

2026:PHHC:056615-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

SR. NO.101

CRA-D-783-DB-2004 (O&M)
RESERVED ON:22.01.2026
PRONOUNCED ON: 16.04.2026
UPLOADED ON:-22.04.2026

CHAND SINGH AND ANOTHER

...APPELLANT(S)

VERSUS

STATE OF PUNJAB

...RESPONDENT(S)

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

Present: Ms. Diya Bhagwan, Advocate for
Mr. Rishab Tiwari, Advocate
for the appellants.

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

N.S. SHEKHAWAT, J.

1. The appellants have preferred the present appeal against the impugned judgment of conviction and order of sentence dated 14.02.2004 passed by the Court of Additional Sessions Judge (Adhoc), Amritsar, whereby, appellant Chand Singh was convicted under Section 302 IPC and appellant Surjit Singh @ Kala was convicted under Section 302/34 IPC. Both the appellants were sentenced to undergo life imprisonment and to pay a fine of Rs.2000/- each, along with default stipulation.

2. The FIR Ex. PK/2 was registered in the present case on the basis of the statement Ex. PK made by Surta Singh PW7 and the relevant extract of the FIR has been reproduced below:-

“Statement of Sh. Surat Singh son of Santa Singh Mazbhi resident of village Sheron, aged about 55/56 years.

I am resident of village Sheron and is a labourer. Today, I and my younger brother Karam Singh and nephew Baldev Singh @ Bagga son of Swaran Singh were coming back to our house after doing labour in the fields. My nephew was 5-7 steps ahead of us. When my nephew reached near Ahata (open space) of well of Partap Singh, it was about 7.30 p.m. in the evening. There was full lights in the Ahata from the electric bulbs lit in the surrounding houses. There accused Chanan Singh son of Hazara Singh, Pritam Kaur @ Preeto wife of Chanan Singh, their son Chand Singh Mazbhi, all residents of village Deh, their nephew (sister's son) Chanan Singh and Surjit Singh @ Kala son of Dheera Singh Mazbhi resident of Sattike, P.S. Boha, District Mansa, who lives with them were standing at the door of their house. On seeing us, Pritam Kaur @ Preeto raised lalkara (shouted loudly) "Catch hold of them for opposing us!" On this Chanan Singh caught hold of Baldev Singh @ Bagga by his hair. On seeing, Chand Singh and Surjit Singh @ Kala started attacking him with their knives in our presence. Chand Singh attacked Baldev Singh three times with his knife which hit Baldev Singh @ Bagga on left side opposite neck, left side on back, and backside of neck. Surjit Singh @ Kala also attacked Baldev Singh @ Bagga three times continuously which hit Baldev Singh on left side of chin near mouth, left side of head and left armpit towards inner side of biceps. My nephew fell on the ground due to these injuries. Chanan Singh kicked the fallen Baldev Singh with his right foot, which hit Baldev Singh on his left ear. The whole occurrence was seen by me and my brother Karam Singh with our own eyes. On our hue and cry, all the

culprits fled away from the place of occurrence to their house alongwith their respective weapons. My nephew Baldev Singh @ Bagga succumbed to the injuries. Root cause of murder is that there was money dispute of committee (Chits) between Pritam Kaur @ Prito and Shinder Kaur wife of Chanan Singh Mehra, resident of village Deh. This dispute (matter) was taken up in the Panchayat and Pritam Kaur @ Preeto was found at fault there. I, my nephew Baldev Singh and other respectables had held Pritam Kaur @ Preeto was pleaded guilty. Besides this, Mr. Ranjit Singh Brahmpura Minister had given a cheque worth Rs. One lac for construction of cremation ground, Pritam Kaur @ Preeto wanted to spend the money according to her own sweet will. I did not allow this because I belong to Shiromni Akali Dal and Pritam Kaur @ Preeto belongs to B.S.P.(Bahujan Samaj Party). Due to these reasons, Pritam Kaur @ Preeto with common intention, along with co-accused Chand Singh, Chanan Singh and Surjit Singh @ Kala have murdered my nephew without any reason. Leaving my brother Karam Singh at the place of occurrence, I was coming to the police station for complaint, where you met me. I have told you the whole story. Action be taken. I have heard my statement. It is correct.

*Attested. LTI Surat Singh above
Sd/- Sucha Singh, SIP.S. Sadar Tarn Taran.
dt. 16.2.2001”*

3. After the registration of the FIR, the investigation was taken up by the police and the inquest proceedings were conducted on the dead body of Baldev Singh @ Bagga. The dead body was sent to Civil Hospital Tarn Taran for postmortem and the postmortem was conducted by a board of doctors. After completion of investigation, the *challan* was presented against

four accused including the present appellants and was presented in the trial

Court. Since, the case was triable by the Court of Sessions, the case was committed and the trial Court found *prima facie* case under section 302 IPC against the appellant Chand Singh and under Section 302/34 IPC against appellant Surjit singh @ Kala and they were ordered to be chargesheeted accordingly. However, the appellants pleaded not guilty and claimed to be tried by the trial Court.

4. In support of the prosecution case, 11 witnesses were examined. PW1 Rishi Ram had prepared the scaled site plan at the spot Ex. PA at the instance of Surta Singh PW7. The testimonies of PW2 LC Gurdip Singh, PW3 LC Sarabjit Singh and PW4 Kashmir Singh were formal in nature. The prosecution further examined PW5 Narinderpal Singh, Accountant A.D.C., Office (Development) Amritsar, who stated that the cheque No. 242846 dated 22.01.2001 was issued in favour of Samshan Ghat Committee, Sheron and it was of rupees one lakh only. The cheque was issued by ADC (Development) and was drawn on Punjab National Bank and a copy of the cheque is Ex. PE. The prosecution further examined PW6 Dr. Dinesh Kumar, Medical Officer, Civil Hospital, Tarn Taran, who had conducted the postmortem examination on the dead body of Baldev Singh @ Bagga on 17.02.2001. As per him, rigormortis was present all over the body. The postmortem staining was present on the back, sparing bony points and following antemortem injuries were noticed:-

“1.An incised wound 51 cm placed on left fronto parietal region of skull, 8 cm above pinns, cutting muscles and periosteum.

2. Incised wound 8 x 1 cm present on posterior side of neck, No bonny injury detected.

3. An incised penetrating wound 2.5 x 1 x 5 cm (depth) goes downward and medially present in front of neck on left side medial to sterno cleido mastoid muscle, cutting soft tissue and cutting trachea. Cut in trachea was present on its left side below at the level of 4th to 5th ring and it was 1 cm in width. Bleeding from the thyroid gland was present. Clotted blood was found in trachea.

4. Incised wound 3 x 1 cm was present on left side of chin, soft tissue was cut, no bonny injury was detected.

5. Incised wound 1 x .5 cm was present in left scapular region, cutting skin and subcutaneous tissue. No bonny injury was detected.

6. An abrasion 1.5 x .5 cm was present on left pinna on its upper part in its outer border, brownish present over it.

7. An incised wound 2 x .5 cm was present on anterior axillary fold on left axilla, cutting the cephalic and soft tissue”.

He further stated that the cause of death in the present case was asphyxia due to injury No. 3, which was sufficient to cause death in ordinary course of nature. The time between the injuries and death was few minutes and between death and postmortem was within 24 hours. He had brought with him the original postmortem report and the copy of the same was Ex. PF. In his cross-examination, he admitted that the injuries No. 1, 2, 4 and 5 had tissues cut and had not affected the bones. The possibility of injury No. 6 due to fall could not be ruled out. The possibility of injuries No. 1, 2, 3, 5 and 7 being the result of one weapon could not be ruled out. The prosecution further examined Surta Singh, complainant, as PW7, who reiterated his statement as made in Ex. PK and had fully supported the case of the prosecution. The cheque was in the name of Surta Singh, Karam Singh and Harbans Singh, members of the committee and was deposited in

the village bank. He further stated that Surjit Singh was residing with Chanan Singh for the last 3-4 years. The prosecution further examined PW8 Karam Singh, who also supported the testimony of PW7 Surta Singh, complainant. The prosecution further examined SI Sucha Singh as PW9, before whom Surta Singh PW7 had made an statement Ex. PK on the basis of which FIR Ex. PK/2 was registered against the appellants. He also reached at the place of occurrence and the dead body of Baldev Singh alias Bagga was lying there. He prepared the inquest report as well as the injury statement Ex. PJ and recorded the statements of Surta Singh and Karam Singh. He prepared the rough site plan Ex. PN and also took in possession the various incriminating articles lying at the spot. Surjit Singh @ Kala, appellant, was arrested by him and on his disclosure statement, he got recovered a knife Ex. P1 from the disclosed place and rough sketch Ex. PQ was prepared and the knife was taken into possession vide memo Ex. PR. The seal was also put on the parcel. The prosecution further examined PW10 MHC Gurmit Singh, whose testimony was formal in nature. Further, SI Balbir Singh was examined as PW11 who was posted as SHO, Police Station, Sadar Tarn Taran at the relevant time and was associated with the investigation in the beginning.

5. After the closure of the prosecution evidence, the entire incriminating evidence was put to both the appellants. However, they pleaded their false implication and stated that a false case was foisted upon them. Even the appellants did not lead any evidence in their defence.

6. After holding the complete trial, the trial Court convicted both appellants. However, their co-accused, Chanan Singh son of Hazara Singh

and Pritam Kaur wife of Chanan Singh were ordered to be acquitted by the trial Court, whereas both the appellants were convicted. Both the appellants have filed the present appeal before this Court with a prayer to set aside the impugned judgment and the order passed by the trial Court.

7. Learned counsel for the appellants has vehemently argued that in the present case, the appellants have been falsely involved by the complainant's side due to enmity between the parties. Even, the matter was reported to the police after a delay of two hours, which was utilized by the complainant in coining of false version against the present appellants. In fact, some unknown person had committed the murder and after due deliberations, the complainant coined a false story and involved both the appellants in the present case. Still further, the occurrence had taken place at night and it was impossible for the witnesses to identify the assailants, nor they could notice the manner of causing injuries properly. Even, from the version of the complainant, it is apparent that he had given a vivid account of the entire occurrence, which was not humanly possible. Apart from that, all the witnesses appearing in the witness box had improved their respective testimonies and the prosecution case was liable to be disbelieved by the trial Court. Thus, she prayed that the appellants may be ordered to be acquitted by this Court.

8. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the appellants on the ground that the delay in registration of the FIR stood properly explained. Apart from that, even the trial Court had recorded detailed findings with regard to the delay in registration of the FIR which was formal. Further,

even there was sufficient evidence to show that the occurrence had taken place in the light itself and there was sufficient light at the place of occurrence and both the appellants were duly identified and specific roles were assigned to them. Apart from that, even the prosecution had led sufficient evidence to prove the motive for causing injuries to the deceased. Thus, the present appeal deserves to be dismissed by this Court.

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

10. In the present case, learned counsel for the appellants has raised contention that the occurrence had allegedly taken place at about 07.30 p.m. on 16.02.2001, whereas the statement Ex. PK of Surta Singh PW7 was recorded by the police at about 09.30 p.m., i.e., after a delay of two hours, and the delay was utilized by the complainant in coining a false version against the appellants. However, we find no substance in the submissions made by the learned counsel for the appellants in this regard. In fact, Surta Singh had clearly stated that he had left other persons at the spot to take care of the dead body and he covered the distance of 6 kilometres on cycle to report the matter to the police. Even, after the occurrence, he must be in a state of shock and some time might have utilized at the place of the occurrence itself. Still further, he must have been taken some time in travelling the distance of 6 kilometres on a bicycle also. Even, it is expected that immediately after the occurrence, the complainant would rush to the police to lodge the FIR. Thus, it cannot be said that there was any unreasonable delay in reporting the matter to the police and there was no delay in registration of the FIR in the present case.

11. Apart from that, the prosecution had led sufficient evidence to show that the place of occurrence was well illuminated. Even, as per the site plan FIR Ex.EN, the place of occurrence is surrounded by various houses. There are houses of Atma Singh and Chanan Singh near the place of occurrence. Apart from that, PW7 Surta Singh and PW8 Karam Singh clearly stated that there was electric light at the place of occurrence and they had fully recognized the accused in the light itself. Further, the appellants as well as PW7 Surta Singh and PW8 Karam Singh were all co-villagers and were known to each other, even in darkness. They could have easily identified their co-villagers from a close distance, however, in the present case, there was sufficient light at the place of the occurrence and both the appellants were duly identified by PW7 Surta Singh and PW8 Karam Singh. Even, both the witnesses had not only identified the appellants, but specific roles were assigned to them and it was clearly stated that both the appellants had actively participated in the commission of the crime and caused injuries to the deceased. The testimonies of both the witnesses were consistent and reliable. Both the witnesses were separately cross-examined by learned defence counsel for all the accused, but their testimonies could not be shattered in any manner and the trial Court had rightly placed reliance on their testimonies.

12. Apart from that, we also find that there was a motive on the part of the appellants to cause death of Baldev Singh alias Bagga. The prosecution had examined PW5 Narinderpal Singh, accountant in A.D.C. Office, Amritsar, who stated that on 22.01.2001, cheque bearing No. 242846 of rupees 1 lakh was issued in favour of Samshan Ghat Committee, Sheron

by A.D.C.(Development). As per PW7 Surta Singh, there was a dispute between Pritam Kaur and Shinder Kaur regarding the chit fund committee and this matter was adjudged before panchayat. He and his nephew Baldev Singh @ Bagga had participated in the dispute and Pritam Kaur was found at fault and they were nursing grudge on that account. Apart from that, a cheque of rupees one lakh was given by the local minister for construction of cremation ground, however, Pritam Kaur wanted to spend the money as per her wish and her request was not acceded to and, thus, she was nursing a grudge against the deceased. He further stated that Surjit Singh was residing with Chanan Singh for the last 3/4 years. Surjit Singh @ Kala was residing with Chanan Singh and Pritam Kaur for the last several years and they were also having some grudge against the deceased and had caused the injuries to him with the help of a knife. Apart from that, the testimonies of PW7 Surta Singh and PW8 Karam Singh were duly corroborated by the statement of PW6 Dr. Dinesh Kumar, Medical Officer, who found the following injuries on the person of Baldev Singh alias Bagga (deceased) and he had died as a result of suffering of the said injuries:-

“1.An incised wound 51 cm placed on left fronto parietal region of skull, 8 cm above pinns, cutting muscles and periosteum.

2. Incised wound 8 x 1 cm present on posterior side of neck, No bonny injury detected.

3. An incised penetrating wound 2.5 x 1 x 5 cm (depth) goes downward and medially present in front of neck on left side medial to sterno cleido mastoid muscle, cutting soft tissue and cutting trachea. Cut in trachea was present on its left side below at the level of 4th to 5th ring and it was 1 cm in width.

Bleeding from the thyroid gland was present. Clotted blood was found in trachea.

4.Incised wound 3 x 1 cm was present on left side of chin, soft tissue was cut, no bonny injury was detected.

5.Incised wound 1 x .5 cm was present in left scapular region, cutting skin and subcutaneous tissue. No bonny injury was detected.

6.An abrasion 1.5 x .5 cm was present on left pinna on its upper part in its outer border, brownish present over it.

7.An incised wound 2 x .5 cm was present on anterior axillary fold on left axilla, cutting the cephalic and soft tissue”.

13. Thus, the ocular version of the prosecution was duly corroborated by the testimony of PW6 Dr. Dinesh Kumar. Apart from that, the prosecution also examined PW9, SI, Sucha Singh, who conducted the investigation in the present case. He also arrested Surjit Singh @ Kala appellant and Surjit Singh had suffered a disclosure statement, Ex. PP, and in pursuance of the disclosure statement, he got recovered a knife, Ex. P1, from the disclosed place. The knife was taken into possession by the police. Even as per the FSL report, Ex. PZ, the knife was found to be stained with human blood. Thus, there was sufficient evidence to show that both the appellants had actively participated in the commission of the crime and caused injuries to Baldev Singh alias Bagga, who ultimately succumbed to the injuries. Even otherwise, we have gone through the findings recorded by the trial Court and find no illegality, material irregularity, and perversity in the same.

14. As a consequence of the above discussion, the present appeal deserves to be dismissed by this Court and the impugned judgment of conviction and order of sentence dated 14.02.2004 passed by the Court of Additional Sessions Judge (Adhoc), Amritsar, are ordered to be upheld.

15. Dismissed.
16. The appellants/accused are directed to surrender within 15 days from today, failing which, the CJM concerned shall issue non bailable warrants against the present appellants/accused and shall commit them to custody to serve the remaining sentence of imprisonment.
17. The case property, if any, may be dealt with as per the rules.
18. Trial Court record be sent back to the trial Court.
19. All pending applications, if any, are disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

(H.S.GREWAL)
JUDGE

16.04.2026
amit rana

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO