, who were carrying ‘*jalties*’, came there and asked about the whereabouts of my son Ramesh and said that since Ramesh had insulted Shri Bhagwan several times they will teach him a lesson for the same. I reasoned out with them and sent them back. I also followed them. In the meantime, my son Ramesh accompanied by Narain Singh came from the street. Shri Bhagwan raised a ‘*lalkara*’ saying that Ramesh is the root cause of all the dispute and that he be not spared. Satpal son of Setha caught hold of Ramesh while Shri Bhagwan gave a blow with knife on the left side of chest of Ramesh as a result of which Ramesh fell down. I and Narain Singh tried to save him and raised alarm ‘*bachao-bachao*’ and upon hearing the same my elder son Pehlad and Jagdish son of Desha Ram came to the spot. Upon seeing them, the assailants fled away from the spot alongwith their weapons. While running away Sat Pal inflicted a blow with ‘*jaili*’ to my son Pehlad hitting him on his palm and fingers. I, Pehlad, Jagdish and Narain attended to Ramesh and took him to PGI, Rohtak, where he was declared dead.”

4. The aforesaid statement was recorded by ASI Rohtash Singh in the police station on the basis of which formal FIR Ex.PA was lodged. ASI Rohtash Singh (PW-13) immediately proceeded to PGI, Rohtak where inquest proceedings were conducted and inquest report Ex.PS was prepared. Post



mortem examination was got conducted on the dead body. The matter was further investigated by PW-12 Inspector Sri Chand, who visited the place of occurrence, where a rough site plan (Ex.PN) was prepared. Blood stained soil was lifted from the place of occurrence and was duly sealed. Statements of witnesses were recorded in terms of provisions of Section 161 Cr.P.C. Accused Shri Bhagwan and Sat Pal were arrested on 8.5.1999. The accused Shri Bhagwan was interrogated during the course of which he made a disclosure statement (Ex.PB) on 9.5.1999 in the presence of Kuldeep and Jai Narain as regards concealment of a knife used for commission of crime. Pursuant to the said disclosure statement the accused Shri Bhagwan led the police party to a room in his house from where a knife was got recovered, which was taken into possession vide recovery memo Ex.PK. It is further the case of prosecution that even the accused Sat Pal made a disclosure statement Ex.PC as regards concealment of a '*jaili*' and pursuant to the same got the '*jaili*' recovered from his house, which was taken into possession vide recovery memo Ex.PL. The accused Jai Bhagwan was arrested on 20.5.1999 and was interrogated by the police. During the course of interrogation he made a disclosure statement Ex.PD on 21.5.1999 pursuant to which he also got a '*jaili*' recovered from his house, which was taken into possession vide recovery memo Ex.PD/1.

5. Upon conclusion of investigation, challan was presented in the Court of learned Judicial Magistrate 1st Class, Bahadurgarh on 20.7.1999 who committed the case to the Court of Sessions vide commitment order dated 31.7.1999. Learned Additional Sessions Judge, Jhajjar framed charges against the accused for offence under Section 302/34 of Indian Penal Code and



Section 25 of Arms Act on 18.5.2000 to which the accused pleaded not guilty and claimed trial.

6. The prosecution, in order to establish its case, examined as many as 13 PWs. The gist of their testimonies is being briefly referred to herein under:-

PW-1 Jai Narain, who is the complainant stated broadly in tune with the version got recorded by him in the FIR as regards inflicting of injuries upon the deceased and also to Pehlad. He categorically stated that Jai Bhagwan @ Setha and Sat Pal caught hold of Ramesh while Shri Bhagwan inflicted a knife blow to Ramesh hitting him in his abdomen. He further stated that another knife blow was given to Ramesh on his right hip by Shri Bhagwan. When they raised alarm his elder son Pehlad and Jagdish also came there and thereafter the accused ran away from the spot. He further stated that while running away Sat Pal inflicted a blow with '*jaili*' to his son Pehlad hitting him on his ear and on his hand.

PW-2 Dr. Raman Shukla, who had conducted post-mortem examination on the dead body of Ramesh proved the post mortem report as Ex.PE and described the injuries found on the dead body. He further stated that the cause of death was due to shock and hemorrhage as a result of the injury on the chest of Ramesh, which was sufficient to cause death in ordinary course of nature.

PW-3 Dr. Jaimala, Medical Officer, Civil Hospital, Sampla, District Rohtak stated that on 6.5.1999 she had medico-legally examined Pehlad and had found the following injuries on his person:



- “1. An abrasion with clotted blood 3 milimeter in size was present, behind left ear.
2. An abrasion with clotted blood 3 milimeter in size was present on left side of neck. Advised X-ray neck, A.P. and lateral view.
3. An wound half cm in size with clotted blood present on left side of back. Advised X-ray back A.P. and lateral view.
4. An lacerated wound with dirty base 1 cm in size present in between left middle and index finger, movements were painful. Advised X-ray left had. A.P. latera.”

PW-4 Constable Jai Chand stated that he had prepared the site plan of the place of occurrence and proved the same as Ex.PH.

PW-5 Head Constable Bijender Singh stated that on 5.5.1999 the dead body of Ramesh was handed over to him by ASI Rohtash Singh for the purpose of getting post mortem examination conducted and that he accordingly got the needful done.

PW-6 U.G.C. Daya Chand stated that on 5.5.1999 ASI Rohtash Singh had handed over to him sealed envelopes containing special reports and he (U.G.C. Daya Chand) had delivered the same to the Illaqa Magistrate and to higher police officials. He further stated that on 3.6.1999 Head Constable Jagdish Chander handed over to him three parcels which contained clothes of deceased, blood stained soil and match box, which he deposited in the office of Director, Forensic Science Laboratory, Madhuban and that as long as the case property remained in his possession the same was not tampered with.

PW-7 Head Constable Jagdish Chander stated that on 5.5.1999 he was posted as MHC at Police Station Sadar Bahadurgarh and on the



said day ASI Rohtash deposited the case property with him and that on 10.5.1999 Inspector Siri Chand had also deposited a parcel containing knife, *jaili* etc. and another parcel was deposited with him on 21.5.1999. He further stated that on 3.6.1999 the case property was handed over to U.G.C. Daya Chand, which was to be delivered in the office of FSL, Madhuban and that as long as the case property remained in his possession, the same was not tampered with.

PW-8 Pehlad stated that the deceased Ramesh was his brother and about 3-3½ years back Shri Bhagwan had uttered objectionable language against Kela wife of Ramesh. He stated that on 5.5.1999 when he was sitting with Jagdish in front of his house, then at about 6:30 A.M. they heard cries of '*Bachao-Bachao*' of his father Jai Narain and of Narain Singh and that he and Jagdish rushed towards their cattle enclosure, where they saw that Satpal and Jai Bhagwan @ Setha, who were carrying '*jailies*' had caught hold of Ramesh while Shri Bhagwan was inflicting blows with knife to Ramesh. He stated that upon seeing them the accused fled away from the spot and although he had tried to catch Jai Bhagwan, but Sat Pal gave a '*jaili*' blow hitting him on his left palm and left ear.

PW-9 Narain Singh stated that on the morning of 5.5.1999 when he alongwith Ramesh was returning home from fields, then as soon as they reached the street in front of cattle enclosure of Jai Narain, then Shri Bhagwan, Sat Pal and Jai Bhagwan came there and while Shri Bhagwan was carrying knife, Sat Pal and Jai Bhagwan were carrying '*jailies*' in their hands. Shri Bhagwan exhorted his



companions Sat Pal and Jai Bhagwan to catch hold of Ramesh and while Sat Pal and Jai Bhagwan caught hold of Ramesh, Shri Bhagwan gave a knife blow on the left side of chest of Ramesh. He further stated that when Ramesh was falling down another blow was given by Shri Bhagwan on the right side of his waist on the back. In the meantime, Jai Narain father of Ramesh also came at the spot and raised alarm attracting Pehlad and Jagdish at the spot. However, Sat Pal gave a '*jaili*' blow to Pehlad on his hand and on his head near his ear and then fled away alongwith their weapons.

PW-10 Kela Devi widow of Ramesh stated that about one year prior to the occurrence Shri Bhagwan had uttered obscene words to her on account of which her husband Ramesh had lodged a protest and a quarrel had taken place between her husband and Shri Bhagwan and later her father-in-law Jai Narain had counseled Shri Bhagwan not to utter such words again and had also pacified her husband. She further stated that on 4.5.1999, Shri Bhagwan had visited the house of Daya Nand, brother of her father-in-law, which was situated adjacent to their house and that her husband Ramesh had asked Shri Bhagwan not to come to the house of Daya Nand in future and an altercation had taken place and that on the next day her husband was murdered by Shri Bhagwan with the help of Jai Bhagwan and Sat Pal.

PW-11 Sube Singh, who is a witness to the recovery of knife at the instance of Shri Bhagwan and had attested the recovery memo stated about the same. He further stated that even Sat Pal had got



recovered a '*jaili*' in his presence and that he had signed on the recovery memo.

PW-12 Inspector Sri Chand, who is the Investigating Officer in the present case stated in detail in respect of the same and proved various documents and memos prepared during the course of investigation. He further stated with regard to the factum of the accused having made disclosure statements Exs.PB and PC and having got recovered a knife and '*jaili*' pursuant to their disclosure statements.

PW-13 Sub Inspector Rohtash was examined twice – firstly in the presence of Sat Pal & Setha and again when Shri Bhagwan was re-arrested. He stated that on 5.5.1999 when he was posted at Police Station Sadar Bahadurgarh the complainant Jai Narain visited the police station and got recorded his statement on the basis of which formal FIR Ex.PA was lodged. He further stated as regards sending special reports through U.G.C. Daya Chand and also as regards conducting inquest proceedings.

7. Upon closure of the prosecution evidence, statements of the accused were recorded in terms of provisions of Section 313 Cr.P.C., wherein they pleaded false implication. While accused Jai Bhagwan pleaded that he was not present at the spot, Sat Pal took a plea that Ramesh was nursing a wrong suspicion against Shri Bhagwan that Shri Bhagwan had been teasing his wife and that on the day of occurrence at about 05:00 A.M. when Shri Bhagwan was going to his fields, Ramesh had attacked him and inflicted injuries with a knife and that when he (Sat Pal) raised alarm then Ramesh inflicted injury to him (Sat Pal) as well. He further pleaded that Shri Bhagwan pushed Ramesh in his self



defence as a result of which he fell down on a cultivator and sustained injuries. He further stated that neither Jai Bhagwan nor Narain Singh & Pehlad were present at the spot. Accused Shri Bhagwan in his statement recorded in terms of provisions of Section 313 Cr.P.C. took a plea that he had been implicated falsely on account of party faction in the village.

8. In their defence, the accused Jai Bhagwan and Sat Pal examined **DW-1** Jiya Ram, who stated that he knew Jai Narian (complainant) and also knows the location of the house of the accused and of the complainant. He stated that the accused have two fields and that while one is known as 'Nahar Wala', the other is known as '*Khumar Khera*' and that in case the complainant has to go to his fields he has to pass in front of house of the accused and that in case the complainant has to go to his house, then the house of the accused does not fall on the way. He further stated that in case the accused have to go to their fields known as '*Khumar Khera*', then they would have to pass in front of house of the complainant. The accused examined **DW-2** Dr. Inderjeet Dhankar, who stated that on 5.5.1999 he was posted as Medical Officer at Civil Hospital, Bahadurgarh and on the said day, he had medically examined Shri Bhagwan at about about 07:45 A.M. and had found the following injuries on his person:

- “1. An incised wound 5 X 1 cm. X 1 cm. scalp deep on the right side of parietal region, fresh bleeding present. X-ray skull were advised.
2. Index finger of right hand chopped distal .5 cm. oblique and profusely bleeding. X-ray and ortho opinion advised.
3. An incised wound 3 cm. On the middle finger right skin deep bone visible proximal to nail on the dorsum of the finger. Xray of the part advised.



4. An incised wound 2 x .5 x .5cm. On the ring finger, 2cm on the nail and dorsum aspect. X-ray of right hand was advised.”
9. DW-2 further stated that on the same day he had also examined Sat Pal at about 08:20 A.M. and found the following injuries on his person:
 - “1. Distal portion of right ring finger 1 cm. missing margin sharp. Profusely bleeding. X-ray right hand advised.”
10. He proved the MLRs as Exs.DC and DD respectively. He further opined that the weapon used for causing the injuries was the sharp edged weapon.
11. Learned Trial Court upon appraisal of the evidence on record returned its findings to the effect that the prosecution has fully established its case qua accused/appellant Sat Pal and accordingly held him guilty of having committed offence punishable under Section 302/34 of Indian Penal Code while the accused Jai Bhagwan @ Setha stands acquitted vide impugned judgment dated 21.2.2004 passed by learned Additional District and Sessions Judge (Adhoc), Jhajjar.
12. Learned counsel representing the appellants submitted that the case of the prosecution suffers from various infirmities and that apart from the fact that the testimonies of the eye-witnesses are not fully consistent with the version recorded in the FIR, the accused Sat Pal, in any case, is not even attributed any injury to the deceased as per the version got recorded in the FIR and, under these circumstances, the appellant – Sat Pal deserves to be acquitted particularly when identically situated co-accused Jai Bhagwan @ Setha, who was also not attributed any injury as per the FIR, has already been acquitted by the Trial Court.



13. Learned counsel for the appellants submitted that while as per FIR, only one injury was inflicted to deceased but post-mortem report shows two injuries which would show that correct facts are not forthcoming. It has been submitted that infact the genesis of occurrence had been suppressed inasmuch as the accused Shri Bhagwan sustained four incised wounds and accused Sat Pal also sustained one injury with a sharp edged weapon and in respect of which there is absolutely no explanation.
14. Opposing the appeals, learned State counsel submitted that the FIR need not be encyclopedic, wherein each and every injury is required to be fully described in a parrot like narration. It has been submitted that it is a case where apart from the injuries inflicted to the deceased, the accused also inflicted injuries to eye-witness Pehlad as well, who being a stamped witness has fully supported the case of prosecution like other 2 PWs.
15. We have considered rival submissions addressed before this Court and with the assistance of learned counsel have also perused the record of the case.
16. It is a case where in the initial version got recorded by the complainant in the FIR he attributed only one injury to Shri Bhagwan with the help of a knife, whereas in the witness-box he stated that two injuries had been inflicted by the accused Shri Bhagwan to the deceased with the help of a knife. The medical evidence in the shape of post mortem report also reflects presence of two injuries on the dead body. PW-2 Dr. Raman Shukla, who had conducted post-mortem examination, described the injuries found on the dead body as under:

“1. Stab wound of size 4 cm x 1 cm with clear cut margin present over left lateral side of chest, 16.5 cm from mid line, 9 cm lateral and



below to left nipple and 13 cm from anterior axillary fold, it is obliquely placed on the dissection the wound had in its way pierced, first inter costal space, pleura, lower part mid of left lung and ultimately penetrating into left ventricle at its lower part. Whole of left half of the thoracic cavity was full of blood. The direction of wound was from anterior to posterior and slightly upwards and over all length upto ventricle was 11.5 cm.

2. Incised wound with clear cut margin of size 2 cm x 1 cm x 1.5 cm deep on lower part of right back, the level of L5, 11 cm from mid line, 24 cm from lower part of right scapula and 10 cm behind right anterior superior iliac spine. Both lungs were pale, liver spleen and kidneys were also pale, stomach was containing yellow thin fluid amounting 10 ml.”

17. The aforesaid description of injuries as found on the dead body is absolutely in tune with the statement made by the complainant- Jai Narain in the witness box. Even PW-8 Pehlad, who is an injured witness and also PW-9 Narain Singh stated that Shri Bhagwan had given “knife blows” to Ramesh. Under these circumstances, the mere fact that the complainant, while getting the FIR recorded, stated with regard to one injury only, whereas two injuries were found on the dead-body would not be of much consequence. Every person may not be able to give a precise and accurate version of the incident immediately after the occurrence. Rather in a case where a father has seen his son being murdered before his eyes, his state of mind may not be very stable and he would be under a shock and could even be confused. In any case, the omission to describe the second injury is not such a fact which could cast doubt as regards the veracity of complainant’s statement particularly when the medical evidence does show that deceased had sustained injuries including the injury described by complainant in FIR. As already stated above, the incident apart from the complainant was also witnessed by two



more witnesses i.e. PW-8 Pehlad and PW-9 Narain Singh. Infact PW-8 Pehlad is a stamped witness who himself had sustained 4 injuries, which has been duly proved by PW-3 Dr. Jaimala, which would confirm his presence at the spot.

18. While it is correct that some injuries were also found on the person of accused Shri Bhagwan as have been described by DW-2 Dr. Inderjeet Dhankar, but some kind of doubt exists as regards the timing of such injuries. While in the witness-box DW-2 stated that he had examined Shri Bhagwan on 5.5.1999, but a perusal of the copy of MLR indicates that there is some kind of interpolation and cutting in the date and it appears that the date has been changed from '6.5.1999' to '5.5.1999'. During the course of cross-examination DW-2 stated as under:

“MLR No.24 in the name of Sarita was issued by me on 1.5.99 while MLR No.27 in the name of Krishan S/o Sobha Ram was issued on 8.5.99. In both the aforesaid medico legal reports I mentioned incorrect date inadvertently and so I corrected the. It is incorrect that I deliberately changed the date for accommodating the accused persons for showing their MLR on the date mentioned therein. Both the accused came to me for obtaining their medico legal examination of their own. Both the accused were quite fit when they came to me. Police Station, Sadar Bahadurgarh is about 1½ k.m. from Hospital Bahadurgarh. I have not brought any record i.e. the casualty register where the reference regarding sending ruqa is made. So I can not say whether any ruqa was sent to the Police Station or not regarding the arrival of aforesaid injured in the hospital. The first aid treatment if any given to the aforesaid persons was to be entered in casualty register and so I can not say whether I gave any first aid treatment to them or not. Keeping in view the nature of injury the distal part of finger being chopped off. There is no possibility of the injury being self suffered. The bone of the distal part was also chopped off.



The injury no.2, 3 & 4 on the person of Shri Bhagwan could be the result with one blow. The injuries however, were not superficial. It is incorrect that my opinion that the injuries could not be self suffered is not correct. It is incorrect that I have prepared incorrect medico legal reports.”

19. It is also apposite to notice the observations recorded by the learned Trial Court as regards injuries found on person of accused, in its judgment dated 21.2.2004, which are extracted hereinunder:

“..... In the medico legal report the doctor mentioned the date as 6.5.99 then in the pen in the carbon copy of MLR placed on the record the date was changed to 5.5.99. Such correction has been made at found places in both the MLRs of Shri Bhagwan and Satpal. This shows that both of them got themselves medically examined on 6.5.99 and the correction was got made for covering up the delay. The doctor mentioned in the MLR that fresh bleeding was present. In case injury were sustained on 5.5.99 there was no question of fresh bleeding on the next day. On that account too the date become necessary to be changed. The MLRs regarding Shri Bhagwan and Satpal were at Sr. Nos.25 and 26. MLR No.24 regarding one Sarita was issued on 1.5.99 while MLR No.27 in the name of Krishan was issued on 8.5.99. So there was scope for changing the date as no other MLR was issued in between the aforesaid dates. No x-ray of any injured was obtained. So all injuries on the person of both the accused were simple. The distal end of ½ cm. of index finger was found chopped off on the person of Shri Bhagwan besides on incised wound on the parietal region and one such wound skin deep near the nail on the dorsum of middle finger and ring finger. On the person of Satpal only one injury was found and the distal portion of his right ring finger was chopped off. In case they were attacked by the deceased with a knife there was no question of such injuries and the injuries could be found on the palm etc.....”

20. Similar observations have been recorded in impugned judgment dated 26.9.2006. Having regard to the aforestated factual position particularly as



regards the cuttings in the MLR as regards date, a serious doubt stands created as regards the time when injuries were inflicted to the accused. A perusal of the four injuries found on the person of Shri Bhagwan shows that three of the injuries are on adjacent fingers of the left hand i.e. on index finger, middle finger and ring finger and two of these are specifically recorded to be on the dorsum of the fingers i.e. on the outer side of the hand. One of the finger is also stated to having chopped off. Such like injuries on the dorsal side of hand particularly leading to chopping of one of the finger would normally be possible only if the hand is spread out and placed against a hard surface. Whereas under normal circumstances, if any, blow is wielded by an assailant and the victim tries to ward off the same with his hand, it is on the palm side that the injuries would be inflicted. It appears that the accused having come to know that the deceased had died and they were in for trouble, self-inflicted injuries in a vain and attempt to create some kind of self defence. As such, the accused cannot derive any benefit from the MLR Ex.DC.

21. The aforesaid discussion leaves no manner of doubt that it is accused Shri Bhagwan, who had inflicted blows with knife to the deceased leading to his death and consequently he has rendered himself liable for having committed offence punishable under Section 302 IPC as has correctly been held by learned Trial Court.
22. As far as the accused/appellant Sat Pal is concerned, there is no doubt that he is not alleged to have inflicted any injury to deceased Ramesh. From the evidence led by the prosecution in the shape of testimonies of three eye-witnesses i.e. complainant/PW-1 Jai Narain, PW-8 Pehlad and PW-9 Narain



Singh, his presence at the spot stands confirmed from their consistent testimonies, which are in tune with the version recorded in the FIR. In fact all the three witnesses have categorically stated that not only accused Sat Pal had held the deceased so as to facilitate Shri Bhagwan to inflict injuries to the deceased, but while running away he (Sat Pal) also inflicted injuries to Pehlad with the help of '*jaili*'. The fact that Pehlad was found to be having sustained injuries on his person as deposed by PW-3 Dr. Jaimala, who had medically examined Pehlad, would confirm the case of the prosecution as regards Sat Pal having inflicted injuries to Pehlad. Although separate charges against Sat Pal in respect of the injuries caused by him to Pehlad were not framed, but the conduct of Sat Pal in having caught hold of the deceased while co-accused stabbed the deceased and also having inflicted injuries to Pehlad would show that he shared a common intention with co-accused Shri Bhagwan to kill Ramesh. The factum of recovery of weapons i.e. knife and *jaili* pursuant to the disclosure statements of accused Shri Bhagwan and Sat Pal, would also be a corroborative piece of evidence in favour of the prosecution. As such, the findings of learned Trial Court holding the appellant – Sat Pal guilty of having committed an offence punishable under Section 302/34 IPC and the appellant – Shri Bhagwan guilty of having committed an offence punishable under Section 302 IPC, do not suffer from any infirmity and do not warrant any interference.

23. As a sequel to the discussion made above, we do not find any infirmity in the impugned judgments. Finding no merit in either of the two appeals, the same are hereby dismissed.



CRA-D-267-DB-2004 (O&M) &
CRA-D-829-DB-2006 (O&M) (18)

24. Intimation be sent to quarters concerned for effecting arrest of appellants –
Shri Bhagwan and Sat Pal so as to undergo remaining part of their sentence.
Case property be dealt with under rules upon expiry of limitation for filing
appeal.

(GURVINDER SINGH GILL)
JUDGE

24.3.2025
Pankaj

(JASJIT SINGH BEDI)
JUDGE

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