



101

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

CRA-D-759-DB-2004 (O&M)

Date of Reserve: 19.02.2026

Date of Decision: 23.02.2026

Uploaded on: 27.02.2026

Krishna Ram

...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. Bhanu Partap Singh, Addl. A.G., Punjab.

N.S.Shekhawat J.

1. By way of the instant appeal, the appellant has challenged the correctness and legality of the impugned judgment of conviction and order of sentence dated 30.07.2004, passed by the Court of Sessions Judge, Kapurthala, whereby, the appellant has been convicted for commission of the offence punishable under Section 302 of IPC and was sentenced to undergo life imprisonment and to pay a sum of Rs.2,000/- as fine, in default of payment of fine, he would further undergo rigorous imprisonment for a period of one month, the appellant has preferred the present appeal before this Court.

2. The FIR (Ex.PA/2) was ordered to be registered on the basis of the statement (Ex.PA) made by Sunita @ Shanti Bai wife of Krishna Ram @ Raju,



resident of Barpani, District Jaspur (M.P) and the said statement has been reproduced below:-

“Stated that I am resident of above stated address and my marriage was celebrated about 10 years earlier with Kishna Ram. I have two children, i.e, one son and one daughter. I am residing with my children with my husband Kishna Ram in village Nihalgarh and alongwith us my brother Bhattu S/o Manglu, Caste Badai, R/o Manglu-Toli-Thana Raisdi, District Gurmla (Bihar) is also residing with us, who is doing labour work at Bholath. I was working in the house of neighbours for cleaning utensils and doing the other house hold work of them. Yesterday, on 13.1.2002, due to the festival of Lohri, my husband Kishna and my brother Bhattu were present in the house, and I had prepared meal for my family members. It was about 11/12 P.M. (night-time), the electric bulb was on and there was light in the room, and at that time my husband and my brother were taking liquor, and I was serving them vegetables and in the meantime, my brother Bhattu has asked to my husband that he is not doing any work and he is taking the liquor with the money, which is being earned by me. Earlier also, we have also asked to my husband about this. Then my husband picked up an iron rod lying in the house and gave a rod blow on the head of my brother, then my brother has caught-hold my husband from his hairs. Then my husband has struck the iron-rod straightway on the neck on which my brother became unconscious and fell on the Charpai, lying there. Then my husband has thrown me outside the house and bolted the door from the inside. Then I have raised a raula, I have seen inside the room from the Jalli and I saw that my husband was striking the iron-rod on the neck of my brother and was giving the blows with an iron rod upon my



brother, on his head and mouth. Then, after killing my brother, my husband came outside, and he has threatened me to keep quite and he has also threatened that in case, I told this to anybody, he would kill me well. Then my husband ran away outside alongwith the said iron-rod. I was weeping the whole night and sat alongwith my children due to fear. Then on the morning when I did not go to my work, then Kapoor singh has came to our house to whom I narrated the incident. Then I alongwith Kapur singh son of Bachan Singh, I was going to inform the police (after leaving the son of my maternal uncle namely Krishan s/o Doman in my house) when you met me on the way. Action be taken, Right thumb impression of Sunita @Shanti Bai aforesaid. Attested by Kulwinder Singh, SHO, Subhanpur, dated 14.01.2002”.

3. After the registration of the FIR, the police officials reached the place of occurrence along with the dog squad. The Incharge Finger Prints Bureau, S.S.P Office Kapurthala was also called to the spot. After recovery of the dead body of Bhattu, which was lying in the room of the house of the appellant, the Inquest Report (Ex.PB) was prepared. S.I Ravinder Singh, Incharge, Finger Prints Bureau inspected the articles lying at the place of occurrence. He found one liquor bottle with a label “Bagpiper”, which was having finger prints and he developed the finger prints and handed over the same to Kuljinder Singh, S.I. The moulds of finger prints were prepared and the same were also converted into parcel and were sealed. Blood stained earth was lifted from the spot, put in a tin and was duly sealed. Some hair were also found in the hands of Bhattu, deceased and the hair were also converted into parcel and were sealed. Other articles were also recovered from the spot. The rough site plan with correct marginal notes was prepared. The dead body was shifted



to the hospital and a request was made for post mortem examination. On 17.01.2002, the appellant/accused was produced before S.I Kuljinder Singh by Kapur Singh and Kartar Singh. After enquiry, he was formally arrested by the police and was produced before the Area Magistrate.

4. Even, an application was moved by the police before Illaqua Magistrate to seek permission to obtain the finger prints of the accused. The Illaqua Magistrate recorded the statement of accused and he expressed his willingness to give his sample finger prints. On 20.01.2002, again the appellant was interrogated by the police and in pursuance of his disclosure statement, he got recovered a blood stained iron rod (*saria*), which was converted into parcel and was duly sealed. On 21.01.2002, he was again taken out of the lockup and was interrogated by Kuljinder Singh, S.I in the presence of other police officials. He again disclosed that he had concealed one pant and vest (*Baniyan*) in the heap of paddy straw and also got the same recovered, which were taken into possession by the police vide memo and the articles were sealed. On 22.01.2002, the appellant was again produced before the Area Magistrate and the sample finger prints of the appellant Ex.PZ were taken through Naib Court of the Court, in the presence of Area Magistrate. The hair of the accused were taken from his head in the presence of Area Magistrate and were sealed in a parcel, which was taken into possession by the police. The samples taken by the police were sent to the F.S.L for comparison. After completion of the investigation, the challan was presented before the Court of Area Magistrate.

5. After commitment, the Trial Court found a prima facie case under Section 302 I.P.C against the appellant and he was charge-sheeted accordingly.

However, he pleaded that he was innocent and claimed to be tried by the Trial



Court.

6. During the course of trial, the prosecution examined 16 witnesses to prove the case against the appellant.

7. The prosecution examined PW-1 Sunita @ Shanti Bai, complainant, who reiterated her version, as mentioned in the FIR. She admitted that she had made a statement (Ex.PA) to the police, on the basis of which FIR (Ex.PA/2) was registered. The testimony of PW-1 has been duly corroborated by the statement of PW-2 Kapur Singh, who stated that on the day of Lohri, Sunita @ Shanti did not come to their house for work and he went to the room, where, she was residing. The dead body of her brother was lying on a cot and she was sitting nearby and weeping. A bed sheet and a *parna* were stained with blood and the blood was also lying on the *Katcha* portion. She told him that the appellant along with her brother were taking liquor and the appellant had caused injuries to him. Thereafter, he along with Sunita @ Shanti PW-1 went to the police station and got the statement recorded. The prosecution examined Kartar Singh as PW-3, who stated that in his presence, the appellant/accused was interrogated and on his disclosure statement, he got recovered an iron rod from the predisclosed place, which was converted into a parcel and was taken into possession. Again on 21.01.2002, one vest (*Baniyan*) and one underwear were recovered by the police in pursuance of disclosure statement suffered by the appellant and those articles were taken into possession vide the separate memo. The prosecution further examined A.S.I Rattan Singh as PW-4, who had conducted the initial investigation in the present case. He also took into possession various incriminating articles, which were lying at the place of alleged recovery. The prosecution examined, S.I Balbir Singh as PW-5, who



had recorded the FIR (Ex.PA/2), on the basis of the statement made by Sunita @ Shanti. The prosecution further examined PW-6 Surinder Kumar, Patwari, who had prepared the scaled site plan (Ex.PL) at the instance of Surender Singh, ASI/Incharge, Police Post, Nadala.

8. The prosecution further examined Subhash Chander Inspector, Finger Prints Expert as PW-7. On 13.03.2002, he had received a sealed parcel from S.S.P, Kapurthala at Finger Prints Bureau, Phillaur, containing a bottle having label bagpiper. The finger prints were developed on the same which were photographed by their Bureau and as such 14 photographs were taken. Specimen finger prints of Krishna Ram @ Raj were also received from S.S.P Kapurthala along with the said parcel. As per the report prepared by him, the finger prints taken from the bottle and the specimen finger prints of appellant had matched. The prosecution further examined Surinder Singh, SI as PW-8, in whose presence Krishna Ram, appellant/accused was taken out of the lockup on 20.01.2002 and a blood stained iron rod was recovered at the instance of the appellant. Again on 21.01.2002, the appellant was taken out of the lockup and a pant and *baniyan*, which were blood stained were also recovered in pursuance of the disclosure statement suffered by the appellant. Apart from that, again on 22.01.2002, the samples of hair of appellant were taken in the presence of the Area Magistrate and the same were converted into parcel, which was duly sealed. The prosecution further examined Gurmit Singh, HC, who had sent the samples to the F.S.L for comparison. The prosecution further examined PW-10 Rajiv Kumar, HC, who had taken the samples to Finger Prints Bureau, Phillaur and after receipt of the report, he had handed over the same to the SHO. The prosecution also examined Varinder Singh, Head Constable as PW-11, who



remained associated during the investigation of the present case. The prosecution further examined Lakhwinder Singh, Constable as PW-12, who had delivered the Special Report Ex.PA/3 to the Area Magistrate.

9. Jarnail Singh, Constable was examined as PW-13, who had taken the samples to the F.S.L and also proved the receipts in this regard. Kuljinder Singh, SI/SHO was examined as PW-14, who had initially conducted the investigation in the present case. He also recorded the statements of various prosecution witnesses and recovered the incriminating evidence from the place of occurrence. Even, the appellant was interrogated in his presence and he made the recoveries effected from various places. Even, he had deputed the officials to take the parcels to the F.S.L. The clothes of the deceased were handed over by the doctors and he had converted the same into parcel, which was duly sealed. Even, the clothes of Bhattu, deceased were recovered by him and his clothes were also blood stained. The prosecution further examined S.I Ravinder Singh, Finger Prints Expert, C.I.A Staff, Kapurthala, who stated that the I.O of this case handed over to him the suspected articles, which were recovered by the police near the dead body. He examined the liquor bottle and finger prints were found on the same. The portion with which the finger prints were in existence, were encircled by him and the prints were preserved by him by applying chemicals. The prosecution further examined Dr. Jatinder Kaur Gandhi, who had conducted the post mortem examination on the dead body of Bhattu. The relevant extract of her testimony has been reproduced below:-

“According to the police papers the victim allegedly to have been killed by brother-in-law by hitting with iron rod. The length of the body was about 165 cms. Dead body of a male aged about 30 years wearing full sleeves T-shirt, Grey and white



printed. Grey and white check shirt, Dark green colour banyan, taragi, steel karra on the right wrist brown pent and black underwear. Blood was coming out of wounds in the skull and neck. Rigor mortis and post mortem staining was present. left eye was swollen and closed. Right eye slightly open. Hands partially opened and clotted blood was present on the hands.

Scalp, Skull, Brain, Spinal cord

A lacerated wound on left side of the fore-head, just above the left eye brow about 5" long horizontal and bore under neath was broken. There was 6 lacerated wounds bone deep on left side of the skull invarious directions and about 5" to 6" long.

Haematoma and congested blood present in the left side of the brain. There were 6 horizontal lacerated wounds on the left side of neck all about 2 to 2-1/2 long and injuring the deeper tissue beneath.

Thorax

Walls, ribs and cartilages and pleurae were externally healthy. Larynx and trachea congested, right and left lung externally healthy. Pericardium-heart large vessels. Left chamber empty and right chamber contains congested blood.

Abdomen

Walls, peritoneum, mouth, pharynx and Oesophagus externally healthy.

Stomach contained partially digested food.

Small intestines and large intestines contained gases.

Liver spleen and kidneys were congested.

Bladder, empty and organs of generations externally healthy.

The cause of death in this case in my opinion is due to the hemorrhage and shock due to the injuries described. All the



injuries were ante -mortem in nature and sufficient to cause death in ordinary course of nature”.

She further stated that the injuries on the person of deceased as described in the PMR could be possible with iron rod (saria) (Ex.P-2), shown to him in the Court. There were in all 13 injuries on the person of the deceased and this could be caused by iron rod/blunt weapon.

10. After the prosecution had closed its evidence, the entire prosecution evidence was put to appellant in the shape of his statement under Section 313 Cr.P.C and he stated as under:-

“I was not present in the house on the alleged date of occurrence. I have been falsely implicated in this case. I had gone to Village Dhilwan to see my relation there due to Lohri festival. No recovery has been effected from me and a false case has been foisted upon me at the instance of Kapur Singh. Sunita my wife had illicit relation with PW Krishan Kumar and Bhutuu deceased, came to know about this fact. Krishan Kumar inconnivance with my wife Sunita and Kapur Singh had committed murder of Bhuttu”.

11. Learned counsel for the appellant has vehemently argued that he has been falsely involved in the present case. The prosecution case was based on the testimony of PW-1 Sunita @ Shanti, who was the real sister of the deceased. Even, the occurrence had taken place at night, but she had not reported the matter to anyone in the village. Even, PW-2, Kapur Singh was unreliable witness, as he stated that Krishan Kumar was not his servant. Consequently, it was unsafe to rely upon his statement. Even otherwise, the Trial Court had failed to appreciate that Krishan Kumar had illicit relations with



Sunita @ Shanti, wife of the appellant and due to dispute, he had been falsely involved in the present case.

12. On the other hand, learned State counsel has vehemently argued that the findings recorded by the Trial Court were based on correct appreciation of evidence and settled law. Thus, the impugned judgment is legally unsustainable.

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

14. The criminal prosecution in the present case was launched on the basis of the statement made by Sunita @ Shanti Bai PW-1, who is wife of the present appellant. In her statement, she stated that she was married to the appellant about 14 years ago and they had a son and a daughter. Bhattu, since deceased was her brother, who was residing at Bholath and was a labourer. He used to come to their house to meet them. Her husband i.e the appellant was idle and was addicted to liquor. Even, she used to do labour work in 4 to 5 houses. On the occasion of Lohri, her brother Bhattu had come to their house and the appellant was also present there. Her husband and her brother Bhattu were taking liquor. During this period, her brother told the appellant/accused that he was idle and he was beating her also. Thereafter, the appellant/accused gave a *saria* blow on the head of her brother and another blow was given by him at the neck of her brother. Bhattu fell down and she tried to intervene to save her brother. However, the appellant pushed her outside the room. The appellant then bolted the room inside and he caused injuries with the iron rod on the mouth of his brother and after killing her brother, the appellant/accused ran away from the spot. He raised a noise that she would also be killed. In the



morning, she did not go to the house of Kapur Singh, where, she was working and Kapur Singh came to their house and took her to the police station to get her statement recorded. The testimony of PW-1 Sunita @ Shanti, complainant has been duly corroborated by the testimony of PW-2 Kapur Singh, who was an independent witness. Even, both the witnesses i.e. PW-1 Sunita @ Shanti Bai and PW-2 Kapur Singh were searchingly cross-examined, however, their testimonies remained unshaken and nothing could be elicited, which could discredit their testimonies. Even, PW-1 Sunita @ Shanti Bai had no reasons to depose against her own husband and the statements of both the witnesses have been found to be credible and reliable and can be safely meet the basis of conviction.

15. Still further, the testimonies of PW-1, Sunita @ Shanti and PW-2 Kapur Singh have been corroborated by the testimony of PW-14 S.I Kuljinder Singh, I.O of the present case. He had conducted the initial investigation in the present case and recorded the statements of various witnesses. On 20.01.2002, the appellant was interrogated and in pursuance of his disclosure statement, he got recovered a blood stained iron rod (*saria*), which was sealed in a parcel. Similarly, on 21.01.2002, the appellant was again interrogated and he got recovered a blood stained pant and vest in pursuance of his disclosure statement and the same were also taken into possession. Even, on 22.01.2002, he was produced before the Area Magistrate and his specimen finger prints were taken into possession in the presence of Area Magistrate, vide the memo Ex.PZ. Even, the hair of the appellant was taken from his head in the presence of the Area Magistrate and were sealed in a parcel. Even, the prosecution examined PW-7 Inspector Subhash Chander, Finger Prints Expert, who categorically



deposed that the thumb impressions on the empty bottle recovered from the place of occurrence had tallied with the specimen finger prints of the appellant and the report in this regard was proved by him as Ex.PQ. Still further, the *baniyan* (vest) and the pant were also found to be blood stained as per the F.S.L report Ex.PCC. Even, the *khase* and *parna*, which were lying near the dead body of Bhattu, were found to be blood stained as per the report Ex. PDD. Apart from that, even as per the F.S.L report, the iron rod recovered from him was found to be blood stained. Thus, there was sufficient prosecution evidence to prove that the appellant had committed the murder of Bhattu with an iron rod by causing him injuries indiscriminatory.

16. The ocular version as well as the scientific evidence in the present case is further corroborated by the testimony of PW-16 Dr. Jatinder Kaur Gandhi, who had conducted the post mortem examination on the dead body of Bhattu on 15.01.2002. As per the history given, the victim had been killed by his brother-in-law by hitting with an iron rod and the following injuries were found:-

Scalp, Skull, Brain, Spinal cord

A lacerated wound on left side of the fore-head, just above the left eye brow about 5" long horizontal and bore under neath was broken. There was 6 lacerated wounds bone deep on left side of the skull invarious directions and about 5" to 6" long.

Haematoma and congested blood present in the left side of the brain. There were 6 horizontal lacerated wounds on the left side of neck all about 2 to 2-1/2 long and injuring the deeper tissue beneath.

Thorax

Walls, ribs and cartilages and pleurae were externally healthy. Larynx and trachea congested, right and left lung externally



healthy. Pericardium-heart large vessels. Left chamber empty and right chamber contains congested blood.

Abdomen

Walls, peritoneum, mouth, pharynx and Oesophagus externally healthy.

Stomach contained partially digested food.

Small intestines and large intestines contained gases.

Liver spleen and kidneys were congested.

Bladder, empty and organs of generations externally healthy.

As per the testimony of PW-16 Dr. Jatinder Kaur Gandhi, the cause of death in this case was due to haemorrhage and shock, due to the injuries caused to Bhattu. Thus, it is apparent that Bhattu was caused injuries with an iron rod as the doctors had clearly stated that the injuries on the person of the deceased, as described in P.M.R, could be possible with an iron rod, which shown to him in the Court.

17. Still further, we have carefully gone through the findings recording by the Trial Court and find that the Trial Court had correctly appreciated the evidence in the light of the settled principles of law. We find no illegality, material irregularity or perversity in the impugned judgment passed by the Trial Court.

18. Accordingly, impugned judgment of conviction and order of sentence dated 30.07.2004, passed by the Court of Sessions Judge, Kapurthala are ordered to be upheld by this Court and the present appeal is ordered to be dismissed.

19. We record our appreciation for Amicus, who has rendered able assistance to the Court and fee of Amicus Curiae is assessed Rs.20,000/- ,



which shall be paid by High Court Legal Services Authority, as per rules and practices.

- 20. Pending application(s), if any, stand(s), disposed of, accordingly.
- 21. Ordered accordingly.
- 22. The appellant may be taken in custody, if on bail, to serve the remaining sentence.
- 23. Case property, if any, be dealt with, and destroyed after the expiry of period of limitation for filing the appeal, in accordance with law.
- 24. The Trial Court record be sent back.

(N.S.SHEKHAWAT)
JUDGE

(H.S GREWAL)
JUDGE

23.02.2026
hitesh

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