



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-D-964-2019 (O&M)
Reserved on: November 27, 2025
Pronounced on: December 22, 2025

DharmenderAppellant

Versus

State of HaryanaRespondent

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

Present: Mr. A.S. Mann, Advocate for the appellant.

Mr. Munish Sharma, Deputy Advocate General, Haryana.

RAMESH KUMARI J.

1. The present appeal has been filed by the appellant/husband (hereinafter referred to as ‘accused’) against the judgment of conviction dated 03.07.2019 and order of sentence dated 05.07.2019, passed by learned Additional Sessions Judge, Narnaul, vide which he had been held guilty for committing the murder of his wife and son in case arising out of FIR Ex. PW7/A and has been sentenced as under:-

Section	RI	Fine imposed	Period of sentence in default of payment of fine
302 IPC	Life imprisonment	Rs.20,000/-	RI for two years
498-A IPC	RI for one year	Rs.2,000/-	RI for two months
201 IPC	RI for two years	Rs.5,000/-	RI for six months



All the sentences were ordered to run concurrently. Shankuntla Devi (mother of accused) had since been acquitted in this case.

2. **FACTS OF THE PROSECUTION CASE**

The FIR Ex.PW7/A bearing No.461 dated 16.12.2016 was lodged at Police Station Kanina under Sections 201/302/304B/,468A/120B IPC, against the accused on the basis an application Ex.PW1/A moved by PW1-Rameshwar Dayal (father of the Reena). In this complaint, PW1 prayed for taking action against the accused and his mother alleging that his daughter was married with the accused in the month of February 2014 and he gave sufficient dowry in the marriage. After the marriage, his daughter was tortured for dowry by the accused. On many occasions, in order to satisfy the demand of the accused, he gave money but accused did not stop torturing her daughter for demand of dowry. About 4-5 days before moving application Ex. PW1/A on 16.12.2015, his daughter telephonically asked him that Rs. One lac be sent to the accused, otherwise the accused had threatened to kill her. On 16.12.2015, he took Rs. One lac and reached at the house of the accused in village Dhanonda and asked Shankuntla Devi, mother of accused, about his daughter. But she failed to give any satisfactory reply and he noticed blood stains on the floor of the house and he suspected that accused had committed the murder of his daughter and prayed for initiation of enquiry and taking strict action against the accused.

3. **INVESTIGATION**

i) Application Ex.PW1/A was handed over on 16.12.2016 to PW10-SI Naresh Kumar while he was on patrolling duty at Ateli T Point Kanina. PW10-SI Naresh Kumar made endorsement Ex.PW10/A on application



Ex.PW1/A and FIR Ex.PW7/A was registered. PW10-SI Naresh Kumar visited the place of occurrence and prepared rough site plan Ex.PW10/B. He also took into possession the blood-stained soil from the store-room, blood lying near the cot and cot's pillar (*paya*) Ex.MO17/A vide memos Ex.PW2/A, Ex.PW2/B and Ex.PW2/C respectively.

ii) On 17.12.2025, PW10-SI Naresh Kumar collected call details record (Ex.P-1 to Ex.P-4) pertaining to Mobile Nos. 9671650369, 8901077478, 9654734957 and 07309626972 respectively belonging to accused Shankuntla (since acquitted), accused and deceased Reena.

iii) On 21.12.2015, vide receipt Ex.PW10/H, accused was handed over to PW10-SI Naresh Kumar by the commandant, 25 B.N., S.S.B. Center Ghitorni, New Delhi. He arrested the accused. Vide memo Ex.PW2/F, four mobile phones (Exs.MO7, MO8, MO9 and MO/10) alongwith sims (Exs.MO/11, MO/12 and MO13), NPS Card (Ex.MO/14), ATM Card (Ex.MO/15) and parking slip (Ex.PW10/D), were recovered from accused.

iv) On the basis of disclosure statement Ex.PW2/D of accused, dead bodies of his wife-Reena and son-Devesh were recovered vide memos Ex.PW2/G and Ex.PW2/H. Dead body of Reena was wrapped in quilt cover and blanket, tied with one thick and one thin rope Ex.MO20 and Ex.MO21 and with 8 bricks (Ex.MO22 to Ex.MO29). Dead body of Devesh was in a sac and was carrying 4 bricks (Ex.MO30 to Ex.MO33). Quilt cover, blanket Ex.MO19, *katta* bricks, big and thin tow rope, were taken into possession vide memo Ex.PW2/J. A piece of blanket Ex.MO18 and one tow rope (Ex.MO17) smeared with blood were taken into possession vide memo Ex.PW2/K. Vide Memo Ex. PW2/L one mobile (Ex.MO34) make Lava of



black colour without sim was recovered from the brick *katta* tied with dead body of Reena. He also prepared rough sketch Ex.PW10/E of the spot of canal from where the dead bodies of Reena and Devesh were taken out. Inquest reports Ex.PW10/F and Ex.PW10/G of the dead bodies of Reena and Devesh were prepared. Sections 302/304-B/201 IPC were added in the original FIR vide special report Ex.PW6/A. The photographs Ex.P-5 and Ex.P-6 of dead bodies were taken.

v) PW12-Dr. Pratik conducted post mortem examination on both the dead bodies. After autopsy of dead bodies, parcels of viscera and documents were handed over to PW14-ESI Inder Pal, who deposited the same with PW6 SHO-Ajesh Kumar. PW10 SI Naresh Kumar also handed over the case property to PW17-MHC/HC Satender. The case property was also sent to Chemical Examiner and FSL Madhuban.

vi) On 24.12.2015, accused-Shankuntla Devi (since acquitted) was also arrested.

4. **PRESENTATION OF CHALLAN, COMMITMENT PROCEEDINGS AND CHARGE**

i) Challan was presented against the accused. Learned Illaqa Magistrate complied with provisions of Section 207 Cr.P.C. by supplying copies of challan form and accompanying documents to the accused. Case was committed to the Court of Sessions vide order dated 16.03.2016.

ii) The accused Dharmender and Shankuntla Devi (since acquitted) were charged for the commission of offences punishable under Sections 201/302/304-B/468-A/120-B IPC. The accused pleaded not guilty.

5. **PROSECUTION EVIDENCE**



In order to substantiate its allegations against the accused, prosecution examined as many as 17 witnesses. The evidence led by the prosecution can be discussed under following heads:-

i) **PW1-complainant Rameshwar Dayal**-He is father of the deceased-Reena and maternal grand-father of deceased Devesh. He in his statement corroborated the allegations as stated in the application Ex.PW1/A and also deposed that he handed over to the police CD containing the conversation of accused for planning murder of deceased. He also handed over marriage card Ex.MO2 to the police.

5(b) **INVESTIGATIVE EVIDENCE**

i) **PW10-SI Naresh Kumar (since retired)**-He in his statement proved the investigation conducted by him in this case and after receiving application Ex.PW1/A from PW1-Rameshwar Dayal, he made endorsement Ex.PW10/A and on the basis of the same FIR Ex.PW7/A was registered. In his statement, he proved the following documents:-

- a) Ex.PW10/A – Endorsement on application Ex.PW1/A;
- b) Ex. PW10/B-rough sketch on the demarcation of complainant;
- c) Ex.PW2/A –memo regarding recovery of blood-stained soil from store in the house of accused;
- d) Ex. PW2-B-Memo regarding recovery of blood-stained soil (with cotton swab) lying near the cot in the house of the accused;
- e) Ex. PW-2/C-Memo regarding recovery of blood on cot's *paya* Ex.MO17/A (cot foot) in the house of the accused;
- f) Ex. PW10/C-memo of recovery of record Ex. P1 to Ex.P4 of mobile phones call details;



- g) Ex. PW2/F memos regarding recovery of four mobile phones Ex.MO7 to Ex. MO10; and sim cards Ex.MO11 to Ex. MO13; NPS card Ex.MO14, ATM card Ex.MO15, parking slip Ex.PW10/D;
 - h) Ex.PW-2/D- memo of disclosure statement of accused for recovery of dead bodies of Reena and Devash;
 - i) Ex.PW2/G and Ex.PW2/H-memos regarding recovery of dead bodies of Reena and Devesh respectively;
 - j) Ex.PW2/J-memo regarding recovery of one quilt cover MO19, blanket MO18, one thick and thin rope Exs. MO21 and MO21, bricks Exs.MO22 to MO29;
 - k) Ex. PW2/K-memo regarding recovery of one piece of blanket Ex.MO16, rope Ex.MO17, bricks Exs.MO30 to MO33;
 - l) Ex. PW2/L-memo regarding recovery of mobile phone without sim Ex.MO34 of deceased-Reena tied with bricks and tagged with her dead body;
 - m) Ex.PW10/E-rough sketch of place of occurrence;
 - n) Ex.PW10/F and Ex.PW10/G - inquest reports of dead bodies of Reena and Devesh respectively;
 - o) Ex.P5 and Ex.P6-photographs of the dead bodies of the deceased.
- ii) **PW6-SI Ajesh Kumar**-As per his statement, he added Section 304-B, 302 and 201 IPC in this case. He was part of the police party headed by PW10 SI-Naresh Kumar, when the dead bodies of deceased Reena and her son got recovered. Thereafter, he took custody of accused and interrogated



him. He stated that vide memo Ex.PW6/B, accused demarcated the place of commission of offence and he prepared rough sketch Ex.PW6/C of the said place. He also obtained the postmortem reports vide memo Ex.PW6/D, the sealed parcels of their belongings from ESI Inderpal and thereafter case property was deposited with PW17-MHC Satender Kumar.

PW6-SI Ajesh Singh also stated that on 23.12.2015, the accused got demarcated the place vide memo Ex. PW2/E regarding recovery of motor cycle, *chaursi* Ex.MO3 (carpenter instrument), iron rod Ex.MO4 and tow rope Ex.MO5. The motor cycle was recovered from parking of Bus Stand of Rewari vide memo Ex.PW2/M. The accused as per his disclosure statement Ex.PW2/E got recovered vide memo Ex.PW2/N the *chaursi* Ex.MO3, iron rod Ex.MO4 and tow rope Ex.MO5. He prepared the rough sketch Ex. PW6/F of *chaursi* and rough site plan Ex. PW6/G and Ex. PW6/H, of the place of recovery of *chaursi* and motor cycle respectively. Accused Dharmender also got recovered the dowry articles vide memo Ex. PW2/Q and a *Lagan Patrika* Ex. PW2/P/1 vide memo Ex. PW2/P. The dowry articles were handed over to the parents of the deceased vide memo Ex.PW2/R.

PW6-SI Ajesh Kumar also stated that on 24.12.2015, he arrested accused Shankuntla and she as per her disclosure statement Ex.PW6/J got recovered vide memo Ex. PW6/K one mobile Mark Intex Ex.MO6 along with SIM No. 9671650369.

On 25.12.2015, vide memo Ex.PW1/B, father of deceased Reena handed him marriage card MO2 of deceased Reena and accused.

On 28.12.2015, PW6-SI Ajesh Kumar took the weapon of the offence from PW17-MHC Satender Kumar and produced the *Chaursi*



Ex.MO3 and plastic rope Ex.MO5 before the Medical Officer-Dr. Pratik PW12 for seeking his opinion vide memo Ex. PW6/M and Ex. PW6/N. He also obtained the opinion Ex. PW6/O and Ex. PW6/P of Dr. Pratik regarding possibility of causing injuries by use of these weapons.

5(C) MEDICAL EVIDENCE

i) **PW12-Dr. Pratik-** He was posted as Medical Officer in General Hospital, Mahendergarh on 22.12.2015 and was one of the members of Board of Doctors constituted by Medical Superintendent for conducting postmortem on the dead bodies of deceased Reena and Devesh. He tendered in his evidence affidavit Ex. PW12/C. He proved post-mortem reports Ex. PW12/A and Ex. PW12/B of the deceased Reena and Devesh respectively. He also proved reports of Chemical Examiner Ex. PY of Reena and Ex. PX of Devesh and also deposed about their cause of death. Cause of death pertaining to Reena is shock and hemorrhage and in case of Devesh, the cause of death is Asphyxia.

PW12-Dr. Pratik also stated that on 28.12.2015, on the police request Ex. PW6/M, he had given his opinion Ex. PW6/O regarding the cause of death of Devesh by thread Ex.MO5. He further stated that on the police request Ex. PW6/M, he gave his opinion Ex. PW6/B regarding the cause of death of Reena as weapon, of which, one part was of plastic and another part of iron and the said weapon was proved vide Ex.MO3. He also signed the inquest reports vide Ex. PW10/F and Ex. PW10/G.

5(D) CORROBORATIVE EVIDENCE

i) **PW2-Surender Kumar-**He is brother of deceased Reena and son of PW1-complainant Rameshwar Dayal and he corroborated the testimony of



PW1-Rameshwar Dayal and he is attesting witness of documents Ex.PW2/A to Ex.PW2/U prepared by PW10-SI Naresh Kumar.

ii) **PW3-Suresh Kumar-** He is relative of PW1-Rameshwar Dayal. He in his statement before the Court, corroborated the testimony of PW1-Rameshwar Dayal.

iii) **PW4-Rudmal-** He is friend of the PW1. He also corroborated the testimony of PW1-Rameshwar Dayal regarding demand of dowry by accused.

5(E) **LINK EVIDENCE**

i) **PW7-ASI Rameshwar Singh-**As per his testimony, he registered FIR Ex.PW7/A. He is attesting witness of memo of arrest Ex. PW2/F and personal search memo Ex.PW2/K of accused Dharmender, disclosure statement Ex.PW2/D, memo Ex.PW2/F vide which four mobile phones Exs.MO7 to MO10, sim cards Exs.MO11 to MO 13, NPS card Ex.MO14 and ATM card Ex.MO16 were recovered from the accused Dharmender.

ii) **PW17-MHC-HC Satender Kumar-**was posted as MHC at the relevant time and he tendered his affidavit Ex. PW17/A in support of his examination-in-chief. He also stated about deposit of case property with him during the courses of the investigation. He corroborated the testimony of PW6-SI Ajesh Kumar regarding handing over the weapons of offence i.e. *chaursi* and thread/rope to him for obtaining the opinion of doctor. He sent viscera of deceased Reena and Devesh along with documents to the office of Chemical Examiner Karnal. He sent blood-stained case property i.e. one leg of the cot, one parcel of blood stained soil, one parcel of the cotton swab stained with blood, one sample of blood stained blanket, tow rope through PW16-C. Rajbir in FSL Madhuban.



iii) **PW-15- Constable Pawan Kumar, PW-16-Constable Rajbir Singh**-vide their respective affidavits both of them corroborated the evidence of PW17-MHC Satender Kumar.

PW17-MHC-HC Satender Kumar, PW-15- Constable Pawan Kumar and PW-16-Constable Rajbir Singh also stated about integrity of the case property till it was in their respective possessions.

iv) **PW5-Surender Kumar**-he took photographs Ex.P1 to Ex.P10 of the dead bodies of Reena and Devesh.

v) **PW8-ASI Mahesh Kumar**- he prepared scaled site plans Ex.PW8/A and Ex.PW8/B of the place of occurrence in village Dhanunda in the area of village Pathera.

vi) **PW9-Ct. Dinesh Kumar**- delivered special report to Illaqa Magistrate and Senior Police officials after registration of FIR Ex.PW7/A.

vii) **PW11-Lady Constable Anita**-she accompanied PW6-Ajesh Kumar when accused Shankuntla (since acquitted) was arrested and she is attesting witness of memo vide which mobile MO6 was recovered from the said Shankuntla vide memo Ex.PW6/K.

viii) **PW13-SI Om Parkash**-he deposed about preparation of final report under Section 173 Cr.P.C. and its presentation in the Court.

ix) Learned APP tendered in evidence report Ex. PX and Ex.PY of Chemical Examiner and report Ex.PX of FSL and closed the prosecution evidence.

6. **STATEMENT OF ACCUSED UNDER SECTION 313 CR.P.C.**

The statement of the accused under Section 313 Cr.P.C was recorded. He pleaded false implication. He further pleaded that he loved his wife and son



very much. It was the second marriage of accused and deceased-Reena. There was no demand of dowry. He had never harassed, taunted or given beatings to his wife. He never behaved in cruel manner with his wife during his married life. He did not commit the murder of his wife and son. From 13.12.2015 to 21.12.2015, he remained present in 25 B.N., S.S.B. Center Ghitorni, New Delhi for all days and nights as he was posted there as Constable Carpenter. His presence was marked by the officials of the Center during the above said period.

7. **DEFENCE EVIDENCE**

Learned trial Court granted opportunity to the accused to lead defence and accused examined 09 witnesses in defence, who are as under:-

i) **DW1-ASI Naresh Kumar, Incharge Cyber Cell, S.P. Office, Narnaul-** was confronted with call details records Ex. P1 of mobile No.9671650369 dated 09.12.2015 to 16.12.2015 and he stated that he cannot tell the tower location of these mobile phones and that only Nodal Officer of Vodafone could tell about the tower location of above ID. He was subjected to cross-examination by learned Public Prosecutor and he stated that Ex. P1 was not prepared by him. He had no personal knowledge about the identity and function of the above said Mobile No. 9671650369 and only after seeing the App available on his mobile phone, he can tell about the same.

With the consent of defence counsel and learned Public Prosecutor, he was permitted to access his mobile phone as to tell the location of above said mobile number and he deposed as under:-

“The tower locations of cell Id Mark A to Mark A1 on Ex. P1 are as under:-



- *Cell Id 404010928518201 dated 13.12.2015, 14.12.2015 is village Dhanunda, District Mahendergarh.*
- *Cell Id 404010091053101 dated 14.12.2015 is village Gudha, Tehsil & District Mahendergarh.*
- *Cell Id 404010175017813 dated 14.12.2015 is village Dhanunda, District Mahendergarh.*
- *Cell Id 404010175056721 dated 15.12.2015 is village Garhi Ruthal, District Mahendergarh.*
- *Cell Id 404010175056722 dated 16.12.2015 is village Garhi Ruthal, District Mahendergarh.”*

He also stated that he had seen the Id record of Mobile No. 9671650369 Ex. P2 was activated on 29.05.2009 and was deactivated on 04.12.2011.

ii) **DW2-Bajrang Lal Verma, Inspector GD, 50 Bnl, Balrampur, U.P.-** he brought the record Ex.DA of temporary duty of accused Carpenter and deposed that vide order Ex.DB dated 29.09.2015, accused was deputed for administration and supporting in 52nd anniversary day 2015 and was posted at 25 Bnl, S.S.B Centre, Ghitorni, New Delhi in the month of December, 2015. He also proved record Ex. DC of entry and exit dated 13.12.2015 to 22.12.2015. He proved vide Ex. DF entry of Mess Diet Register from 13.12.2015 to 22.12.2015. He also stated that Guruparshad, N.K/Carpenter died on 13.04.2017, the attested copy of his death certificate is exhibited vide Ex. DG. No duty register pertaining to Carpenter or any other Carpenter was maintained in the Battalion. He also proved vide Ex. DH entry of Leave Register of accused from 13.12.2015 to 22.12.2015.

iii) **DW3-Tulsi Ram, SC Carpenter No.8787915, 25th Bnl, S.S.B Centre, Ghitorni, New Delhi-**was posted in 25th Bnl, S.S.B Centre, Ghitorni, New Delhi in the month of December 2015 when accused



Dharmender was also posted there. He worked with him on 13 to 15 December, 2015 in the Center.

iv) **DW4-Vijender Kumar No.110042134 CT, Plumber, 39 Bnl, Palia Kalan, U.P** -also stated that he knows accused as he was present in 25 Bnl, S.S.B Centre, Ghitorni, New Delhi. The trade work of accused Dharmender and his was different.

v) **DW5-Sanjay Kumar, HC/GD No.000060049, 40, Bnl. Patna** was posted as Mess Incharge in month of December, 2015 at 25 Bnl, S.S.B Centre, Ghitorni, New Delhi and he proved the original Mess register Ex. DF for the month December, 2015. He also stated that on 13.12.2015, 15.12.2015 to 21.12.2015, accused had taken his meal at 25th Bnl, S.S.B Centre, Ghitorni, New Delhi of morning and evening in his presence and he made the entry regarding this fact in Ex. DF., which pertains to 26.11.2015 to 25.12.2015.

vi) **DW6-ASI Satpal, No.500-** he in his statement before the Court, deposed that on 03.03.2016, he was posted at P.S. Kanina. He recorded Ex. D2 i.e. DDR No. 16 dated 03.03.2016, regarding suicide of Bal Mukund @Bholu son of Tek Chand, resident of Dhanunda. He also recorded statement Ex. D3 of Vikram Singh, the then Sarpanch of village Dhanunda. He also proved inquest report Ex. D4, of the dead body of Bal Mukand and memo Ex. D5 regarding recovery of documents. He also stated that he prepared memo pertaining to alleged handwriting of the deceased and its photocopies Ex. D7. He also obtained photographs Ex. D8 to D12 and post-mortem report dated 03.03.2016 Ex. D13.



8. Learned trial Court framed the following issues for determination in this case:-

*“a) Whether both the accused harassed the deceased for want of more dowry in the form of cash?
b) Whether the accused hatched a criminal conspiracy and in pursuance which they caused dowry death of the deceased?
c) Whether in pursuance of their criminal conspiracy the accused committed murder of the deceased and her son Devesh?
d) Whether in pursuance of their criminal conspiracy both the accused caused the death of the deceased and her son and thereafter, dumped the dead bodies in the canal in order to cause disappearance of evidence against them?
e) Result.”*

9. Learned trial Court on considering the evidence and documents on record, convicted the accused and sentenced, as aforesaid, hence, this appeal.

10. **SUBMISSION OF LEARNED COUNSEL FOR THE ACCUSED**

Learned counsel for the accused submitted that:-

- i) it is case of blind murder as there is no eye witness of the crime.

The chain of circumstances to prove the accused guilty is incomplete.

- ii) the accused has taken the plea of *alibi* by proving on record duty roster which is duly proved by DW-2. The trial Court failed to appreciate this evidence;

- iii) the deceased Devesh was only 09 months old and the time between death and post mortem is 5-10 days and his body would have been decomposed in the water and would have been beyond recognition, therefore, prosecution failed to prove the time line, mode of transport and place of offence;



- iv) in fact there is alternative hypothesis which is ignored by the learned trial Court because in suicide Note Ex. D6 Bal Mukand, brother of the accused, confessed that he committed the murder of Reena and her son. He had remorse for that and for that reason he committed suicide;
- v) PW2 Surender is brother of the deceased Reena and interested witness. No independent witness was joined at the time of the alleged recoveries from accused;
- vi) no forensic examination of weapons of offence had been conducted. No forensic examination of motorcycle allegedly used to transport the dead bodies had been conducted;
- vii) the samples of blood-stained soil, blood stained cotton swab and blood stained *paya* of the cot are not compared with the blood of the deceased;
- viii) the allegation of demand of dowry was not proved, there is absence of motive in the commission of offence;

learned defence counsel thus submitted that under these circumstances, the impugned judgment of conviction and order of sentence could not sustain and are liable to be set aside.

11. **SUBMISSIONS OF LEARNED STATE COUNSEL**

Per-contra learned State counsel submitted that it is a case where the medical evidence clearly proves that it is a case of homicidal death of Reena and Devesh and it is also proved on record that accused treated Reena with cruelty on account of demand of dowry and that the accused was absent on 14.12.2016 from his workplace and had committed the murder of his wife and son and thus, the case of the prosecution stands fully established. It has thus been



submitted that there being no infirmity in the impugned judgment, the instant appeal deserves to be dismissed.

12. **DISCUSSION:-**

i) We have considered the rival submissions addressed before this Court and with the assistance of both the learned State counsel and learned defence counsel, we have perused the record.

ii) Undisputedly, the marriage of deceased Reena was solemnized with the accused in February 2014. Devesh was son of Reena and accused. Reena was found missing in her matrimonial home on 16.12.2015, when PW1 her father, PW2 Surender Kumar her brother and PW3-Suresh Kumar visited her home to hand over her Rs.1 lac.

iii) There is no eye-witness to the murder of Reena and Devesh. The prosecution case is based on circumstantial evidence. The principles with respect to circumstantial evidence has been well settled by the Apex Court in a catina of judgments. (*Hanumant Govind Nargundkar Vs. State of M.P.* AIR 1952 SC 343, *Padala Veera Reddy Vs. State of A.P.* 1989 Supp (2) SCC 706, *Gambhir v. State of Maharashtra*, (1982) 2 SCC 351) (13). In *C.Chenga Reddy & Ors. Vs. State of A.P.*, (1996) 10 SCC 193, *Ramreddy Rajesh Khanna Reddy Vs. State of A.P.*, (2006) 10 SCC 172, *Anil Kumar Singh v. State of Bihar*, (2003) 9 SCC 67 and *Reddy Sampath Kumar v. State of A.P.*, (2005) 7 SCC 603), *Sattatiya vs. State of Maharashtra*, (2008) 3 SCC 210, *Bharat v. State of M.P.*, (2003) 3 SCC, (*G. Parshwanath vs. State of Karnataka*, (2010) 8 SCC 593, *Rajendra Pralhadrao Wasnik vs. State of Maharashtra*, (2012) 4 SCC,)



In ***Hanumant Govind Nargundkar*** (supra), the Hon'ble Supreme Court observed as under:

"10. It is well to remember that in cases where the evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should in the first instance be fully established, and all the facts so established should be consistent only with the hypothesis of the guilt of the accused. Again, the circumstances should be of a conclusive nature and tendency and they should be such as to exclude every hypothesis but the one proposed to be proved. In other words, there must be a chain of evidence so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused and it must be such as to show that within all human probability the act must have been done by the accused."

iv) In order to bring home guilt against the accused, in a case based on circumstantial evidence, the circumstances forming the chain of events should be proved and they should cumulatively point towards the guilt of the accused alone. The inference of guilt can be justified only when all the incriminating facts and circumstance are found to be incompatible with the innocence of the accused or the guilt of any other person.

v) PW1 Rameshwar Dayal, PW2-Surender, PW3-Suresh and PW4-Rudmal in their testimonies before the Court specifically stated about demand of money by accused from Reena. PW1 Rameshwar Dayal who is the father of the deceased specifically stated on oath in the Court that 4-5 days before 16.12.2015, he received a telephonic call of his daughter Reena who told him that accused had been harassing and torturing her and demanding Rs. 1 Lac and threatened her that in case the money is not given to him, he will murder her.

He along with his sons, Surender and Ravinder, alongwith others visited the



house of accused on 16.12.2015 where mother of the accused was present but his daughter was not there. He also noticed blood stains in the house.

vi) PW2 Surender son of Rameshwar Dayal and brother of deceased Reena, in his statement before the Court, also stated that his father told him on 15.12.2015 to arrange for some money to be given to the accused and therefore, he came to his house for arranging the money. He alongwith his cousin went to the house of accused and found that Reena and her son were not present in the house. He also noticed that there were blood stains on the bed and floor of the house. They suspected about the death of Reena and reported the matter to the police. PW2 Surender also proved different memos regarding taking of samples of blood from the house of accused and blood found on the wooden cot.

vii) PW3 Suresh Kumar also stated about harassment of Reena by accused on account of demand of dowry. PW3 stated that accused had filed a divorce petition against Reena and thereafter Reena was blessed with a son on 23.01.2015 and after birth of the child father of Reena was not invited nor informed about the birth of son namely, Devesh. He further stated that he accompanied PW1 Rameshwar Dayal and others to the house of accused on 16.12.2015 and Reena deceased was not found there. He had noticed blood stains in the house of accused and they were not satisfied with the answer given by mother of the accused that some cat had killed and eaten a rat and that blood was of the rat.

viii) As per prosecution case, the dead bodies of Reena and of Devash were subjected to post mortem examination conducted by Board of Doctors including PW12 Dr. Pratik, who in his testimony narrated the injuries found on



the dead body of Reena as recorded in post-mortem report Ex.PW12/A as under:-

“Incised wound of 3cmx2cmx2cm at the right side of neck at middle region on anterior lateral aspect which is deep.

Incised wound of approx 2.2cmx0.3cmx0.1cm at the middle of neck on anterior surface.

incised wound of 1.8cmx0.3cmx0.2cm at the middle of the neck around 0.8cm below the upper 2nd injury mentioned.

Oesophagus injury present under the above mentioned injury 1 external juglar vein is ruptured.

lacerated wound of approx 3.5cmx0.3cm at the anterior aspect of the left foot at middle region.”

During the course of post-mortem, the Board of Doctors also noticed on the body of Reena that :-

“easily pricution of hair present(removal).

loosening of tooth present.

nails are almost easily removable.

peeling of epidermis is present.

few skin blisters were present at certain sites.”

PW12 Dr. Pratik also stated that probable time between injury and death of Reena was variable but death and postmortem was 5-10 days.

PW12 Dr. Pratik Kumar also proved the post mortem in respect of Devesh as Ex.PW12/B describing injuries on the body of Devesh as under:-

“ligature mark is running horizontally around neck fully circumfencing the neck

hyoid bone is fracture on dissection of neck.

circular mark of 18cm in length,0.3cm in width approx. glistening white band under ligature mark present.”

The Board of Doctors also noticed on the body of Devash that: -

“ easily removal of hairs was present,

peeling of epidermis was present,



nails were easily removable”

The testimony of PW12 Dr. Pratik Kumar coupled with the post-mortem reports Ex.PW12/A and Ex.PW12/B proved that the death of Reena and Devesh was not natural or suicidal but was homicidal.

ix) The contention of learned defence counsel that the dead bodies of Reena and Devesh could not have been identified as these remained submerged in the water and the prosecution failed to prove the time line between injuries and death and between death and post-mortem cannot be accepted. As per opinion of PW12 Dr. Pratik Kumar, Medical Officer, the time line between death and postmortem was 5-10 days. During winter days particularly in the month of December, decomposition in cold water gets delayed. Reference can be made here to the following observations of Modi in his book on Medical Jurisprudence and Toxicology 1969 Edition, in page 145, in which it is stated that;

"Putrefaction in water - The rate of putrefaction of a body in water is more reliable than heat of a body exposed to the air or interred, as the temperature of the water is more uniform, and the body is protected from the air, as long as it remains submerged in water ordinarily, a body taken twice as much time in water as in air to undergo the same degree of putrefaction. Putrefaction is retarded, when a body is lying in deep water and is well protected by clothing, while it is hastened in a body lying in water contaminated with sewage, putrefaction is accelerated, when once a body has been removed from water, as the tissues have imbibed much fluid. In such a body decomposition is so four hours exposes to the air will be more marked than those ordinarily resulting from fortnight's further submersion." (Page 145)



In view of this observation, in the above said Medical Jurisprudence and Toxicology book by Modi, it was because the bodies remained sub-merged in the cold water deep inside the canal due to heavy weight of bricks, the bodies were not putrefied even after 5-10 days of murder.

x) During the course of investigation, the blood stains were found in the store of the house of accused the blood stains were also found near the cot and *paya* of cot, which were taken into possession vide memos Ex.PW2/A, Ex.PW2/B and Ex.PW2/C respectively. During the course of investigation, both the blood samples and *paya* of cot were deposited with PW17 MHC Satender Kumar who send the same through PW16 Constable Rajbir for deposit in the office of FSL. As per FSL report, Ex. PZ, the blood found on *paya* and ground was B group of human blood and the sample of blood stained soil was also of human blood but regarding group of blood, the report was inconclusive. The material of cotton swab with which blood was lifted from near the cot was found disintegrated.

The contention of learned defence counsel that comparison of blood with the blood group of the deceased was not undertaken and for this reason that blood cannot be held to be that of deceased Reena and Devesh, cannot be accepted because the accused failed to give any justification/explanation regarding the presence of human blood stains on the floor of the store, near the cot and *paya* of cot in his house.

xi) The plea of *alibi* taken by the accused was correctly not believed by the learned trial Court because DW5 Sanjay Kumar who produced the Mess Register record Ex.DF categorically stated during cross examination that accused Dharmender did not visit the Mess on 14.12.2015. Moreover, he



brought the Mess Register only for the period of 13.12.2015 and 15.12.2015 to 21.12.2015.

DW4 Vijender Kumar also stated that he did not remember that accused had slept in the barrack from 13.12.2015 to 22.12.2015.

The statements of defence witnesses PW5-Sanjay Kumar and PW4-Vijender Kumar conclusively proved the absence of accused for a specific period i.e. 14.12.2015 from his work place.

xii) Accused had unsuccessfully tried to shift culpability on his deceased brother Bal Mukund alias Bholu, who allegedly committed suicide, for murder of his wife Reena and son Devesh. DDR No. 16 dated 03.03.2016 Ex.D2 was recorded at Police Station Kanina. The post-mortem on the dead body of Bal Mukund was also conducted. Some handwriting Ex.D6 of the deceased Bal Mukund was taken in police possession vide Ex.D7. Learned defence counsel contended that vide Ex.D6 deceased Bal Mukund admitted the commission of murder of Reena and Devesh as he was in relationship with Reena.

Admittedly, Ex.D6 the alleged handwriting of deceased Bal Mukund alias Bholu was never sent for comparison with his standard handwriting. DW6 ASI Satpal had never seen the deceased Bal Mukund brother of accused writing and signing and DW6 ASI Satpal was unable to tell the name of the person who had written the document Ex.D6. Therefore, the learned trial Court rightly did not take into consideration the document Ex.D6 as handwriting of Bal Mukund.

xiii) The detailed disclosure statement Ex.PW2/D dated 22.12.2015 of accused was recorded by PW10 SI Naresh Kumar and in pursuance of his



disclosure statement, accused got recovered the dead body of his wife Reena and son Devesh from canal vide memos Ex.PW2/G and Ex.PW2/H, respectively. Alongwith dead body of Reena and child Devesh one quilt cover of red colour, blanket in blue red and yellow colour, katta, bricks and thin rope were also taken into possession as the dead bodies of deceased Reena and Devesh were wrapped with quilt cover and blanket tied with ropes and bricks were also tied with the same. The statement of PW10-ASI Naresh Kumar categorically reveals that from the dead body of Reena, *katta* bricks were disconnected from the rope and dead body of child was found in *Katta* and total four bricks were inside it. Alongwith body of Reena, one mobile phone without sim was also recovered which was taken into possession vide memo Ex.PW2/L. The testimony of PW1-Rameshwar Dayal and PW10-ASI Naresh Kumar and PW2-Surender proved that Reena and her son Devesh were murdered before 16.12.2015 and 15.12.2015 but after 13.12.2015 i.e. 14.12.2015 because on 13.12.2015 and 15.12.2015 the accused was present at his place of work as per Mess Register Ex. DF proved by DW5 Sanjay Kumar. DW5 Sanjay Kumar categorically stated that accused Dharmender did not visit the Mess on 14.12.2015. Therefore, the contention of learned defence counsel that the prosecution failed to prove the time line of murder, cannot be accepted.

xiv) The accused on one hand failed to explain where he was on 14.12.2015, the day, he did not visit Mess and on the other hand he failed to explain the presence of blood stains on the floor and article i.e. *paya* cot in his house. In such eventuality, recoveries of weapons of offence from the house of accused on the basis of his disclosure statement Ex.PW2/E assume all the more importance. The accused as per his disclosure statement EX.PW2/E got



recovered *chaursi* Ex.MO3, iron rod Ex.MO4 and tow rope Ex.MO5 vide memo Ex.PW2/N. The plastic tow rope also sent to FSL and the rope was found stained with human blood of B group as per FSL Report Ex.PZ.

Police had no reason to implant false recovery of *chaursi* Ex.MO3, and rope Ex.MO5 upon the accused because PW10 SI Naresh Kumar had no enmity with him so as to foist false recoveries of weapons of offences. The statement of PW10-SI Naresh Kumar cannot be doubted for the simple reason that he is a police official. Associating independent persons in the police investigation, at the time of effecting recoveries in pursuance of disclosure statement of accused is always not possible as no person from public would normally be willing to associate with police investigation and to depose against the accused.

Chausi and iron rod were not sent to FSL. *Chausi* Ex.MO3 and rope/thread Ex.MO5 were shown to PW12-Dr. Pratik who gave his opinion Ex.PW6/O and Ex.PW6/B regarding the cause of death Devesh and Reena, on police request Ex.PW6/M that the possibility of causing death by rope/thread and with weapon one part of which plastic and another of iron (*chaursi*) cannot be ruled out. Moreover, recovery of weapon of offence is only corroborative evidence and non-sending of *chaursi*, iron rod and rope/thread to the office of FSL cannot create any doubt to the case of prosecution. The accused also got recovered vide Ex.PW2/M his motor cycle No. HR34G-0635 from the corner of bus stand Rewari. No doubt, the police did not ascertain the ownership of this motorcycle but it cannot create any dent to the case of the prosecution in view of other overwhelming evidence proved on record by the prosecution.



xv) Reena wife of accused died an unnatural death due to injuries sustained within one year and eight months of the marriage i.e. within seven years of the marriage in the house of her in-laws and her son died when he was about 9 months old. The presence of blood stained soil on the floor of the house of the accused and blood on *paya* of the cot kept in the house of accused as well as injuries on the body of Reena and death of her son due to asphyxia proved that deceased Reena was done to violent death in her matrimonial home alongwith her son. In such circumstances, burden lies heavy on the accused in terms of Section 106 of the Indian Evidence Act to explain the circumstances regarding the presence of blood stains in his house and on the *paya* of cot lying in his house. Accused has, however, not come out with any justifiable explanation. The accused had not lodged any missing report of his wife and son. Section 106 of the Indian Evidence Act is an exception to the general rule as stipulated in Section 101 of the Evidence Act. Section 106 of the Indian Evidence Act mandates that burden of proof lies on the person who asserts the existence of such facts. Section 106 of the Indian Evidence Act reads as under:-

“Section 106. Burden of proving fact especially within knowledge.

When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.”

Accused was absent from his place of work on 14.12.2015. He failed to explain his whereabouts on the said day and failed to explain the presence of blood stains in his house. In such a situation, adverse inference has to be drawn against him.

xvi) The contention of learned defence counsel that the motor cycle was not sent to Forensic Science Laboratory (FSL) for examination and that it



is not proved that this motor cycle was used to transport the dead bodies to the canal, cannot be accepted because most important circumstances proved by the prosecution are, i) demand of money by accused from Reena, regarding which she telephonically told her father PW1-Rameshwar Dayal, ii) absence of Reena and her son Devesh from the house of accused on 16.12.2015, when PW1 Rameshwar Dayal, PW2 Surender and PW3 Suresh Kumar visited them, iii) presence of human blood stains in the store room of house, human blood stains near the cot and human blood on the *paya* of the cot, iv) absence of the accused from the place of work on 14.12.2015, v) recoveries of dead bodies of Reena and Devesh on the basis of disclosure statement Ex.PW2/D, vi) recovery of weapons of offence i.e. *chaursi* Ex. MO3, iron rod Ex.MO4 and rope Ex.MO5 from the house of the accused on the basis of his disclosure statement Ex.PW2/N.

xvii) The accused cannot take a plea that there was no motive for commission of offence. Motive is proved by PW1 Rameshwar Dayal, PW2 Surender and PW3 Suresh Kumar who categorically stated that accused was not satisfied with the dowry given in the marriage and on the demand of accused, PW1 Rameshwar Dayal, PW2 Surender and PW3 Suresh Kumar visited the house of accused on 16.12.2015 to give him Rs. One lac.

xviii) Even if the call detail record of the mobile phone numbers i.e. 9671650369, 8901077478, 9654734957 and 7309626972 is ignored in the absence of certificates under Section 65-B of the Indian Evidence Act, there is overwhelming evidence in the shape of six circumstances as noted above, proved against the accused and the learned trial Court correctly held the accused guilty of treating his wife with cruelty on account of demand of Rs.1



lac immediately before her death. Therefore, the prosecution has proved the foundational facts from which the presumption as regards the dowry death of Reena can be raised under Section 113-B of the Indian Evidence Act. Section 113-B of the Indian Evidence Act reads as under:-

“113-B. Presumption as to dowry death. -- When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the court shall presume that such person had caused the dowry death.

Explanation. For the purposes of this section, dowry death shall have the same meaning as in section 304B of the Indian Penal Code (45 of 1860)”.

The accused failed to lead cogent and convincing defence to rebut the facts and circumstances discussed above and duly proved on record by the prosecution. The evidence led by the prosecution conclusively proved the chain of circumstances from which the only hypothesis established is contrary to the innocence of accused but establishing the guilt of accused to the effect that accused inflicted injuries on the body of his wife Reena to cause her death and also caused the death of his son by strangulating his neck with rope and had wrapped the dead bodies in quilt cover and blanket and tied bricks with the dead bodies, so that the dead bodies do not float. In view of the circumstances discussed above, we are of the considered opinion that the learned trial Court was perfectly right in convicting the accused and sentencing him. We, therefore, do not find any merit in the instant appeal and the same is hereby dismissed.



A copy of this order be sent to the quarters concerned for information and necessary compliance.

The case property be dealt with under rules upon expiry of the period of limited as prescribed for filing appeal, if any.

(GURVINDER SINGH GILL)
JUDGE

(RAMESH KUMARI)
JUDGE

22.12.2025
sonia arora/ravinder

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