

2026.PHHC:057246-DB



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

CRA-D-580-DB-2004(O&M)

Reserved on: 30.01.2026.

Pronounced on: 16.04.2026.

Chand Singh

...Appellant

vs.

State of Punjab

...Respondent

**Coram : Hon'ble Mr. Justice N.S.Shekhawat
Hon'ble Mr. Justice H.S.Grewal**

Present : Mr. Nayandeep Rana, Advocate (Amicus Curiae)
for the appellant.

Mr. Sartaj Singh Gill, Sr. DAG, Punjab.

N.S.Shekhawat J.

1. The appellant has filed the present appeal against the impugned judgment of conviction and order of sentence dated 06.01.2004 passed by the Court of Sessions Judge, Faridkot, whereby, the appellant was convicted for commission of the offence punishable under Section 302 IPC and sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs.10,000/- alongwith default stipulation.

2. The FIR (Ex.PC/3) in the present case was registered on the basis of the statement made by Bant Singh, son of Kartar Singh and the same has been reproduced below:-

*"It is sumitted that I am resident of Village Raunta.
We are four brothers, eldest of us is Major Singh, younger to him is
Motha Singh and younger to him is myself. Younger to me, is*

Amarjit Singh and are my four sisters. My sister Manjit Kaur is married to Chand Singh son of Major Singh, Caste Ramdassia Sikh, r/o Himmatpura for the last about 22/23 years. She has got six children. Elders are daughters named Gurpreet Kaur and Chhinder Kaur younger to her are two daughters named Kali and Bhinder Kaur. Two sons are named Satnam Singh and Surjit Singh. My sister's husband named Chand Singh had been quarreling with my sister Manjit Kaur since long. We had made to understand Chand Singh so many times. Then I and my brothers consulted each other that Gurpreet Kaur d/o Manjit Kaur, who is married to Kaka Singh s/o Bakhshish Singh r/o Village Akkhara be left at the house of our sister. For the last 2/3 months, Kaka Singh, son-in-law of Manjit Kaur had been living with her, who on his arrival to me at my village Raunta told me on 25.04.2001 that Chand Singh is again quarreling with his wife Manjit Kaur. Thereupon, I my brother Darshan Singh came to Village Himmatpura accompanied by Kaka Singh and Chand Singh was made to understand sufficiently, who did not conceded to any advice made to him. I and my brother, Dashan Singh stayed with our sister at her house. I and my brother Darshan Singh after taking meals, slept in the Courtyard of the house of our sister. Kaka Singh and his wife Gurpreet Kaur slept in their room. The small children also slept with them. At about 5.30 am, when Chand Singh and his brothers Pappu Singh and Jeeta Singh son of Major Singh came in the courtyard. At that time, I and my brother woke up for urinating, My sister's husband Chand Singh, who was armed with an axe and his two brothers named Pappu Singh and Jeeta Singh came near the cot of my sister Manjit Kaur, who was sleeping on the cot. Pappu Singh caught hold her arms while Jeeta Singh caught hold her legs. My sister's husband Chand Singh caused injury on the forehead of my sister Manjit Kaur with the help of an axe, which he was holding at that time. We raised alarm saying Marta-Marta (killed-klled). On hearing our alarm, Kaka Singh and his wife

Gurpreet Kaur and small kids also woke up. Within our sight, Chand Singh threw his axe at the spot, ran away from the spot alongwith his brothers. We then saw that our sister Manjit Kaur had died at the spot. After leaving my brother Darshan Singh at the spot, I went to Village Raunta to take my other brothers from village Raunta. I and Amarjit Singh were going to the police station to lodge the report with you, when you met us on our way. I have got recorded my statement to you. I have heard it and admit the same to be correct, Action be taken. I am the complainant.

*Attested by:-
sd/- In Punjabi
Sandeep Kumar
SI/SHO
P.S.Nihal Singh
Wala
26.04.2001*

*Ex.PC/1
sd/- S.J. 28.07.2003*

*LTI of Bant
Singh s/o Kartar
Singh r/o village
Raunta*

PROCEEDINGS RECORDED BY THE POLICE :-

Today, I the SI/SHO alongwith ASI Dilbag Singh, ASI Sukhmander Singh, HC Surinderpal Singh No. 908/1, LC Jasveer Singh No. 529/M, LC Pavittar Singh No. 581/M, LC Gurdev Singh, LC Raj Mohammad No. 506/M was present in a private jeep driven by Darshan Singh, in connection with patrol duty in Chowk Jawahar Singh Wala. There complainant Bant Singh alongwith his brother Amarjit Singh met us, who got recorded his above statement, which was read over to him in verbatim, who after hearing and admitting the same to be correct put his left thumb impression under his statement, to which I the SI/SHO attested. From the above statement, prima facie an offence punishable under Section 302/34 IPC is made out. So, the statement is being sent through LC Gurdev Singh No. 307/M to the Police Station for registration of the case. After registration of the case against accused Chand Singh, Pappu Singh and Jeeta Singh son of Major Singh r/o Village Himmatpura, the case file number be intimated. The

concerned Officers be intimated through wireless message. Special reports be issued. The control room be intimated. I, the SI/SHO alongwith the accompanied officials and complainant Bant Singh, Amarjit Singh am leaving for the spot at Village Himmatpura.

Ex.PC/2

Sd/- S.J. 28.07.2003

*In the area of Chowk Jawahar
Singh
Wala at 12.55 p.m.*

Sd/- Sandeep

Kumar SI/SHO

(in Punjabi P.S.

*Nihal Singh Wala
26.04.2001*

Case No.18 dated 26.04.2001, under Sections 302/34 IPC, P.S.

Nihal Singh Wala has been registered.”

3. After the registration of the FIR, the Investigating Officer along with Bant Singh and Amarjit Singh went to the spot and found the dead body of Manjit Kaur. The inquest report was prepared and the dead body was sent for postmortem examination. Dr. Rajnish Jindal conducted the postmortem on the dead body of Manjit Kaur on 26.04.2001. The axe (*kulhada*) with a pipe handle was recovered from the spot and the same was taken into possession, vide separate recovery memo. The blood stained earth and simple earth were converted into two separate parcels and were duly sealed. The HC Surinder Pal Singh produced the clothes of the deceased before SI Sandeep Kumar after the postmortem examination and these were also kept in sealed parcels. Even the ornaments of the deceased were also kept in separate parcels. The statements of witnesses were also recorded and after completion of investigation, challan was presented only against Chand Singh, whereas, two accused, namely, Pappu Singh and Jeeta Singh were found innocent. Even though, Pappu Singh and Jeeta Singh were summoned by the trial Court under Section 193 Cr.P.C., but they were finally ordered to be acquitted by the trial Court.

4. After the case was committed to the Court of Sessions, the trial Court found that a *prime facie* case under Sections 302 read with Section 34 of IPC was made out against the present appellant and he was ordered to be charge-sheeted. However, he pleaded not guilty and claimed trial.

5. In support of the charge, the prosecution relied upon the testimonies of 10 witnesses. The prosecution examined PW-1, Dr. Rajneesh Jindal, Medical Officer, CMC Makhu, who had conducted the postmortem examination on the dead body of Manjit Kaur on 26.04.2001. He stated that the dead body was identified by Bant Singh son of Kartar Singh and Darshan Singh son of Zora Singh. It was a body of poorly nourished and built female with mouth and eye partially opened wearing kameez, salwar, chunni, ring, bangles and chhaile. Postmortem staining was present. Rigor Mortis present in all the four limbs. He found the following injury on the dead body:-

“1. A large lacerated wound measuring 5 × 2 cm on the left side of the forehead. The wound was cutting the underlying bones and extended up to the dura matter. Clotted blood was present. No subdural hematoma was present.

The chest walls were NAD (no abnormality detected). The right pleura was edematous with infected upper right lobe of the lung with foul-smelling fluid oozing out. The left lung was NAD. All other organs were healthy.

Cause of Death:-

The cause of death in this case in his opinion was due to shock and hemorrhage due to the injury described above, which was ante-mortem in nature and sufficient to cause death in the ordinary course of nature.”

As per him, the probable time that elapsed between injury and death was 24 hours and between death and postmortem was also 24 hours. He proved on record the copy of postmortem report as Ex.PA. The dead body was identified by Bant Singh and Darshan Singh before conducting of PMR.

6. The prosecution further examined PW-2, Bant Singh, complainant and supported the case of the prosecution, as mentioned in the FIR. The prosecution examined PW-3, HC Surinder Singh, whose testimony was formal in nature. PW-4, Kaka Singh had fully supported the testimony of PW-2, Bant Singh. He categorically stated that the present appellant gave a blow with axe on the forehead of Manjit Kaur. He raised noise and people of the area gathered there. However, the appellant left the axe near the cot and fled from the spot. The prosecution further examined PW-5 Gursewak Singh, Draftsman, who prepared the scaled site plan (Ex.PE) in the present case. PW6, ASI, Sukhmander Singh had reached at the spot and had sent a ruqa to the police station for registration of the FIR. He also recovered the axe (*Kulhara*), which was blood stained from the place of occurrence. A rough sketch of kulhara (Ex.PF) was prepared and was converted into a sealed parcel. Even, blood stained earth and simple earth were also taken into possession by him. All other incriminating articles were also recovered from the spot. The prosecution examined PW-7, HC Gursevak Singh, PW-8, C. Jagtar Singh and PW-9, C. Charanjit Singh and the testimonies of all the three witnesses were formal in nature. Inspector Sandeep Kumar, who was posted as SHO, Police Station, Nihal Singh Wala, was examined as PW-10, who also reached at the spot and had conducted the investigation.

7. After closure of the prosecution evidence, the entire incriminating evidence was put to the appellant and he stated that he had been falsely implicated in the present case. In the concluding part of his statement, he stated as follows:-

“I have been falsely implicated in this case at the instance of Komal Singh, Jeeta Singh, Pappu Singh and Bikkar Singh. The aforesaid persons were having illicit relations with my wife and after committing sexual intercourse, they used to ran away. I am innocent and have not committed any offence as alleged by the prosecution.”

Though, he stated that he had been falsely implicated at the instance of some persons, but opted not to lead any defence evidence to prove his innocence.

8. Learned counsel for the appellant has vehemently argued that the appellant was falsely involved in the present case by Bant Singh, brother of the deceased with some ulterior motive. Even, it has been alleged that the appellant had killed his own wife with an axe (Kulhara). However, no motive has been proved for killing of Manjit Kaur by the present appellant. Even the entire prosecution case was based on the testimonies of PW-2 Bant Singh (brother of the deceased) and PW-4, Kaka Singh (son-in-law of the deceased). Apart from that, only official witnesses had been examined by the prosecution and the appellant is liable to be acquitted by this Court.

9. On the other hand, learned State counsel has vehemently argued that from the statements of both the witnesses i.e. PW-2, Bant Singh and PW-4 Kaka Singh. It was evident that specific role was assigned to the present appellant in the present case. Even otherwise, PW-2, Bant Singh as well as

PW-4, Kaka Singh are close relatives of not only the deceased, but of the accused also and they had no reason to falsely involve the appellant and to spare the real culprits. In fact, they would be the last persons to spare the actual killers and to involve their own family members, even when there was no enmity between the parties. Apart from that, the evidence was consistent that the present appellant used to harass and humiliate Manjit Kaur, deceased, even prior to the occurrence. Thus, the present appeal deserves to be dismissed by this Court.

10. We have heard learned counsel for the parties and perused the record carefully with their able assistance.

11. The criminal justice system was set in motion with the recording of the statement of Bant Singh PW-2. He stated that the appellant was married to Manjit Kaur, his sister for the last 22/23 years. Even the appellant used to harass Manjit Kaur by saying that she was characterless. Even 25 days prior to 25.04.2001, he alongwith Kaka Singh and Darshan Singh came to his village and asked the appellant as to why he was quarreling with his wife. Even in the evening, Bant Singh was staying at the house of the appellant and Manjit Kaur. In the early morning at about 4.00 a.m., the appellant gave a blow with axe on the forehead of the deceased. He and Kaka Singh raised noise and the people from neighbourhood were also attracted. After leaving Darshan Singh near the dead body, he went to inform the Panchayat and his brothers as well as the police, whereas on the other hand, the appellant fled from the spot leaving behind the axe. Consequently, from the testimonies of PW-2 Bant Singh and PW-4, Kaka Singh, it was apparent that the appellant had committed the crime in the present case. Apart from that, both the above-stated witnesses were cross-

examined at length and nothing material could be elicited from their testimonies, which could prove the false implication of the present appellant in the present case. Even the statements of above-stated two witnesses were duly corroborated by the testimony of Dr. Rajneesh Jindal, PW-1, who found a head injury on the head of the deceased and the death had occurred due to the said injury. Even the statements of two witnesses were duly corroborated by the medical evidence in the present case. Thus, there was sufficient evidence to prove the involvement of the present appellant and he has been rightly convicted by the trial Court in the present case.

12. As a consequence, the impugned judgment of conviction and order of sentence dated 06.01.2004 passed by the Court of Sessions Judge, Faridkot are upheld and the appeal is accordingly, ordered to be dismissed.

13. This Court records its appreciation for Mr. Nayandeep Rana, Amicus Curiae, who has rendered able assistance to the Court on behalf of the appellant. His fee is assessed Rs.20,000/-, which shall be paid by the Secretary, High Court Legal Services Authority, as per rules and practices.

14. All pending applications, if any, are also disposed off, accordingly.

15. Case property, if any, may be dealt with as per rules.

16. The trial Court record be sent back to the trial Court.

(N.S.SHEKHAWAT)
JUDGE

(H.S.GREWAL)
JUDGE

16.04.2026
hemlata

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No