



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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**CRA-D-443-DBA-2004
Date of Decision: 09.02.2026**

STATE OF PUNJAB

... Appellant

VERSUS

LAKHWIDER SINGH @ CHUHARH 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 assisted by
ASI Rajbir Singh, No.2774/ASR/C, P.S. Sadar.
Ms. Diya Bhagwan, Advocate for the respondents.
Mr. L.S. Sidhu, Advocate for the complainant.

H.S. GREWAL, J.

The instant appeal has been preferred by the State against the judgment dated 27.10.2003 passed by the then Addl. Sessions Judge, Amritsar whereby the respondents have been acquitted of the charges framed against them under Sections 302, 380 and 34 of IPC. s

2. In brief, the case of the prosecution is that one Raj Rani, resident of Gali No.4, Ram Nagar, Verka was a government teacher and at the time of alleged occurrence, she was posted at Primary School, Dhupsarhi and her husband Sat Pal Singh Randhawa was J.E. and Tej Pal Singh was their 18 years old son. On

04.09.2000, as usual, Raj Rani and her husband went to their duties at 08.00 AM, leaving Tej Pal Singh at home. When Raj Rani came back home at 01:30 PM, she found the dead body of her son lying inside the bedroom in the pool of blood. She raised hue and cries and informed her husband also, who reached home at 2:00 PM. They checked their household goods and found four glasses in a tray lying in their drawing room besides three empty bottles of Maaza cold-drink, one empty bottle of simple water and some bones of meat. They also found cash amounting to Rs.72,000/-, one gold set and their finger rings missing. One screwdriver was also found lying near the dead body. They suspected that someone had murdered their son with the screwdriver in order to commit robbery in their house. Thereafter, they informed the police telephonically.

3. Investigation swung into motion. Statements of witnesses were recorded, rough as well as scaled site plans were drawn and samples of blood, bloodstained clothes and bloodstained earth were taken from the spot. Inquest report was also prepared and the dead body was sent to hospital for conducting postmortem. Accused were arrested on 01.11.2000. All other necessary formalities were carried out and after completion of investigation, report under Section 173 of the Cr.P.C. was prepared and presented before the trial Court. Thereafter, the case was committed to the Court of Sessions for commencement of trial. Upon finding *prima facie* evidence against the accused persons, charges were framed against them to which they pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined PW1 – S.I. Pirthipal Singh, who deposed that on 04.09.2000 he had gone to the house of complainant Raj Rani, where other police officials were already present. He inspected the spot in the drawing room where he found some empty bottles of cold

drink Maaza and glasses on the table. He checked them thoroughly by applying necessary powder. Two fingerprint impressions developed on an empty bottle of Maaza. He encircled them and put his signatures inside the circle. The I.O. prepared the sealed parcel of the bottle in his presence. In his cross-examination he deposed that he did not see any fingerprints except for the day of occurrence.

5. PW2- Rishi Ram, Draftsman deposed that on 15.11.2000, he had gone to the place of occurrence and at the instance of the complainant, he had prepared the scaled site plan Ex.PC with correct marginal notes.

6. PW3- Raj Rani, the complainant appeared in the witness box and narrated the entire incident in toto and reiterated the version mentioned in the FIR. She deposed that there were 50-60 deep injuries on the dead body of her son which were inflicted by the screwdriver. She identified her ring as well as the ring of her husband which were produced before the Court as Ex.P1 and Ex.P2. She deposed that these were the same rings which were stolen from her house. In her cross-examination, she deposed that she had not stated in her statement that the ring of her husband bearing letters 'SR' was missing. However, she further admitted that she did not know as to when the ornaments were recovered and she had seen the rings for the first time only in the Court on that day itself.

7. PW4- Satpal Singh, husband of complainant Raj Rani and father of the deceased appeared in the witness box and reiterated the version stated by him in his statement before the police. During his examination, he identified the shirt of his son which was produced before the Court as Ex.P3. He further deposed that on 03.11.2000 he had identified the said shirt in the police station also. In his cross-examination he deposed that he had stated in his statement before the police under

Section 161 of Cr.P.C. that letters 'SR' were inscribed on his ring which was missing. At that point of time, he was confronted with his statement Ex.DA, wherein the abovesaid fact was not mentioned; rather it was mentioned that one gents ring was missing.

8. PW6 – Jaswant Singh is the witness before whom the accused persons had made their extra judicial confession. He deposed in his evidence that on 21.10.2000, all the accused persons had met him at the bus stand of Amritsar. He deposed that accused Lakhwinder Singh told him that all four of them had gone to the house of Tejpal @ Jugga on 04.09.2000 at about 10.00 AM. At that time, he was alone in the house. On the asking of Kashmir Singh, Tejpal went to bring some eatables and all of them went to the room of Tejpal which was situated at the backside. Davinder Singh was having a screwdriver and with the help of the same, he broke the bolt of the almirah and Kashmir Singh @ Roda broke the safe. Thereafter, they took out the cash and gold ornaments from the safe. In the meantime, Tejpal arrived there and started abusing them. Thereafter, in order to conceal themselves, Lakhwinder Singh and Budhu caught hold of Tejpal Singh from his arms and legs and Davinder Singh and Kashmir Singh @ Roda inflicted injuries on the body of Tejpal with the help of their weapons i.e. Screwdriver and Kirch, as a result of which, Tejpal fell down on the floor and died. Thereafter, the accused persons requested him to produce them before the police. He asked them to come on the next day, but on the next day they did not turn up. Thereafter, on 23.10.2000, he went to Verka where he met ASI Randhir Singh and got recorded his statement to him. Thereafter, on 01.12.2000, he again went to Verka for some personal work. The police party met him there and joined him in investigation. They went to Shukar Chak Road where accused Lakhwinder Singh was hidden in

an abandoned brick kiln. Lakhwinder Singh tried to escape but was apprehended by the police. On his personal search a purse was recovered from the left side of his pajama, which contained Rs.45/- cash and a lady's ring wrapped in a polythene. The said articles were taken into police possession vide Memo Ex.PN. In his cross-examination, he specifically admitted that he has no relatives in Verka. He denied the suggestion that he had come to the Court for evidence at the instance of Satpal Singh. He further admitted that he never went to the houses of accused persons and did not know about the situation of their houses. He further admitted that on 23.10.2000, he did not go to the Police Station Sadar as he did not deem it appropriate. He further admitted that the police party had met him per chance.

8. PW7- HC Kuldip Singh deposed that he was joined in the investigation. He supported the case of prosecution regarding the investigation conducted by the Investigating Officer.

9. PW8 – HC Ramesh Chand is a formal witness and he had tendered his affidavit Ex.PT in his examination-in-chief. He had delivered the special report of the case to the Illaqa Magistrate and other higher police officials.

10. PW9- Surinder Singh retired DSP was the initial Investigating Officer of the case. He deposed about the entire investigation conducted by him.

11. PW10- SI Gurcharan Singh had partly investigated the case. He also deposed about the investigation conducted by him. He deposed that the accused persons had made their disclosure statements one by one before him and pursuant to the same, they got effected the recoveries of gold items and weapon used in the offence. He admitted in his cross-examination that he did not join any private

person from the locality either at the time of recording disclosure statements of accused persons or at the time of effecting recoveries.

12. Thereafter, the learned Addl. Public Prosecutor closed the prosecution evidence vide his separately recorded statement dated 08.05.2003.

13. Statements of accused persons were recorded under Section 313 of the Cr.P.C. in which the entire evidence and incriminating material were put to them, to which they pleaded false implication and claimed that they were innocent.

14. After considering the oral as well as documentary evidence on record, the trial Court found certain discrepancies, lacunae and shortcomings in the case of prosecution and finally, the trial culminated into acquittal of the accused persons by giving them the benefit of doubt.

15. Aggrieved of the same, the State preferred the instant appeal.

16. During the pendency of the instant appeal, the accused-respondents Davinder Singh and Kashmir Singh @ Roda had died and as such, the appeal stands abated qua them.

17. Learned State Counsel duly assisted by the counsel for the complainant has argued that the trial Court did not appreciate the well knitted chain of evidence that had come on record against accused-respondents and passed the judgment of acquittal, which is against the law and facts. He further argued that the depositions of all the prosecution witnesses are trustful and creditworthy, however, the trial Court did not appreciate them and ignored the same. He further argued that PW3 Raj Rani, PW4 Satpal Singh, husband of the complainant, PW6 Jaswant Singh as well as the Investigating Officer(s) have fully supported the case of the prosecution, which is further corroborated by the cogent and convincing

documentary evidence. The prosecution has been fully able to bring home the guilt of the accused-respondents. However, the trial Court ignored the abovesaid aspect of the matter and passed the erroneous judgment of acquittal. He further prays that the impugned judgment dated 27.10.2003 be set aside and the accused-respondents be convicted.

18. On the other hand, learned counsel for the accused-respondents argued that the judgment dated 27.10.2003 is well reasoned and based on correct appreciation of evidence led and material produced on record. There are certain discrepancies and anomalies in the evidence of prosecution and the prosecution could not prove its case beyond shadow of all reasonable doubts. Hence, there is no infirmity, perversity or illegality in the impugned judgment and, therefore, the same is liable to be upheld.

19. We have heard the learned counsel for the respective parties and have gone through the documents and other material available on record meticulously.

20. From the above, it is apparently clear that initially it was a case of blind murder. The entire case is based on circumstantial evidence as there is no eyewitness of the alleged incident. There is an extrajudicial confession made by the respondents before one Jaswant Singh (PW6). The presumption of the respondents being absconded after the incident, the recoveries of weapon(s) of offence as well as of the stolen articles and extrajudicial confession are weak evidence in this case, firstly because said Jaswant Singh is not a highly influential person of the society and secondly, there is no reason for the four accused persons (respondents herein) to come together and confess before Jaswant Singh who is even not remotely concerned with the respondents, and that too after expiry of a

considerable time period after the occurrence. Furthermore, the confessional statement was made by the respondents before Jaswant Singh on 21.10.2000, but Jaswant Singh did not go to the police station to get his statement recorded on the same day. He did not produce the respondents before the police but happens to be present at the time of their arrest. This witness appears to be the stock witness of the police. Moreover, Jaswant Singh did not belong to the village of respondents and was not known to them. In that case, it is highly improbable that the respondents would have made a confessional statement before Jaswant Singh, instead they could have trusted any other respectable of the village like the Sarpanch, Member Panchayat or any other reputed person of the locality. Furthermore, the respondents led their defence evidence and examined one Amit Kumar, Welfare Officer of Punjab Roadways Depot, Amritsar, who deposed that Jaswant Singh was under suspension and joined the Depot on 21.1.2000 at 12:00 noon. There is no justification for the respondents to go out of way to confess their guilt before a stranger. Furthermore, it has come on record that accused Kashmir Singh, Gurpreet Singh and Davinder were arrested on 01.11.2000 and accused Lakhwinder Singh was arrested on 01.12.2000. There is nothing on record to show that as to how and on what type of information, their arrests were made. Moreover, no independent witness has been joined during the recoveries except said Jaswant Singh. Further, it has also not come on record that any efforts were made by the police to compare the fingerprints that were lifted from the spot with the fingerprints of the accused persons. It is well settled proposition of law that once a link stands broken, the entire chain of evidence breaks. Hence, it can safely be held that the prosecution has not been able to bring home the guilt of the respondents beyond shadow of all reasonable doubts.

21. In light of the above, we find no infirmity, impropriety or illegality in the judgment dated 27.10.2003 passed by the then Addl. Sessions Judge, Amritsar and the same is thus upheld.

22. Appeal stands dismissed.

23. All other misc. application(s), if any, also stand(s) disposed of accordingly.

(H.S. GREWAL)
JUDGE

(N.S. SHEKHAWAT)
JUDGE

FEBRUARY 09, 2026.

Rajender

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No