

2026:PHHC:027970-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-313-DBA of 2004 (O&M)
Reserved on:-19.01.2026
Date of Decision:23.02.2026
Uploaded on:07.03.2026

State of Punjab ...Appellant
Vs.
Karnail Singh and others ...Respondents

CRR-687-2004
Pritam Singh ...Appellant
Vs.
Karnail Singh and others ...Respondents

CORAM: HON’BLE MR. JUSTICE N.S.SHEKHAWAT
HON’BLE MR. JUSTICE H.S.GREWAL

Present: Mr. M.S. Bajwa, DAG, Punjab
for the appellant-State in CRA-D-313-DBA-2004.

Mr. Neeraj Mann, Advocate
for Mr. Nayandeep Rana, Advocate (Amicus Curiae)
for the petitioner in CRR-687-2004.

Mr. Bhuvan Vats, Advocate (Amicus Curiae)
for respondents in both cases.

N.S.SHEKHAWAT, J.

1. This judgment shall dispose off an appeal, i.e.,
CRA-D-313-DBA of 2004 titled as “State of Punjab Vs. Karnail Singh and
others” and a CRR-687-2004 titled as “Pritam Singh Vs. Karnail Singh and
others”, whereby the State of Punjab as well as complainant had challenged
the common impugned judgment dated 03.09.2003 passed by the Court of
Additional Sessions Judge, Barnala. In fact, vide the impugned judgment,

the trial Court held that the prosecution had failed to prove the case and by extending the benefit of doubt, the respondents were acquitted of the charge.

2. The FIR Ex. PQ/2 in the present case was registered on the basis of the statement made by Pritam Singh son of Bakhshish Singh. The relevant extract of the FIR in the present case has been reproduced below:-

“Statement of Pritam Singh son of Bakhshish Singh Jat of Hamidi P.S. Barnala Distt. Sangrur aged about 65 years:

Stated that I am resident of aforesaid address and I am an agriculturist. Today 15.7.2002, I was sleeping in the courtyard of my house alongwith my family members. It was about 3 a.m. when a person named Kulwant came out and Karnail Singh was the person, who was calling. Upon hearing the call I woke up and saw beyond the wall that Karnail Singh was sitting on the seat of a tractor and Bhata Singh and Chuhar Singh were sitting on each of the mudguard. In the meantime, all the my family members woke up. Karnail Singh while sitting on the seat of tractor said that we were playing the tape recorder on high pitch and we should stop doing so. I replied to Karnail Singh that I will stop playing the recorder. Despite that Harbans Singh @ Bhata son of Piara Singh, said that we will not stop playing the tape recorder despite their asking to do so and we be run over by the tractor and then they would come to know as to how the tape recorder should be played. Then Chuhar Singh, who was sitting on mudguard raised lalkara asking Karnail Singh that they should not let us escape. In the meantime, within our view, Karnail Singh took his tractor back and hit it against the outer wall of my house and as a result, the wall fell down. Within my view, he again took the tractor back and drove it towards my wife, Nasib Kaur in order to kill her, as a result, she fell down and the tractor ran over her left leg and she became unconscious. Therefore, he took the tractor forward and backward twice or thrice and, as a result, a Tahli tree in the courtyard fell down. When all of us raised an alarm Karnail Singh, Harbans Singh alias Bhata and Chuhar Singh

ran away leaving behind their tractor. The grudge is that the accused caused us injuries on the pretext of playing tape recorder after coming to our house. After that I and both my sons Kulwant Singh and Manjit Singh arranged a vehicle and brought my wife Nasib Kaur to Civil Hospital Barnala and got her admitted and she is under treatment. I was going to purchase medicine from the medical Centre near the wall of the Hospital, when you met me. You have recorded my statement which I have heard and the is correct. Action may be taken. L.T.I. Pritam Singh. Attested Sd/- Baljit Singh, ASI P.S. Sadar Barnala”.

3. After registration of the FIR, the place of occurrence was inspected by the police and a rough site plan was prepared. On 13.08.2002, Nasib Kaur had succumbed to her injuries and her dead body was sent to the hospital for post-mortem examination. After post-mortem examination, the dead body was handed over to the legal representatives of the deceased and the offence under Section 302 IPC was added. After presentation of *challan*, the case was committed to the Court of Sessions for trial. The trial Court found a *prima-facie* case under Sections 302, 460 and 34 IPC against the respondents and they were ordered to be charge-sheeted accordingly. All the accused pleaded that they had been falsely involved in the present case and may be tried by the Court. During the course of trial, the prosecution examined PW1 Dr. H.C. Gupta, who conducted the X-ray examination of Nasib Kaur on 15.07.2002 and found the following injuries:-

“1. In her X-ray left thigh, pertaining to injury No.1, I found fracture of left femur in about its middle with no callus formation.

2. In her X-ray left ankle pertaining to injury No.2, I found fracture of both bones of left lower leg in its lower part, with no callus formation”.

In his cross-examination, he admitted that if a person is run over there may be (i) tyre marks, often spread a little due to yielding and flattening of the body from pressure (ii) grazes (iii) avulsions. The rotary effect against a fixed limb may strip off almost all tissues down to the bone. The abraded wound may be segmental or circumferential, the latter completely encircling arm or leg. (iv) If the brakes of the vehicle are applied, then wheels will lock and long lacerations are produced due to the shearing action of tangential force. The complete amputation of a limb and decapitation may occur. (v) Burning of the skin due to the heat produced by sliding of the body, deep crushing of internal organs, and flattening deformities of head, chest, or pelvis.

4. The prosecution further examined Dr. Narsi Ram, Medical Officer, Civil Hospital, Barnala, who medico-legally examined Nasib Kaur on 15.07.2002 and found the following injuries:

“1. Lacerated bleeding wound 10 cm x 2 cm x bone deep on the posterior lateral aspect of left thigh, just above the knee joint. It was oblique in direction, and crepitus was present. Advised X-ray.

2. Diffused swelling of left ankle joint, tenderness was present and advised X-ray”.

Injuries number 1 and 2 were kept for X-ray opinion. The probable duration of the injuries was within 24 hours. All the injuries were caused by blunt weapon. I have brought the original record with me today in the Court, which is in my hand and is signed by me and is correct. Exhibit PB is the carbon copy of the MLR which was prepared in the process of original. Exhibit PB/1 is the pictorial diagrams showing the seats of the injuries. I sent information Exhibit PC to SHO, P.S. Barnala regarding the arrival of the patient in the hospital. On police request Exhibit PD, I

Exhibit PD/1. On police request Exhibit PE, I opined injuries number 1 and 2 mentioned in the MLR as grievous in nature, vide my opinion, Exhibit PE/1. My this opinion was based on the X-ray report. On 16.07.2022, Naseeb Kaur, patient was referred to Rajendra Hospital, Patiala. The reference in this respect is mentioned in the bed head ticket which I have brought today in the Court. Ex. PF is attested to be true copy of the original bed head ticket.

5. In his cross-examination, he admitted that he had not declared the injuries to be dangerous to life, as the same were not sufficient to cause death in ordinary course of nature. He did not notice the tyre marks on the person of the injured. He did not notice any grazes on the person of the injured and no crushing marks on the internal organs of the injured. There was no deformity of head, chest or pelvis. There was no burning of skin on any part of the body.

6. The prosecution further examined PW3 Dr. Harjinder Kaur, who conducted post-mortem examination on the dead body of Nasib Kaur and found the following:-

“Dead body of old female, moderately built and nourished. Both eyes and mouth were closed. Rigormortis was present in all the four limbs. Post-mortem staining were present on the back and limbs. Dead body was having long scalp hair tied in a knot and was wearing printed suit which was of cream color with light brown print. There was plaster of Paris cast on the left leg above knee. Stenman pin was present below knee joint through plaster of Paris cast. Dressed wound was present on the outer aspect of left thigh in the lower half. On removing the dressing, a wound with granulation tissues measuring 10 cm into 2 cm was present obliquely on the posterior lateral aspect of left thigh. Left thigh was swollen as compared to right thigh. Circumference of the left thigh was 39 cm and right thigh was

35 cm on the corresponding site. On dissection of this wound, serous fluid came out and serous of inter-lacking nail was noticed. On dissection of popliteal vein left side, blood clot was found. On removing the plaster of Paris cast, no external injury was noticed. Scalp, skull, membranes and brain were healthy and congested. Pleural, larynx and trachea were healthy and congested. Both the lungs were oedematous and congested. Peridiverticulum were healthy. In the heart, right side was full of blood and left side was empty. Large vessels, large embolus was found in the pulmonary trunk extending into the pulmonary arteries and was firmly adherent to the vessel. In abdomen, walls were healthy. Peritoneum, mouth, pharynx and esophagus were healthy and congested. Stomach was healthy and congested and was empty. Small intestines were healthy and congested and contained intestinal. Juices and gases, large intestine was healthy and congested and was having gases and fecal matter. Liver, spleen and kidney were healthy. In the bladder, residual urine was present. No abnormality was detected in the genital organs. There was old fracture left femur at the lower end. There was old fracture at the lower end of tibia for which the disease was treated. Death in this case, in my opinion, was due to massive pulmonary thromboembolism as a result of deep vein thrombosis of left popliteal vein which had been contributed by fracture femur, left and fracture left tibia, prolongability, old age and debility. Pulmonary embolism was sufficient to cause death into, in the ordinary course of nature, the injuries were ante-mortem in nature”.

In her cross-examination, she admitted that pulmonary embolism was massive, which caused death of deceased and, thus, it was sudden. She did not determine duration of injuries on the person of the deceased. Even at present, she could not determine the duration of the injuries mentioned in the postmortem report. Fractures of both injuries had rejoined at the time of postmortem. She did not have any previous history

with regard to pulmonary embolism in relation to the deceased. On the left

side of the heart, there was no thrombosis formation yellow in color. In the cause of death, portion of the postmortem report, she had mentioned in the third line that thrombosis of left popliteal vein, which was used for the thigh and knot for the vein of heart. She did not notice any external injury on the dead body. She did not notice pulmonary embolism on any part of the dead body. Pulmonary embolism can be slowly as well as suddenly. The operation was performed in this case.

7. The prosecution further examined P.W.4, Satpal Singh, who had medically checked the tractor number UTF 6663 and gave his report Ex. P.J. He admitted that the rear tyres of the tractor were not damaged. PW5 Sukhdev Singh, SI, had arrested Harbans Singh and prepared his personal search memo Ex.PK. PW6 ASI Gulab Singh who was entrusted the investigation on 13.08.2002. He had initially conducted the investigation and prepared the inquest report Ex. PL and he also took into possession the belongings of the deceased. The prosecution further examined PW7 SI Jagraj Singh posted as SI/SHO on 15/7/2002 and had initially taken the tractor into possession and recorded the statement of the witnesses. He arrested Karnail Singh and his personal search memo was prepared. He also recorded the statements of certain witnesses. The prosecution further examined Pritam Singh as PW8, who had reiterated the averments made in the FIR. In his cross-examination, he stated that the tractor was brought to the courtyard in the reverse gear. The tractor ran over Nasib Kaur in the same position in which she was lying. The tractor ran over the leg of Nasib Kaur twice or thrice. For passing the tractor over the leg of Nasib Kaur, the tractor was not reversed. Her one leg was in a straight manner whereas the other leg was not in a straight manner, but it had been folded. After leaving the tractor at the spot, the accused ran away from the site where the wall was

demolished but one tyre of the tractor passed over Nasib Kaur. He also admitted that only one leg of Nasib Kaur had suffered injuries whereas there was no injury on the other leg. The bricks which fell on account of damaged wall did not hit anyone. The total length of leg including the thigh of Nasib Kaur was about two and a half feet. He further admitted that the tyre marks of the tractor did not exist at any place in their house. Even, no blood had oozed from any part of the body of Nasib Kaur and there was no blood on the earth when he brought the police at the spot, nor earlier to that. Except the left thigh of Nasib Kaur, no other part of her body sustained even a single bruise. Nasib Kaur was lying with face upward when the tractor was passed over her thigh. When the tractor was passed over the thigh of Nasib Kaur twice and thrice, she remained lying in the same position. The tractor was passed over only over the upper portion of thigh of Nasib Kaur. There was injury on the lower part of the thigh of Nasib Kaur. There was no external injury on the thigh, but the bones were completely fractured. The external injury on the upper part of the thigh of Nasib Kaur was visible. There was bruise mark. The skin was reddish in colour.

8. The prosecution further examined PW9 Kulwant Singh, who supported the case of the prosecution. In his cross-examination, he admitted that only one wheel of tractor passed over Nasib Kaur. At that time, one leg of Nasib Kaur was straight. Since, it was a hard surface, no tyre mark of tractor appeared. The blood had oozed from injuries of Nasib Kaur. They did not notice any visible injury on the leg. He further stated that no plaster was applied to the fractured leg of Nasib Kaur at Barnala. Only bandage was applied. No operation of Nasib Kaur was conducted before she died. The prosecution further examined PW10 Nachhatar Singh, Clerk, who stated that the tractor was registered in the name of Amar Singh son of Dal Singh and

Raj Singh, residents of Shahpur, District Ludhiana. The prosecution further examined PW11, Baljit Singh ASI, who initially went to get the statement recorded. He recorded the statement of Pritam Singh and got the FIR registered. He also arrested the accused in the present case and conducted the investigation initially. The prosecution further examined PW13 Dr. N.D. Avasthi, where Nasib Kaur was admitted on 16.07.2002 and was discharged on 5.8.2002. She had a fracture shaft leg femur with a stitched wound posterior aspect, left thigh and fracture lower 1 ¼ of left tibia fibula. She was operated upon and interlocking nailing left femur and plastered on the left leg. He admitted that the patient was discharged on 05.08.2002 in satisfactory condition. The prosecution further examined PW14 Amar Singh who stated that the tractor was owned by him and Raj Singh. The tractor was sold to a person of village Hamidi, whose name he did not know. The tractor was handed over to that person. After the statements of various prosecution witnesses were recorded, the public prosecutor closed the evidence.

9. Thereafter, the entire incriminating evidence was put to the respondents/ accused in the shape of 313 Cr.P.C. statement and they stated that the entire case was concocted in a false case. They had no concern with the allegations levelled by the complainant in the present case.

10. Learned counsel appearing on behalf of the complainant as well as learned State counsel have vehemently argued that in the present case, the occurrence had taken place at 03.00 a.m. on 15.07.2002. Nasib Kaur was examined by Dr. Narsi Ram PW2 at 6:50 a.m., on 15.07.2002. Baljit Singh ASI, went to the doctors and inquired about the fitness of Nasib Kaur. However, she was declared to be unfit for making any statement.

Thereafter, again at 11:20 a.m., the Investigating Officer went to the hospital

where Pritam Singh was found by him and he recorded the statement. Thus, the delay in the present case stood explained by the prosecution. Learned counsel further submitted that due to pulmonary embolism, the deceased had died about one month after the occurrence. However, it was caused by two injuries, prolonged immobility, and old age. Even the injuries on the person of Nasib Kaur were antemortem in nature. Still further, the learned trial Court failed to appreciate that it was a pre-planned murder and all the three accused came at the spot on a tractor. Karnail Singh and Harbans Singh, respondents, exhorted other respondent to kill them by running over with the tractor. Still further, the trial Court failed to appreciate that there was a motive on the part of the respondents to commit the crime.

11. On the other hand, learned counsel appearing on behalf of respondents in both the cases submitted that the case was planted on them and there was no evidence to show that Nasib Kaur had died due to the injuries suffered by her in the incident. The medical evidence clearly suggested that Nasib Kaur had suffered injuries on her legs. However, she was discharged in satisfactory condition on 05.08.2002. Even, she died on 13.08.2002 due to pulmonary embolism and not due to injuries. Thus, the respondents had been wrongly involved in the present case.

12. We have heard learned counsel for the parties and perused the record carefully.

13. In the present case, admittedly, the injuries were caused at about 03.00 a.m. on 15.07.2002 by the respondents by running over the tractor repeatedly, which was driven by Karnail Singh. Even admittedly, Pritam Singh and Kulwant Singh were present at the place of the occurrence. Immediately thereafter, Nasib Kaur was taken to the hospital and was medico-legally examined, but surprisingly, statement of Nasib Kaur

was not recorded, even though she was conscious and was fit to make the statement before the police. Apart from that, the statements of Pritam Singh was recorded at 12:35 p.m., as Nasib Kaur was allegedly unfit to make the statement, however, from 06.00 a.m. till 12:30 a.m., the police could very well have recorded the statement of Kulwant Singh or Pritam Singh and, thus, there is an unexplained delay in registration of the FIR in the present case. Even Nasib Kaur, as per her own medical record, was conscious throughout, but the police intentionally did not record her statement in the present case.

14. Apart from that, as per the complainant, the complainant party used to play the tape recorder at a very high volume and due to the said reason, the accused had caused injuries to them. However, admittedly, the tape recorder was played at a very high volume from the last 20 days in the fields near the fields of the accused party. However, no injuries were caused to any of the persons on the complainant's side in the fields itself where the tape recorder was being played at a very high volume. Still further, there was no need to cause injuries to Nasib Kaur at about 03.00 a.m. on the day of occurrence. Still further, if the respondents had the intention to commit murder of Nasib Kaur, they would have brought some weapons/agricultural implements at the time of commission of the crime and the injuries would have been caused to Pritam Singh and Kulwant Singh and any other family at the spot. Moreover, Nasib Kaur had no concern with the entire occurrence at all. She had never complained against the playing of tape recorder at a very high volume. Thus, the allegations leveled by the complainant in the present case appeared to be improbable. Still further, in the present case, the prosecution had utterly failed to prove that the death has occurred due to the injuries suffered by the injured in the alleged incident. In fact, the

prosecution examined PW2 Dr. Narsi Ram, who had medico-legally examined Nasib Kaur on 15.07.2002 and found the following injuries:-

“1. Lacerated bleeding wound 10 cm x 2 cm x bone deep on the posterior lateral aspect of left thigh, just above the knee joint. It was oblique in direction, and crepitus was present. Advised X-ray.

2. Diffused swelling of left ankle joint, tenderness was present and advised X-ray”.

He admitted that he had not declared the injuries dangerous to life as the same were not sufficient to cause death in the ordinary course of nature. He did not notice any tyre marks on the person of Nasib Kaur. He did not notice any grazes or crushing marks on the person of the injured. There was no burning of skin on any part of the body of the injured. Similarly, the prosecution examined PW1 Dr. H.C. Gupta, who admitted that if a person is run over, there may be: (i) tyre marks (ii) grazes (iii) avulsions (iv) if the brakes of the vehicle are applied, then wheels will lock and long lacerations are produced and (v) burning of the skin due to the heat produced by sliding of the body, deep crushing of internal organs, and flattening deformities of head, chest, or pelvis. However, in the present case, no such injury was found on the person of Nasib Kaur. Rather, she had suffered two grievous injuries and injuries were not found to be dangerous to life. The prosecution further examined PW3, Dr. Harjinder Kaur, who had conducted post-mortem examination on the dead body of Nasib Kaur. She admitted that there were two fractures on her person, but both the injuries had rejoined at the time of death. Even as per her, Nasib Kaur had died due to the massive pulmonary embolism and it was sufficient to cause death in ordinary course of nature. In her cross-examination, she admitted that there were no injuries on the person of Nasib Kaur as the injuries were admittedly

healed. Even at that time, fractures of both the bones had healed and the

bones had rejoined. Even pulmonary embolism may occur all of a sudden due to different reasons. She did not notice any external injury on the person of the deceased. Thus, it is apparent that medical evidence clearly suggested that no one had run over the deceased and she was also not caused injuries by reversing the tractor. Even no tyre marks were found in the house of the complainant side also. Thus, the entire version of the complainant appears to be highly improbable and highly unbelievable. Still further, it was stated by complainant that the tractor had passed over the left leg of Nasib Kaur 2/3 times, however, there was no other injury on the right side. It is highly unbelievable that injuries had been caused only on the left leg and not on the other leg. Even, there was no injury on the person of Nasib Kaur. Still further, even if the accused had intention to cause the injuries, then the injuries could be easily caused to Pritam Singh and his sons in the fields. However, no such occurrence had taken place and the version is highly improbable. Even otherwise, if a tractor is reversed and injuries were caused in the manner as suggested by the prosecution, there would have been many more injuries on the person of the deceased. Further, the tractor was taken into possession by the police on 15.07.2002. However, there is nothing on record to suggest that the tractor belonged to the accused in the present case. PW10 Nachhatar Singh clearly stated that the tractor was owned by Amar Singh and not by the accused in the present case. Even there was nothing to suggest that the accused had any connection with the tractor in question. Thus, the prosecution had tried to set up a case against the respondents by manipulating the evidence. Even otherwise, we have carefully perused the finding recorded by the trial Court and we find no reasons to deviate from the same. The trial Court had correctly observed that there was delay in lodging the FIR and Nasib Kaur did not suffer the injuries in the alleged

incident and the witnesses were correctly disbelieved. Apart from that, had Nasib Kaur been run over by the tractor, then there should have been tyre marks, grazes and blood should have fallen on the ground. Even the tractor was admittedly taken over the body of the deceased repeatedly, however, there was no crushing injuries and even she did not suffer injuries on other parts of the body. Even the Nasib Kaur injured was discharged on 05.08.2002 in a satisfactory condition after her treatment and she died on 13.08.2002 due to pulmonary embolism. Consequently, the story of the prosecution did not inspire confidence and the respondents have been rightly acquitted by the trial Court.

15. As an upshot of above discussion, we find no merits in the appeal as well as revision and the same are ordered to be dismissed. As a consequence, the impugned judgment dated 03.09.2003 passed by the Court of Additional Sessions Judge, Barnala is upheld.

16. The fee of Mr. Nayandeep Rana, learned Amicus Curiae, who assisted the Court on behalf of the petitioner in CRR-687-2004 is assessed at Rs. 20,000/-. Further, the fee of Mr. Bhuvan Vats, Advocate, who assisted the Court on behalf of the respondents in CRR No. 687 of 2004 and CRA D-313-DBA-2004, is also assessed at Rs. 20,000/- in each case. The aforesaid fee shall be paid by the Secretary, High Court Legal Services Committee.

17. All pending applications, if any, are disposed off, accordingly.

18. The case property, if any, may be dealt with as per the rules.

19. Records of the Court below be sent back.

20. A photocopy of this judgment be also placed on the file of connected case.

(N.S.SHEKHAWAT)
JUDGE

23.02.2026
amit rana

Whether reasoned/speaking
Whether reportable

(H.S.GREWAL)
JUDGE

: Yes/No
: Yes/No