

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

2025:PHHC:156788-DB



**CRA-D-700-2019 (O&M)  
Reserved on: October 27, 2025  
Pronounced on: 12.11.2025**

**Kulbir @ Anku****.....Appellant****Versus****State of Haryana****.....Respondent**

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL  
HON'BLE MRS. JUSTICE RAMESH KUMARI**

Present: Mr. Vipin Kumar, Advocate for the appellant.

Mr. Munish Sharma, Deputy Advocate General, Haryana.

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**RAMESH KUMARI J.**

1. This appeal is filed by Appellant - Kulbir @ Anku hereinafter referred as 'accused' against the impugned judgment of conviction dated 24.05.2018 , and the impugned order of sentence dated 25.05.2018 passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri for the offences under Sections 302 IPC and 324 IPC in a case arising out of FIR No. 189, dated 28.08.2017, registered at Police Station Bilaspur, Yamuna Nagar (Haryana) for commission of murder of one Purshotam and of having inflicted simple injuries by sharp edged weapon (knife) on the person of the

complainant/injured Kuldeep Singh and eye-witness/injured Yashpal and wherein he has been sentenced as under:-

| Offence under Section | Period of sentence    | Fine imposed | Period of sentence in default of payment of fine |
|-----------------------|-----------------------|--------------|--------------------------------------------------|
| 302 IPC               | Imprisonment for life | Rs.50,000/-  | RI for one year                                  |
| 324 IPC               | RI for three years    | Rs.5,000/-   | RI for one month                                 |

**Both the sentences have been ordered to run concurrently.**

- 2.(i) As per prosecution allegations, PW10 Dr. Shama Parveen, Medical Officer, PHC Bilaspur, sent medical ruqqa Ex.PU alongwith MLRs No.SHP/BSP/17/207, No.SHP/BSP/17/208, No.SHP/BSP/17/209 dated 24.08.2017 Ex.PR, Ex.PS and Ex.PT respectively of injured Purshotam, Kuldeep and Yash Pal to police Station Bilaspur.

Thereafter on 25.08.2017, telephonic information was received from MM College and Hospital of Medical Science, Mullana regarding admission of injured Purshotam (since deceased) in the said hospital.

Due to duty to maintain law and order in connection to Ram Rahim Dera Sacha Sauda, Sirsa, case action could not be taken.

Again on 28.08.2017, telephonic information was received from MM College and Hospital of Medical Science, Mullana that injured Purshotam had died in the said hospital on account of injuries received in a quarrel.

- ii) Thereupon, when PW5-ASI Satish Kumar alongwith ASI Ishwar Singh and other officials were going to MM College and Hospital of Medical Science, Mullana then on the way at Shiv Chowk, Bilaspur, PW2- complainant Kuldeep Singh son of Yashpal Singh resident of Sandhaye, Police Station

Bilaspur, District Yamuna Nagar met them and he got recorded his statement Ex.PB, which is in Devnagri script and when translated in English, it makes the following reading:-

*“ I am resident of above mentioned address and doing labour work. My father has two younger brothers namely, Jai Kumar and Sanjeev Kumar. They are also residing with us. Our houses are adjacent to each other and all of us have a common courtyard. On 23-08-2017, my brother-in-law (wife's brother) Purshotam, age about 35 years son of Jasmer Chand resident of Yakubpur, District Yamuna Nagar had come to our house, who is doing labour work and at about 9:30/10 P.M. in the night, after taking dinner, I and my brother-in-law above said Purshotam had slept under a tree in courtyard on a cot and at that time, son of my uncle Jai Kumar namely, Kulbir alias Anku was not in house. During the night at about 12:00 O'Clock. when we were sleeping on cot, I heard the shriek of my brother-in-law Purshotam and when I woke up due to tension, I saw that Kulbir alias Anku, son of my uncle, was giving a blow with knife to my brother-in-law Purshotam and when I tried to save my brother in law, Anku gave first blow of knife on right side of my stomach, second blow on left side of my left shoulder and third blow on near my eye. When I and my brother-in-law Pushotam made a noise of "Bachao-Bacho" on hearing our noise my father Yashpal son of Nathi Ram and other family members came to rescue, Anku also inflicted injury with knife to my father and after giving injuries Anku fled away from the spot. My uncle Sanjeev Kumar (younger brother of father) and our family members took us to Civil Hospital, Bilaspur for treatment. From where, during night, after giving us treatment, Doctor had referred us to Civil Hospital, Jagadhri. On 25-08-2017, I and my father Yaspal had been discharged from Civil Hospital, Jagadhri but my brother-in-law Purshotam was referred from Civil Hospital, Jagadhri to PGI Chandigarh for treatment. I and my father had*

*returned to our house from Civil Hospital, Jagadhri, after getting the dressings on our injuries and on arrival at the house we came to know that because of blockage of roads, leading towards Chandigarh, my family members and relatives had got admitted Pushotam in Mullana Hospital for treatment. Today, I and my family members came to know that during treatment, Pushotam has died due to the injuries caused by Kulbir alias Anku with knife, on intervening night of 23/24-08-2017, who has also inflicted injuries to us. Strict legal action be taken against Kulbir alias Anku. I and my family members were going towards Mullana Hospital that you met us at Shiv Chowk, Bilaspur. I have got recorded my statement to you, heard and is correct.”*

- iii) After recording of aforesaid statement Ex.PB, PW5-ASI Satish Kumar conducted police proceedings Ex.PE and sent the same to police station Bilaspur through HC Surjit Singh and formal FIR Ex. PAA was registered.
- iv) PW5-ASI Satish Kumar alongwith ASI Ishwar and complainant PW2-Kuldeep reached MM College and Hospital of Medical Science at Mullana and collected death summary Ex.PF of deceased Purshotam. He conducted proceedings under Section 174 Cr.P.C. Ex.PG and recorded statements of PW4-Sumer Chand and Devi Chand under Section 175 Cr.P.C. He also moved application Ex.PH for conducting postmortem on the body of deceased Purshotam and after postmortem dead body by PW1-Dr. Balbir Kaur, Ex. Professor and Head of the Department, MM College and Hospital of Medical Science at Mullana, it was handed over to PW4-Sumer Chand and Devi Chand vide receipt Ex.PD. Postmortem report Ex.PJ which was handed over to him after postmortem.
- v. Thereafter investigation was handed over to PW11 SI Didar Singh. On 28.08.2017, PW11-SI Didar Singh inspected the spot of occurrence in the

presence of PW5-ASI Satish Kumar and prepared site plan Ex.PZ. PW2-Kuldeep complainant handed over one lower (*payajama*) MO1 of brown coloured of deceased Purshotam to PW11-SI Didar Singh, which was converted into a parcel, sealed with seal of "SK" and taken into possession vide memo Ex.PC.

- vi. On 29.08.2017, PW11-SI Didar Singh was present in the area of Kakdoni turn in connection with patrolling and in search of accused Kulbir when accused was produced by Prabhjot. Accused was arrested and interrogated and as per his disclosure statement Ex.PN, knife (MO2) used in the commission of offence got recovered from underneath the gunny bag lying on a wheat storage tank of tin-sheet. The knife (MO2) was measured and its sketch Ex.PN/2 was prepared, converted into parcel, sealed with seal "SK" and taken into police possession vide memo Ex.PN/1. Scaled site plan was got prepared by PW1-Mulak Raj Draftsman on 04.09.2017. Medical record of injured and deceased was obtained on the basis of application Ex.PB. The opinion PY/1 of the doctor was obtained that in injuries on the person of the deceased could be possible by that knife. The opinion regarding the injuries in the MLR and in the postmortem report was also obtained from the concerned doctor. Site plan Ex.PN/3 of the place of recovery of knife was also prepared and statement of witnesses were recorded during the course of the investigation.

After investigation, report under Section 173 Cr.P.C. was presented against the accused before the learned Illaqa Magistrate.

3. Learned Illaqa Magistrate complied with provisions of Section 207 Cr.P.C. by supplying copies of challan form and accompanying documents to the accused

and committed the case to the Court of Sessions vide order dated 10.07.2017 by the learned Illaqa Magistrate.

4. Finding a *prima facie* case under Sections 302 and 324 IPC against the accused, he was charged accordingly vide order dated 02.11.2017 by learned trial Court and accused pleaded not guilty to the charge and claimed trial.
5. In order to substantiate its case against the accused, prosecution examined as many as 11 witnesses. The gist of their testimonies is referred to herein as under:-
  - i) **PW1-Mulak Raj** (Draftsman) stated that on 04.09.2017, he alongwith PW11-Didar Singh, SI/SHO visited the place of occurrence and prepared rough notes at the instance of complainant Yashpal (PW3) and on the same day, on the basis of those rough notes, he prepared scaled site plan Ex.PA with correct marginal notes.
  - ii) **PW2-Kuldeep Singh (complainant)** in his testimony before the Court narrated the occurrence and proved his statement Ex.PB recorded by the police and he also deposed that on the same day, he handed over the lower (pant) of his brother-in-law Purshotam @ Bablu to the police that was blood stained and it was taken into police possession vide memo Ex.PC.
  - iii) **PW3-Yashpal (injured)** is father of PW2-Kuldeep Singh complainant. He also corroborated the testimony of PW2-Kuldeep Singh regarding the occurrence.
  - iv) **PW4-Sumer Chand** stated about identification of dead body of Purshotam on 28.08.2017 and also stated that after postmortem, the dead body was handed over to them vide Ex.PD. No cross examination on this witness is conducted.

- v) **PW5-ASI Satish Kumar** conducted initial investigation in this case and in order to prove his part of investigation, he stated that on 28.08.2017, on the direction of SHO, police station Bilaspur, he along with ASI Ishwar and HC Surjeet Singh went to Mullana in order to collect MLR of Purshotam, Kuldeep and Yashpal and when they reached near Shiv Chowk, Bilaspur, he recorded the statement Ex.PB of PW2-Kuldeep Singh, conducted police proceedings Ex.PE and sent the same to Police Station, Bilaspur for registration of FIR. As per his statement, he collected death summary Ex.PF of deceased Purshotam and conducted proceedings under Section 174 Cr.P.C. He also moved application Ex.PH for conducting postmortem on the dead body of the deceased Purshotam and after postmortem, dead body was handed over to Sumer Chand (PW4) and Devi Chand. Postmortem report Ex.PJ was also handed over to him. He further deposed that he also joined investigation with PW11-SI/SHO Didar Singh and he is attesting witness of Memo Ex.PC vide which blood stained lower (pants) MO1 of the deceased Purshotam was taken into possession.
- vi) **PW6-HC Parvinder Singh** was MHC of police station Bilaspur. At the relevant time, he tendered his affidavit Ex.PK vide which he stated that on 29.08.2017 vide DDE No.10 of 29.08.2017, one parcel containing iron knife was deposited with him in *Malkhana* and vide DDE No.13 dated 11.09.2017 after taking out the said parcel from the *Malkhana*, he handed over the same to the PW11-Didar Singh SI/SHO for obtaining the opinion of the doctor. On 11.09.2017 vide DDE No.15 of 11.09.2017, a parcel of cloth containing iron knife, duly sealed with seal "SK" and one seal of doctor along with sample

seal was deposited with him. He also deposed about integrity of the case property.

- vii) **PW7-Dr. Balbir Kaur** conducted postmortem of the deceased Purshotam on the basis of police application Ex.PH and also proved the Postmortem Report Ex.PJ that was signed by her and other members of the Board of Doctors. She also proved inquest report Ex.PG and death summery Ex.PF. She gave description of injuries suffered on the body of deceased Purshotam when post mortem was conducted on his dead body.
- viii) **PW8-Dr. Ajit Pal Singh, Medical Officer** deposed that on 24.08.2017, he radiologically examined Kuldeep (PW2) for abdominal area and nothing was detected. No bony injury was seen. He proved X-ray report dated 05.09.2017 Ex.PL. X-ray film Ex. PL/1 of Kuldeep. He also radiologically examined Purshotam. No bony injury was seen and proved his X-ray report vide Ex.PM and X-ray film vide Ex.PM/1.
- ix) **PW9-HC Surjit Singh** was with the PW5-ASI Satish Kumar when the statement Ex.PB of complainant (PW2) was recorded. His testimony further reveals that on the basis of statement Ex.PB, FIR was registered by MHC of police station Bilaspur and he is also attesting witness of receipt Ex.PT vide which dead body of Purshotam was handed over to his relatives by PW5-ASI Satish Kumar. He is also attesting witness of memo Ex.PC vide which lower (MO1) of deceased Purshotam was taken into possession by PW5-ASI Satish Kumar and disclosure statement Ex.PN of accused and recovery Memo Ex.PN/1, vide which the accused got the knife recovery and also attesting witness of sketch Ex.PN/2 of knife.



- x) **PW10-Dr. Shama Parveen**, Medical officer, PHC Bilaspur, initially medically examined Purshotam (since deceased), PW2-Kuldeep and PW3-Yashpal on 24.08.2017 and in order to prove these facts, he tendered his affidavit Ex.PQ in which he narrated the injuries received by above named three persons and MLR is proved vide Ex.PR, Ex.PS and Ex.PT respectively. He also stated since the patients were serious therefore, after giving them first aid and their medical examination, they were referred to General Hospital, Jagadhri which is also mentioned in the MLR of these patients and he sent ruqa Ex.PU to the police station. He also proved his opinion Ex.PV/1 that the possibility of the injuries by weapon in question cannot be ruled out and this opinion was given on 09.09.2017 on the basis of police application Ex.PV. The knife (MO2) was produced at the time of recording of his statement. He also give opinion Ex.PX/1 regarding the nature of injuries on the person of Kuldeep and Purshotam. He also gave opinion Ex.PY/1 on the basis of police application Ex.PY that injuries mentioned in the MLR correspond to injuries No.2 and 7 of autopsy while injuries No.3,4,5 and 6 were surgical wounds as patient was operated later on. Injury No.1 was small and could be added later on.
- xi) **PW11-SI Didar Singh** conducted subsequent investigation in this case and as per his testimony, he inspected the spot on 28.08.2017 and prepared site plan Ex.PZ, took into possession lower of the deceased vide memo Ex.PC, arrested the accused on 29.08.2017. He interrogated the accused and also proved disclosure statement Ex.PN on the basis of which accused got recovered knife (MO2), the sketch of which was prepared Ex.PN/1 and taken into police possession vide Ex.PN/2 after making its parcel and sealed. He also got

prepared scaled site plan from PW1-Mulak Raj on 04.09.2017. As observed earlier, his testimony reveals that on 11.09.2017, on the basis of application Ex.PX, he obtained X-ray report and opinion Ex.PB of doctor vide Ex.PB/1 regarding the use of knife in the offence and again opinion of the doctor vide Ex.PY/1.

6. Upon conclusion of prosecution evidence, the entire evidence was put to the accused in terms of Section 313 Cr.P.C. to enable him to explain the same, but the accused denied the entire prosecution case in toto and pleaded false implication. The accused took the plea that deceased Purshotam had come to the house of his sister as there was dispute between his brother-in-law Kuldeep, Yashpal father of Kuldeep and Jai Kumar and Sanjeev Kumar brothers of Yashpal regarding partition of house. There was quarrel between Purshotam and his brother-in-law Kuldeep and Kuldeep inflicted injuries to Purshotam due to which Purshotam died. Accused was not present in his house at the time and had gone to his work. Accused did not have any cordial relations with his uncle PW3-Yashpal. The accused did not examine any witness in defence.
7. Learned trial Court upon considering the evidence on record found the accused guilty of having committed offence punishable under Sections 302 and 324 IPC and sentenced him accordingly vide impugned judgment, as referred in para No.1 of this judgment.
8. Learned counsel for the accused contended that accused is falsely implicated in this case and assailed conviction and order of sentence on the ground that :

- (i) The injuries on the body of Purshotam as per MLR are different from the injuries found on him when his postmortem examination was conducted.
- (ii) Apart from the statement of the PW2-complainant Kuldeep and PW3-Yashpal (his father), there is no other eye witness to corroborate their testimony.
- (iii) Although, the accused allegedly gave injuries to PW2-Kuldeep Singh, PW3-Yashpal and Purshotam by means of knife and due to injuries Purshotam died but it is not possible that the injuries to three persons would have been given and accused suffered not a scratch on his body.
- (iv) It is not possible to inflict fatal injuries on the person of Purshotam with simple knife. Had Purshotam been taken to PGI instead of MM College and Hospital of Medical Science, Mulana, District Ambala, he would have been survived.
- (v) There is a delay in lodging of FIR. The incident occurred on the intervening night of 23/24-08-2017 and the deceased Purshotam died on 28.08.2017. No efforts were made to record his statement before his death.
- vi) False recovery of knife (MO2) is implanted upon the accused, he never suffered any disclosure statement. There is no eye-witness of recovery of knife Ex. MO2 allegedly from the possession of accused.
- (vi) The knife Ex. MO2 was never sent to FSL. There was no blood on the weapon i.e. knife Ex. MO2 and knife was new and in rusting condition.
- (vii) Prabhjot, who allegedly produced the accused is not examined, nor his signature is obtained on any disclosure statement.

(viii) No motive is proved for causing injuries on the person of Purshotam, PW2-Kuldeep, PW3-Yashpal.

(xi) The accused was not present at the alleged place of commission of offence. He was present at the place of his work.

Learned defence counsel vehemently prayed for acquittal of accused.

9. Learned State counsel relied upon the statement of prosecution witnesses examined before the learned trial Court and vehemently contended that the trial Court rightly appreciated the evidence and passed the judgment of conviction and order of sentence, therefore he prays for dismissal of the appeal.
10. (i) It has come on record that PW7 Dr. Balbir Kaur, the then Head of the Department, MMCHMC, Mulana, alongwith other members of the Board of Doctors conducted post mortem on the dead body of deceased Purshotam on 28.08.2017. Seven injuries were found on the dead body of deceased Purshotam, which are as follow:-

- “i) Surgical stitched wound of size 24 cm having 15 stitches present on midline of abdomen anteriorly from epigastric area to public symphysis area. On dissection pus and clotted blood present in abdominal cavity.
- ii) Stitched incised wound of size 2 cm with 1 stitch present in left iliac region. On dissection surgical stitches wound present in intestine and pus and clotted blood present in abdominal cavity.

- iii) Stitched incised wound of size 1 cm with 1 stitch present in left lumbar region. On dissection surgical stitches wound present in intestine and pus and clotted blood present in abdominal cavity.
- iv) Surgical incised wound of size 1 cm on left sided abdomen, 5 cm from injury No.1 and 24 cm from left nipple.
- v) Stitched incised wound of size 2 cm with two stitches present in right illiac area in abdomen. On dissection surgical stitches wound present in intestine and pus and clotted blood present in abdominal cavity.
- vi) Surgical incised wound of size 1X1 cm on left side of abdomen, 10 cm from injury No.1 and 32 cm from left nipple present.
- vii) Surgical incised wound of size 1X1 cm on right side of abdomen, 4 cm from injury No.1 and 30 cm from right nipple present.”

She has also stated that as per record of the Hospital, Purshotam died due to septicemia and multi organ failure after injuries sustained in assault. The post mortem report is proved as Ex.PJ. Thus, the death of Purshotam as culpable homicide as opposed to suicide and natural death is proved on record.

- 10(ii) The testimony of PW10 Dr. Shama Parveen and her affidavit reveals on 24.08.2017 she medicolegally examined Purshotam, Kuldeep and Yashpal at PHC Bilaspur, District Yamuna Nagar and proved their MLRs as Ex.PR, Ex.PS and Ex.PT. She also sent a ruqqa Ex.PU to the police station.

She further stated that on 20.09.2017, police gave application Ex.PY to seek opinion regarding number of injuries on the person of Purshotam as there was variance in the number of injuries in the MLR and the postmortem report and she gave her opinion Ex.PY/1 that patient Purshotam was brought to casualty in serious condition as he was having severe bleeding through both the above mentioned injuries so he was rushed to higher centre after stabilizing his condition. Injuries mentioned in the MLR correspond to injuries No.2 and 7 of the autopsy report while other injuries 3,4,5 and 6 were surgical wounds as patient was operated later on. Injury No.1 was small and could be added later on. Since injury No.1 was small, it was not noticed when MLR Ex.PR of injured Purshotam was prepared. The Doctor had focused on two severe injuries which were bleeding and thus there is no contradiction in Medicolegal report and post mortem report of deceased Purshotam regarding the injuries suffered by him.

- 10(iii) PW3 Yashpal father of injured Kuldeep Singh narrated the whole incident on solemn affirmation. PW2 Kuldeep Singh also proved his statement Ex.PB on the basis of which FIR Ex.PA/1 was registered. Statements of both these witnesses prove that the incident took place on the intervening night of 23/24.08.2017 at about 12.00 midnight and deceased Purshotam is the brother of wife of PW2 Kuldeep Singh who had come to his house. PW2 Kuldeep Singh in his testimony before the trial Court specifically stated as follows:-

*“At about 12.00 midnight of intervening night of 23/24.08.2017, Kulbir alias Anku accused gave knife blows to my brother in law Purshotam. I heard the shrieks of my brother-in-law Purshotam on account of his having received knife injuries. I tried to intervene to rescue my brother-in-law*

*whereupon Kulbir inflicted knife blow on left side of my abdomen and gave another knife blow on my left shoulder. Kulbir gave another knife blow with landed near my left eye. On hearing our alarm my father Yash Pal was attracted to the spot. Kulbir also inflicted knife blow on the person of my father which hit on his right shoulder. He gave another blow which hit on the finger of right hand of my father and thereafter Kulbir fled away. He must have taken the knife along with him. My uncle Sanjeev Kumar shifted us to Government Hospital, Bilaspur in his vehicle where we were hospitalized at about 12.30 midnight.”*

Statement of PW3 Yashpal is corresponding to the testimony of PW3 Kuldip Singh and he also stated that accused gave knife blow on his shoulder and right hand.

MLRs Ex.PR, Ex.PS and Ex.PT of these three injured persons also prove that they were brought to the hospital at 12.30 midnight. PW10 Dr. Shama Parveen when medicolegally examined PW2 Kuldeep Singh on 24.10.2017 found following three injuries on his person:-

- “ i) An incised wound of 3x05 cm size on the left side of upper abdomen- death could not be assessed and fresh bleeding present.*
- ii) IW of 1x0.5 cm size on the left eye brow tissue deep;*
- iii) IW of 3 x 1 cm size on the upper shoulder-death could not be assessed.”*

MLR Ex.PT and the testimony of PW10 Dr. Shama Parveen proved that two injuries were found on the person of Yashpal (PW3) when he was medicolegally examine on the night of 24.08.2017 and these injuries are:-

- “i) An incised wound of 2 x 0.5 cm sized into tissue deep on the right shoulder-mild bleeding;*
- ii) Superficial red, IW on the right-hand dorsum 1 x 01 cm size.”*

The injuries inflicted by accused on the persons of PW2 Kuldeep Singh and PW3 Yashpal as stated by them in Court on solemn affirmation

correspondent to the medical evidence in the form of affidavit Ex.PQ as testimony of PW10 Dr. Shama Parveen and there is no reason to disbelieve the testimonies of both the above named injured witnesses and PW10 Dr. Shama Parveen.

The occurrence took place at 12.00 midnight and all these three injured including Purshotam were immediately rushed to nearest medical institute. The incident took place at midnight when PW2 Kuldeep Singh, PW3 Yashpal and deceased Purshotam were sleeping in the courtyard of the house of PW2 Kuldeep Singh. The accused attacked them while they were sleeping and inflicted injuries at the dead of night. Since victims were sleeping and it is not possible for them to react violently to inflict injuries on the accused persons and for this reason the accused escaped from the spot without a scratch on his body. Moreover, every person will react differently when attacked at midnight and mere fact that accused did not suffer any blow from the hands of victims is no ground to disbelieve the testimonies of these witnesses. The incident took place at the dead of night and Sanjeev Kumar uncle of PW2 Kuldeep Singh visited the spot when accused had already fled the spot and he got admitted the injured in the hospital and therefore, there cannot be any other natural eye witness to corroborate the testimonies of injured PW2 Kuldeep Singh and PW3 Yashpal.

10(iv) During the course of arguments, much emphasis laid by the learned defence counsel for delay in lodging of FIR Ex.PAA. As per the testimonies of PW2 Kuldeep Singh and PW3 Yashpal, the incident took place on the intervening night of 23/24.08.2017 at midnight and injured were immediately shifted in the hospital and medically examined at 12.30 A.M. on



24.08.2017. It has already been mentioned in police ruqqa Ex.PU and FIR Ex.PAA that police officials were busy to maintain the law and order situation due to episode of Baba Ram Rahim. The delay itself cannot be a ground to disbelieve the testimonies of the prosecution witnesses when the delay is well explained. Reference can be made to the observations made by the Apex Court in para-15 in ***Sekaran vs. State of Tamil Nadu 2024(2) SCC 176***, which are as under:-

*“15. In cases where delay occurs, it has to be tested on the anvil of other attending circumstances. If on an overall consideration of all relevant circumstances it appears to the court that the delay in lodging the FIR has been explained, mere delay cannot be sufficient to disbelieve the prosecution case; however, if the delay is not satisfactorily explained and it appears to the court that cause for the delay had been necessitated to frame anyone as an accused, there is no reason as to why the delay should not be considered as fatal forming part of several factors to vitiate the conviction.”*

Thus, when the State police machinery gave preference to maintain law and order situation due to the matter pertaining to Baba Ram Rahim of Dera Sachha Sauda, Sirsa, the rights of private individuals were ignored and this fact is well proved in this case. PW3 Yashpal in his examination stated that his younger brother Sanjeev Kumar got shifted them in Government Hospital, Jagadhri from Government Hospital, Bilaspur and after treatment they were discharged and Purshotam was referred to PGI, Chandigarh. He further stated that in view of the law-and-order situation, large number of people had gathered on the way from Bilaspur to Chandigarh in connection with a case relating to Baba Ram Rahim and they shifted Purshotam to Medical College, Mulana. PW2 Kuldeep Singh in his complaint

Ex.PB has also mentioned this fact. This part of statement of PW3 Yash Pal and Ex.PB explain two things; firstly, on the fateful night, there was law and order situation going on due to the matter pertaining to Baba Ram Rahim of Dera Sachha Sauda, Sirsa and for this reason also the police ignored the medical ruqqa Ex.PU and did not visit the spot or the hospital to record the statements of the injured witnesses and it was for this reason also deceased Purshotam could not be taken to PGI, Chandigarh and was shifted to Medical Hospital, Mulana. PW5 ASI Satish Kumar during cross examination has deposed that Medical College, Mulana is equal to PGI, Chandigarh in health care. Thus contention of learned defence counsel that there is delay in lodging of FIR which is not explained and the contention that had injured Purshotam been taken to PGI, Chandigarh, he could have been saved, cannot be accepted.

10(v) Learned defence counsel vehemently contended that recovery of knife Ex.MO2 is planted on the accused and he never suffered any disclosure statement and the knife was never sent to FSL for examination and it is not possible to inflict fatal injuries on the person of deceased Purshotam with simple knife and there was no blood on the knife.

Knife Ex.MO2 was got recovered by PW11 Sub Inspector Didar Singh on the disclosure statement Ex.PN and was taken into possession vide recovery memo Ex.PN/1 and after recovery its sketch Ex.PN/2 was prepared. All the memos prepared by PW11 SI Didar Singh were attested by PW9 HC Surjeet Singh.

Recovery of knife Ex.MO2 effected by PW11 SI Didar Singh in discharge of his official duties while investigating the case and the police officials had no enmity with the accused and therefore, they had no reason to

plant a false recovery of knife Ex.MO2 upon the accused. No adverse inference can be drawn against the police officials for the absence of independent witness while making recovery of incriminating substance on the disclosure statement of accused. Reference can be made to the observations made by Apex Court in **Crl. Appeal No. 2363 of 2023 arising out of SLP (Crl) No. 9710 of 2023 (Sathyan vs. State of Kerala)** wherein in para-22 it had been held as under:-

*“ 22. Conviction being based solely on the evidence of police officials is no longer an issue on which the jury is out. In other words, the law is well settled that if the evidence of such a police officer is found to be reliable, trustworthy then basing the conviction thereupon, cannot be questioned, and the same shall stand on firm ground.”*

While giving above noted observations, reference is also made to the judgment in **Pramod Kumar vs. State (Govt. of NCT of Delhi) 2013(6) SCC 588**, wherein it has been held as under:-

*“13. This Court, after referring to State of U.P. v. Anil Singh [1988 Supp SCC 686 : 1989 SCC (Cri) 48] , State (Govt. of NCT of Delhi) v. Sunil [(2001) 1 SCC 652 : 2001 SCC (Cri) 248] and Ramjee Rai v. State of Bihar [(2006) 13 SCC 229 : (2007) 2 SCC (Cri) 626] has laid down recently in Kashmiri Lal v. State of Haryana [(2013) 6 SCC 595 : 2013 AIR SCW 3102] that there is no absolute command of law that the police officers cannot be cited as witnesses and their testimony should always be treated with suspicion. Ordinarily, the public at large show their disinclination to come forward to become witnesses. If the testimony of the police officer is found to be reliable and trustworthy, the court can definitely act upon the same. If, in the course of scrutinising the evidence, the court finds the evidence of the police officer as unreliable and untrustworthy, the court may disbelieve him but it should not do so solely on the presumption that a witness from the Department of Police should be viewed with*

*distrust. This is also based on the principle that quality of the evidence weighs over the quantity of evidence.”*

It has also come on record that knife was not sent for FSL examination for the simple reason that there was no blood on the knife. Even if for the sake of arguments, it is assumed that no recovery of knife was effected from the possession of accused, that would not have given any benefit of doubt to the accused. Reference can be made herein to the observations made by the Apex Court in Criminal Appeal Nos. 1750-51 of 2022 (2022 Live Law (SC) 851) wherein it is observed that “*assuming that the recovery of weapon used is not established or proved also cannot be a ground to acquit the accused when there is a direct evidence of eye witness. Recovery of weapon used in the commission of offence is not a sine-qua-non to convict the accused. If there is a direct evidence in the form of eye witness, even in the absence of recovery of weapon, the accused can be convicted.*”

10(vi) The contention of learned defence counsel that it is not possible to inflict fatal injuries by means of knife Ex.MO2 on the person of deceased Purshotam cannot be accepted because PW11 SI Didar Singh moved application Ex.PV to PW10 Dr. Shama Parveen on 09.09.2017 with sealed parcel of the knife which Ex.MO2 was got recovered from the accused, to seek opinion if injuries on the person of deceased could be possible by that knife or not and PW10 Dr. Shama Parveen that after opening the said sealed parcel and after examining the same specifically opined vide Ex.PV/1 Doctor examined the same and gave opinion Ex. PV/1 that “possibility of injuries by the weapon in question cannot be ruled out”, and then re-sealed the knife in parcel and handed over to PW11 Inspector Didar Singh. PW10 Dr. Shama

Parveen also noted that the dimensions of the knife were found same as mentioned in the application Ex.PV. Knife Ex. MO2 was produced in Court at the time of recording of the statement of PW10 Dr. Shama Parveen bearing seal SHP at its top and four seals of SK on the parcel of knife. Thus there is a specific opinion of the expert witness that possibility of injuries by the weapon in question on the deceased Purshotam cannot be ruled out. The knife Ex.MO2 was used by the accused as a weapon of offence and now the learned defence counsel cannot take a plea that said knife Ex.MO2 was not strong/sharp enough to inflict fatal injuries on the person of deceased Purshotam.

10(vii) It has come in the statement of PW11 SI Didar Singh that he arrested the accused on 29.08.2017 at Kakdoni turn when he was present along with other police officials in that area for patrolling and also for search of accused Kulbir. He further stated that said accused was produced by one Prabhjot. Undisputedly, said Prabhjot was not examined by the prosecution for the simple reason that prosecution was not required to examine each and every witness who joined the police party during investigation of the case. Neither it was necessary for PW11 SI Didar Singh to obtain his signatures on memo of arrest of accused. The prosecution is required to examine material witnesses in the Court who could have linked the accused beyond shadow of reasonable doubt with the commission of offence.

10(viii) Learned defence counsel pleaded for innocence of accused on the ground that no motive is proved for inflicting injuries on the person of deceased Purshotam and injured PW2 Kuldeep Singh and PW3 Yashpal.

Hon'ble Apex Court time and again held that mere absence of motive does not result in acquittal. In ***Suresh Chandra Bahri vs. State of Bihar 1995 Suppl. (1) SCC 80***, the Apex Court made observations to the following effect:-

*“21. At the very outset we may mention that sometimes motive plays an important role and becomes a compelling force to commit a crime and therefore motive behind the crime is a relevant factor for which evidence may be adduced. A motive is something which prompts a person to form an opinion or intention to do certain illegal act or even a legal act but with illegal means with a view to achieve that intention. In a case where there is clear proof of motive for the commission of the crime, it affords added support to the finding of the court that the accused was guilty of the offence charged with. But it has to be remembered that the absence of proof of motive does not render the evidence bearing on the guilt of the accused nonetheless untrustworthy or unreliable because most often it is only the perpetrator of the crime alone who knows as to what circumstances prompted him to a certain course of action leading to the commission of the crime.....”*

In ***Purshottam Chopra Vs. State (Government of NCT of Delhi), (2020) 11 SCC 489*** decided on 07.01.2020, Hon'ble Supreme Court held that prosecution case cannot fail only for want of proof of motive. In ***Basheera Begum Vs Mohammad Ibrahim and others, (2020) 11 SCC 174*** decided on 31.01.2020, ***Satish Kumar and another Vs. State of Himachal Pradesh and another, (2020) 7 SCC 637*** decided on 02.03.2020, Hon'ble Apex Court held that where there is circumstantial evidence pointing to the guilt of the accused, it is necessary to prove a motive for the crime. However, motive need not to be proved where there is direct evidence. In the latest judgment titled ***Chetan Vs. State of Karnatka, (2025) 9 SCC 31*** Hon'ble

Supreme Court held that *“the law is well established that the evidence of motive certainly strengthen the prosecution’s case based on circumstantial evidence but failure to prove it may not be fatal”*.

Deceased Purshotam had come to the house of the in-laws of his sister. PW2 Kuldeep Singh is the husband of the sister of deceased Purshotam and crime was committed at the dead of night when deceased Purshotam alongwith the husband of his sister Kuldeep and Yash father-in-law were sleeping in the courtyard of the house of PW2 Kuldeep Singh. Thus, only accused knows why he perpetuated the crime of inflicting fatal injuries on the person of deceased Purshotam. Accused also inflicted injuries on the persons of PW2 Kuldeep Singh and PW3 Yash Pal and by that time he was not aggressive or forceful in inflicting injuries. Accused first inflicted injuries on the person of deceased Purshotam, while he was under deep sleep and for this reason deceased Purshotam could not have got the time to resist or to inflict injuries on accused. Accused ran away after inflicting injuries which are simple in nature on the persons of PW2 Kuldeep Singh and PW3 Yashpal and for this reason he escaped unhurt. The accused cannot attribute injuries on the person of Purshotam deceased by PW2 Kuldeep Singh or PW3 Yashpal because it has not come on record that wife of Kuldeep Singh who is sister of Purshotam since deceased was not having any cordial relations with PW2-Kuldeep Singh. It seems that this desperate plea is made by the accused only to save himself from the clutches of the law. Accused is son of Jai Kumar and when his statement under Section 313 Cr.P.C. was recorded, he took a plea that deceased Purshotam had come to the house of his sister as there was a family dispute between his brother-in-law Kuldeep Singh (PW2), Yashpal

(PW3) father of Kuldeep and Jai Kumar and Sanjeev brothers of Yashpal (PW3) regarding partition of house. The accused further taken a plea in his statement under Section 313 Cr.P.C. that there was dispute between Kuldeep Singh and Purshotam and therefore, Kuldeep Singh inflicted injuries to Purshotam, due to which he died. Though the prosecution has not attributed any motive for the commission of offence, the accused being son of Jai Kumar who had a partition dispute with PW2 Kuldeep and PW3 Yashpal and Sanjeev Kumar had a reason to be violent towards PW2 Kuldeep Singh and PW3 Yashpal and deceased Purshotam who was sleeping in the house of PW2 Kuldeep Singh as guest on the fateful night. PW2 Kuldeep Singh and PW3 Yashpal are stamped witnesses and there is direct evidence of these prosecution witnesses against the accused. They themselves suffered injuries at the hands of accused on the fateful night. They have no reason to depose against the accused and their testimonies cannot be discarded.

10(ix) The accused has also taken a plea of alibi that he was not in the house at the commission of offence. The accused was given number of opportunities to lead defence evidence but accused has not examined even a single witness that on the fateful night he was present at his work place. Even the name of work place is not mentioned by the accused. The learned trial Court did not accept the plea of the accused that he was not present at the time of commission of offence in the house or place of crime.

10(x) The learned defence counsel contended that injuries suffered by deceased cannot be connected with his death because deceased died due to septicemia and multi organ failure.



10(xi) The learned trial Court convicted the accused for commission of murder of Purshotam. Murder is defined under Section 300 of the Indian Penal Code which reads as under:-

**“300. Murder.—**

*Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or—*

*(Secondly)— If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or—(Thirdly)— If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or—*

*(Fourthly)— If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.”*

As per the testimony in the form of affidavit Ex. PQ of PW10 Dr. Shama Parveen, when she medically examined Purshotam since deceased on 24.08.2017 at 12.30 AM, following two injuries were found on his person:-

- “i) *An incised wound of 2 x 0.5 cm size on the right iliac fossa-depth could not be assessed;*
- ii) *Another IW of 2.0 x 0.5 cm size on left iliac fossa-depth could not be assessed.”*

It has already been observed that there is a testimony of PW2 Kuldeep Singh and PW3 Yashpal that these injuries were inflicted by accused by means of knife Ex.MO2. Deceased was immediately provided medical care with half an hour of inflicting injuries and then his injuries were managed at MM College of Hospital and Medical Science, Mulana, District Ambala where he died due to septicemia and multi organ failure after injuries

sustained in assault. The cause of his death was “haemorrhage and shock and resultant infection due to injuries” as stated by PW7 Dr. Balbir Kaur in her testimony before the Court and the post mortem report Ex.PJ.

Reference can be made hereto the observations of Hon’ble Apex Court in ***Maniklal Sahu vs. State of Chhattisgarh (Criminal Appeal No. 5578 of 2024) 2025 INSC 1107***. In the said case, Hon’ble Apex Court set aside the judgment of High Court wherein High Court had partly allowed the appeal and altered the conviction of the appellant under Section 302 IPC into one Section 307 IPC. In the said case, the accused trespassed into his house and flung him down. When he was thrown down from the terrace, he was assaulted with sticks and fisticuffs. The injured was shifted to the hospital in very critical condition and later on he died during treatment due to septicemia and pneumonia leading to cardio respiratory arrest. The trial Court rendered judgment of conviction under Section 302 IPC, which was reduced to conviction under Section 307 IPC. Hon’ble Apex Court in ***Maniklal’s*** case (Supra) examined a catena of judgments, Sections 299, 300 and 302 IPC and in para No. 68 observed that:-

*“We are taken by surprise as to on what basis the High Court has recorded a finding that the deceased succumbed to the injuries suffered by him due to lack of proper treatment. There is absolutely no evidence in this regard. Not a single suggestion in this regard was put by the defence counsel in the cross-examination of the doctors. Even otherwise this aspect is wholly irrelevant in view of Explanation 2 to Section 299 IPC. In other words, according to the High Court, since, the deceased died after about nine months from the date of the incident due to lack of proper treatment the case is not one of murder. This finding in our opinion is erroneous. On one hand, the High Court believes that the cause of death was due to injuries suffered by the deceased, and on the other hand, takes the view that as he died after nine months due to lack of proper treatment the offence would fall within Section 307 of the IPC”*

In ***Maniklal's*** case (supra) Hon'ble Supreme Court in para No.69 of the judgment laid down few broad principles that the Courts must keep in mind and these are as follows:-

*“ 69. We may highlight few broad principles that the courts must keep in mind:-*

*a. If it is proved that the injury was fatal and the intention was to cause death, though the death occurred after several days of septicemia or other complications having supervened, yet it is undoubtedly a murder as it falls within the first limb of Section 300 of the IPC.*

*b. If it is proved that the injuries by themselves were sufficient to cause death in the ordinary course of nature, and if it is established that those injuries were the intended injuries, though the death might have occurred after septicemia or other complications had supervened, yet the act of the accused would squarely fall under the third limb of Section 300 of the IPC and the accused is therefore liable to be punished under Section 302 of the IPC.*

*c. If it is proved that the injuries were imminently dangerous to life, though the death had occurred after septicemia or other complications had supervened, yet the act of the accused would squarely fall under the fourth limb of Section 300 of the IPC, provided, the other requirements like knowledge on the part of the accused, etc. are satisfied and so the accused would be liable to be punished under Section 302 of the IPC. Here also, the primary cause of the death is the injuries and septicemia.*

*d. In judging whether the injuries inflicted were sufficient in the ordinary course of nature to cause death, the possibility that skillful and efficient medical treatment might prevent the fatal result is wholly irrelevant.*

*e. If the supervening causes are attributable to the injuries caused, then the person inflicting the injuries is liable for causing death, even if death was not the direct result of the injuries.*

*f. Broadly speaking, the courts would have to undertake the exercise to distinguish between two types of cases; first, where the intervening cause of death, like peritonitis, is only a remote and a rather improbable consequence of the injury; then it can be*

*said that the injury is one which may, in particular circumstances, result in death, but which may not in ordinary course of nature be likely to lead to it. Secondly, where the complication which is the intervening cause of death is itself a practically inevitable sequence to the injury. In that event, the probability is very high indeed, amounting to practical certainty i.e., death is a result in due course of natural events. A deep abdominal thrust with a knife followed by injury to the internal organs is practically certain to result in acute peritonitis causing death. It is clearly a case of murder under Section 302 and not merely of culpable homicide.*

*g. Even when the medical evidence does not say that any one of the injuries on the body of the deceased was sufficient to cause death in the ordinary course of nature, yet it is open to the Court to look into the nature of the injuries found on the body of the deceased and infer from them that the assailants intended to cause death of the deceased. If none of the injuries alone were sufficient in the ordinary course of nature to cause the death of the deceased, cumulatively, they may be sufficient in the ordinary course of nature to cause his death.*

*h. What the courts must see is whether the injuries were sufficient in the ordinary course of nature to cause death, or to cause such bodily injuries as the accused knew to be likely to cause death although death was ultimately due to supervention of some other cause. An intervening cause or complication is by itself not of such significance. What is significant is whether death was only a remote possibility, or is one which would have occurred in due course.*

*i. To sum it up, where death is delayed due to later complications or developments, the courts should consider the nature of the injury, complications or the attending circumstances. If the complications or developments are the natural, or probable, or necessary consequence of the injury, and if it is reasonably contemplated as its result, the injury could be said to have caused death. If on the other hand, the chain of consequences is broken, or if there is unexpected complication causing new mischief, the relation of cause and effect is not established, or the causal connection is too remote then the injury cannot be said*

*to have caused death. If the original injury itself is of a fatal nature, it makes no difference that death is actually caused by a complication naturally flowing from the injury and not the injury itself, since causal connection is proximate”*

Coming back to the facts of the present case, the accused inflicted injuries on the person of Purshotam since deceased on his right iliac fossa and left iliac fossa region of the body, without any provocation with sharp edged weapon i.e. knife Ex.MO2. The injuries are inflicted intentionally. The offence committed by the accused of inflicting injuries comes within the definition of clause *thirdly* of Section 300 of the Indian Penal Code as the death of Purshotam is caused by accused by intentionally inflicting above referred two injuries by means of knife which is sharp edged weapon and these injuries inflicted with sharp edged weapon are sufficient in the ordinary course of nature to cause death.

In view of the overwhelming evidence collected by the prosecution during the investigation of the case i.e. testimonies of star witnesses of this case i.e. PW2 Kuldeep Singh and PW3 Yashpal who themselves suffered injuries from the hands of accused by means of knife on the fateful night and the MLRs, post mortem report, recovery of knife Ex.MO2 from the possession of accused, as discussed above collected by PW11 SI Didar Singh during the course of investigation, the learned trial Court rightly held that the prosecution has proved against the accused beyond shadow of reasonable doubt of committing the murder of Purshotam and inflicting injuries on the persons of PW2 Kuldeep Singh and PW3 Yashpal.

11. In view of the discussion made above, we do not find any infirmity in the findings recorded by the trial Court and therefore, the appeal stands dismissed.

12. A copy of this judgment be sent to quarters concerned for necessary compliance.

( GURVINDER SINGH GILL )  
JUDGE

(RAMESH KUMARI)  
JUDGE

12<sup>th</sup> November, 2025  
sonia arora/ ravinder

|                           |         |
|---------------------------|---------|
| Whether speaking/reasoned | √Yes/No |
| Whether reportable        | √Yes/No |