

***CRA-D-928-DB-2004 (O&M) &
CRA-D-504-DB-2005 (O&M)***

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

(1)

CRA-D-928-DB-2004 (O&M)

Manjit Singh

... Appellant

Versus

State of Punjab

... Respondent

(2)

CRA-D-504-DB-2005 (O&M)

Rajinder Kaur

... Appellant

Versus

State of Punjab

... Respondent

Reserved on : 24.02.2026

Date of Pronouncement : 20.03.2026

Uploaded on : 01.04.2026

Pronounced in Full

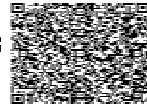
**CORAM : HON'BLE MR. JUSTICE N.S. SHEKHAWAT
HON'BLE MR. JUSTICE H.S. GREWAL**

Present:- Mr. Manvinder Sidhu, Advocate for the appellant(s).

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

H.S. Grewal, J.

1. This order shall dispose of CRA-D-928-DB-2004 and CRA-D-504-DB-2005 as these are arising out of the same FIR as well as the judgment



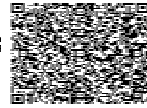
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of conviction and order of sentence. For the sake of brevity, the facts are being taken from CRA-D-928-DB-2004.

2. CRA-D-928-DB-2004 and CRA-D-504-DB-2005 have been preferred by the appellants against the judgment of conviction and order of sentence dated 29.07.2004 passed by the learned Additional Sessions Judge, Nawanshahar, whereby the appellants had been convicted under Section 302 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for life, to pay a fine of Rs.10,000/- each and in default thereof, to further undergo rigorous imprisonment for a period of one year.

3. The case of the prosecution is based upon the statement (Ex.PA) of the complainant-Ajay Pal Singh to the effect that the dead body of his brother-Sandip Pal Singh @ Soni was found lying in the wheat fields belonging to Gurcharan Singh. It is also alleged that the deceased (complainant's brother) had been murdered by inflicting injuries with a sharp edged weapon by unidentified persons in the night intervening between 11th or 12th December, 2000. A wireless message was received by SI Sohan Lal to this effect on 12.12.2000. Upon reaching the spot, he found ASI Kashmira Singh was already present there. ASI Kashmira Singh prepared the inquest report and rough site plan. Thereafter, blood stained earth was lifted from the spot and was made into a sealed parcel. Scooter No.PB-32-B-2680 was taken into police possession. Blood stained belongings of the deceased were also taken into possession and converted into a sealed parcel and the dead body was thereafter sent for post-mortem examination.



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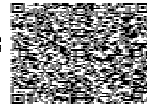
4. On the basis of statement of the complainant, a ruqa was sent to the police station, on the basis of which a formal FIR was registered. During investigation on 12.03.2001, PW6 Hans Raj and Ajit Singh got recorded their statements regarding the extra-judicial confessions made by the appellants- Manjit Singh and Rajinder Kaur before them. On 14.03.2001, the appellants were arrested and on the basis of the disclosure statement, the weapon- *Khukhari* was recovered.

5. On 17.03.2001, the statement of Dharam Paul was recorded with regard to extra-judicial confession made by accused-Fateh Singh (approver). On 10.04.2001, Fateh Singh moved an application before the trial Court that he may be pardoned as he was ready to give full and true facts besides perusing the evidence on record with due care and circumspection. Consequently, Fateh Singh was held guilty of the charge framed against him and was convicted.

6. Upon completion of investigation, challan was presented and charges under Section 302 read with Section 34 IPC were framed against the appellants to which they pleaded not guilty and claimed trial.

7. In order to prove its case, the prosecution examined following 14 witnesses:

(i) PW1 Ajay Pal Singh, who is the complainant in this case, deposed that on 11.12.2000, he had got loaded sugarcane from the farm labourers in the trolley. He alongwith Sandip Pal Singh started for Nawanshahar with the sugarcane at about 09:00 to 09:30 PM. Sandip Pal Singh left for the residence on scooter No. PB-32-B-2680 alongwith farm labourers. Since there was great rush in the Sugarmill at Nawanshahar, he left for



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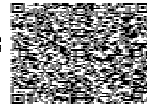
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his village after parking the trolley in the sugarmill at about 9:00 AM on 12.12.2000. On enquiry from his mother about the whereabouts of Sandip Pal Singh, he came to know that Sandip Pal Singh had not returned home. He then started searching for his brother alongwith his uncle Gurdev Singh and Baldev Singh, in a car. They found the scooter of Sandip Pal Singh near the bridge in village Mazhoor. After covering a distance of 20-25 karams, from the place where the scooter was parked, they found the dead body of Sandip Pal Singh and thereafter, reported the matter to the Police.

(ii) PW2 Sunny Pahan deposed that on 11.12.2000, he was putting fodder for the cattle in the house of Sandip Pal Singh. He was told by Sandip Pal Singh that Rajinder Kaur had called him to meet at the canal bridge at about 10:00 PM. Sandip Pal Singh left him at 09:00 PM on a scooter and he used to meet appellant-Rajinder Kaur.

(iii) PW3 Dr. Devinder Singh, Medical Officer, Civil Hospital, Nawanshahar deposed that on 12.12.2000, he conducted post-mortem examination on the dead body and found following injuries:-

1. *An incised wound $7 \times 2 \times 2$ cm present on the scalp in the right temporal region, starting from the lateral end of right eye-brow, upto 3 cm above pinna of right ear.*
2. *Incised wound $5 \times 1.5 \times 1 \times 1$ cm present horizontally and parallel, 2 cm below injury No.1.*
3. *An incised wound $5 \text{ cm} \times 1.5 \text{ cm}$ present across the pinna of right ear, cutting it into two half,*
4. *Incised wound $8 \text{ cm} \times 2 \text{ cm} \times 1.5 \text{ cm}$, present vertically on right side of scalp, 0.5 cm behind the right ear.*



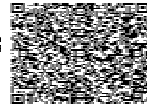
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5. *Incised wound 4 cm × 1 cm × 1 cm present parallel and 1 cm anterior to injury No.4;*
6. *Incised wound 3 cm × 1 cm × 1 cm, present parallel and 1 cm behind injury No.4;*
7. *Incised wound 4 cm × 1 cm × 1 cm, present parallel to and 3 cm behind injury No.4, in the occipital region;*
8. *Incised wound 4 cm × 2 cm × 2.5 cm present on the right side of the neck, 2 cm below and behind right ear;*
9. *Incised wound 3 cm × 1 cm × 1 cm, present, 1 cm behind injury No.8;*
10. *Incised wound 3 cm × 1 cm × .5 cm, present 1 cm below injury No.9;*
11. *Incised wound 2 cm × 1 cm × 1 cm, present just below lobula of the right ear;*
12. *Incised wound 2.5 cm × 1.5 cm × 1 cm present on the right cheek, underlying mandible was fractured.*
13. *Multiple incised wounds present on right side of the neck of variable sizes, varying from 3 to 1 cm × 1.05 cm, all wounds were skin deep;*
14. *Incised wound 2.5 cm × 2 cm × 1 cm, present on the medial end of the left cleical.*
15. *Incised wound 2.5 cm × 2 cm × 1 cm, present on the left side of neck, just above the cleical;*
16. *Incised wound 2 cm × 1 cm × 1 cm, present in the right axillia;*

On dissection of the skull and neck, there were multiple fractures of skull bone in the right temporal, frontal, parietal and occipital regions, underlying membranes and brain matter was lacerated. Clotted blood was present.

17. *Multiple punctured wounds present on front and lateral side of right side of chest. On dissection, they were skin deep.*



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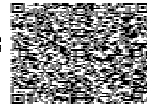
18. There were found small punctured wounds present on the right-side anterior abdominal wall. On dissection, they extended deep upto peritoneum. Peritoneum cavity contained blood. There was no injury to the viscera.

19. There were two punctured wounds present on the lateral aspect of right thigh. On dissection, they were skin deep.

He opined that the cause of death was due to shock and haemorrhage as a result of collective effect of all the injuries. All the injuries were ante-mortem in nature. He proved the copy of the Post-Mortem Report(Ex.PM) and the report of the Forensic Science Laboratory, Punjab, Chandigarh as Ex.PD.

(iv) PW4 Baldev Singh corroborated the statement of PW1 Ajay Pal Singh, regarding search and recovery of the dead body.

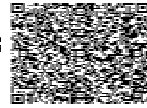
(v) PW5 Shamsher Singh deposed that he was owner of Maruti Car Number PB-10-U-8777. Since the number on the number plate had been erased, he had gone to village Jadla to get the number inscribed. At about 06.30 PM, on 11.12.2000, Fateh Singh told him that he was not free and he should visit him after 2-3 hours. He went to meet Fateh Singh at about 10/10.30 PM but the shop was closed. When he was going back to his village, at some distance from the shop, he saw that painter Fateh Singh was coming with Manjit Singh and accused Raju (the witness pointed towards accused Rajinder Kaur). All three of them had their feet soiled with mud. Fateh Singh, painter told him that they had an altercation with a boy named Soni and as a result, he had got late. After 2-3 days, he came to know about the murder of Soni. His statement was recorded by the police on 07.03.2001.



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(vi) PW6 Hans Raj deposed that he was Ex-Sarpanch of the village. On 11.03.2001, at about 10:00 AM, he was present in his house alongwith Ajit Singh, Ex-Sarpanch. Rajinder Kaur @ Raju and Manjit Singh @ Kaka (appellants herein) came to met him in his house. Rajinder Kaur told him that she had illicit relations with Sandip Pal Singh alias Soni and thereafter their relations got strained. She had asked Sandip Pal Singh alias Soni to return the photographs and letters to her but he refused to do so and had threatened to kidnap her. Later on, she had developed illicit relations with Manjit Singh. She wanted to get rid of Sandip Pal Singh @ Soni because he used to insult and abuse her whenever he met her. She, in connivance with Manjit Singh, had decided to kill Sandip Pal Singh. He further deposed that accused-Manjit Singh told him that he had a friend Fateh and they had disclosed the said fact to him. Manjit Singh and Fateh were to commit the murder of Sandip Pal Singh alias Soni. On 11.12.2000, as disclosed by Rajinder Kaur, Soni was called to meet Rajinder Kaur near the bridge at about 10:00 PM. Manjit Singh started grappling with Sandip Pal Singh. Rajinder Kaur gave a kirch blow on the chest of Sandip Pal Singh, while he was caught hold by Fateh Singh. Rajinder Kaur could not pull out the kirch from the body of Sandip Pal Singh and the same was taken out by Manjit Singh. Sandip Pal Singh then ran towards the fields on the western side and fell down. All the three then followed Sandip Pal Singh. Manjit Singh armed with Khukhari gave blows with the same on the head, neck and ears of Sandip Pal Singh. Rajinder Kaur also gave more blows with kirch on the



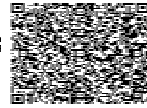
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person of Sandip Pal Singh. They left the injured at the spot. Fateh Singh was running a painter shop at Jadla. They stayed in the shop of Fateh for 2-3 hours and then Fateh dropped her at Rahon. Rajinder Kaur and Manjit Singh requested him that they be produced before the police. He (PW6) assured them that he would consult senior police officers. Then on 12.03.2001, he alongwith Ajit Singh, went to CIA Staff, Nawanshahar and got recorded his statement with SI Lajpat Singh and assured the Inspector that he would produce the accused before him on 14.03.2001. Thereafter he produced the appellants-Manjit Singh and Rajinder Kaur before SI Lajpat Singh on 14.03.2001.

(vii) PW7 Surjit Singh deposed that on 19.3.2001, he was going to bring diesel on his bicycle to village Jadla. Manjit Singh alias Kaka got recovered one Khukhari from underneath the heap of Bajree (crushed stone). The said Khukhari (Ex.P8) was washed and was made into a parcel and taken in possession vide memo(Ex.PR).

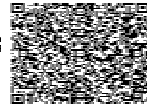
(viii) PW8 Gobinder Singh, Addl. District and Sessions Judge, Nawanshahar deposed that on 10.04.2001, he was posted as Chief Judicial Magistrate, Nawanshahar. On that day, Fateh Singh moved an application (Ex.PT) before him that he may be granted pardon as he was ready to give full and true disclosure of the circumstances, relating to the offence. He recorded statement of Fateh Singh (Ex.PU) in question-answer form which was accepted by Fateh Singh and therefore, he passed the order Ex.PU/1. He further deposed that Fateh Singh made statement voluntarily and signed the same after admitting it to be correct.



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(ix) PW9 Fateh Singh (approver) deposed that he was running a painter shop at Dhillon Market, Jadla. He knew appellant-Manjit Singh since childhood. Manjit Singh had intimate relations with appellant-Rajwinder Kaur one year prior to the occurrence. He had gone to the house of Rajwinder Kaur with Manjit Singh on 5-6 occasions. On 11.12.2000, he was working in his shop. At about 7:30 PM, Manjit Singh met him in a drunkard condition and asked him to accompany him to village Mazhoor, where Rajwinder Kaur was residing. He told Manjit Singh that since it was dark, they should go in the morning. Manjit Singh insisted that they were to go on that day only. They started on a bicycle driven by him. When they reached the house of Rajwinder Kaur, she was sitting in a room, alone. They had obeisance to the deities and came out and sat in the verandah. Manjit Singh remained inside the room. After 25–30 minutes, Manjit Singh and Rajwinder Kaur came out. Then he alongwith the appellants left for village Jadla. When they had crossed the bridge of canal, a scooter came from behind from village Mazhoor side. Later he came to know that the name of the driver was Soni, who was carrying a Gandasi. Soni asked them to stop and enquired from Rajwinder Kaur as to why she had called him there. Rajwinder Kaur replied that she would tell him the cause and Soni stated that he knew him (PW9). Then Soni enquired from Rajwinder Kaur as to who was Manjit Singh as he was not known to him. Rajwinder Kaur replied that she would tell about him later. In the meantime, Manjit Singh pounced upon Soni and pushed him towards his scooter. He saw that a Khukhari



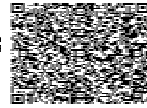
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was stabbed in the abdomen of Soni by Manjit Singh. He enquired from Manjit Singh as to what he had done, however, he did not answer. Soni gained stability with the help of Gandasi. Soni gave a Gandasi blow on the shoulder of Manjit Singh. Then Soni ran away and Manjit Singh followed him. Rajinder Kaur also ran after them. He (the witness) also ran after them while raising alarm. Soni slipped in the field, as it was wet. Manjit Singh gave another blow in the abdomen of Soni with Khukhari. Rajinder Kaur also gave Kirch blows on the neck of Soni. He raised alarm and stopped them. Then Rajinder Kaur pointed Kirch towards him and asked him to remain silent. Thereafter they returned to village Jadla and stayed in a room in the market for 3-4 hours. Manjit Singh asked him to drop Rajinder Kaur at Rahon and he dropped her accordingly on his bicycle. Then he returned to his shop. He had moved an application (Ex.PT), before the Chief Judicial Magistrate, Nawanshahar, without any pressure or coercion.

(x) PW10 SI Madan Lal deposed that on 14.03.2001, he was posted in CIA Staff, Nawanshahar. On that day, Manjit Singh suffered a disclosure statement during interrogation by SI Lajpat Singh that he had kept concealed a Khukhari in his residential house under concrete heap. His statement (Ex.PB) was recorded and thereafter, Khukhari was recovered from the disclosed place.

(xi) PW11 Amarjit Singh, Photographer deposed that he went to the spot on 12.12.2000 and took the photographs (Ex.PW11/1 to 7) and the negatives thereof (Ex.PW11/8 to 14) were handed over to the police.



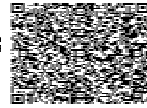
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(xii) PW12 SI Lajpat Singh deposed that on 07.03.2001, he was posted in CIA Staff, Nawanshahar, when the investigation of the case was entrusted to him. He reached the spot and made enquiries and recorded the statements of Chhotu Bhayya (farm labourer) and Shamsheer Singh. On 12.03.2001, Ex-Sarpanch Hans Raj and Ajit Singh met him. He recorded their statements regarding the extra-judicial confession made by the appellants-Manjit Singh and Rajinder Kaur. On 14.03.2001, Hans Raj Ex-Sarpanch produced the appellants-Manjit Singh and Rajinder Kaur. Thereafter, he recorded the statement of Dharam Pal on 17.03.2001, with regard to extra-judicial confession made by accused Fateh Singh (since approver). He arrested Fateh Singh on 25.03.2001 vide memo Ex.PY/2. He also deposed that after completion of the investigation, challan was prepared by Baldev Singh, Station House Officer.

(xiii) PW13 Vinod Kumar, Patwari was a formal witness and proved the scaled site plan (Ex.PZ).

(xiv) PW14 ASI Kashmira Singh deposed that on 12.12.2000, he recorded the statement (Ex.PA) of Ajay Pal Singh (complainant) and made an endorsement Ex.PA/1. On the basis thereof, formal FIR (Ex.PA/2) was recorded by ASI Kulwant Singh. He further deposed that he prepared the inquest report (Ex.PN) and handed over all the documents alongwith the dead body to Constable Sukhbir Singh for getting post-mortem examination. Thereafter, SHO Sohan Lal, took over the investigation from him.



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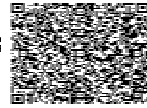
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(xv) PW15 SI Sohan Lal, deposed that on 12.12.2000, he was posted as Station House Officer, Police Station Sadar, Nawanshahar. On receipt of a wireless message from ASI Kashmira Singh, he reached the spot. Many persons were present at the spot. ASI Kashmira Singh had already prepared inquest report. He prepared the rough site plan (Ex.PAA), lifted the blood stained earth from the spot and made it into a sealed parcel. He also took in possession a pair of slippers, a ball point, a black colour shawl, from the spot and the scooter bearing No.PB-32-B-2680. The blood stained belongings of the deceased were also taken in possession and were made into a parcel. He recorded the statements of the witnesses.

8. After closing the prosecution evidence, the statements of the respondents under Section 313 Cr.P.C. were recorded wherein they had denied all the allegations and pleaded innocence. They pleaded that they have been falsely implicated in this case. However, no defence witness was examined.

9. The trial Court, after considering the statements of all the witnesses and taking into account the evidence led by both the sides, had convicted the appellants vide the impugned judgment and order of sentence.

10. Learned counsel for the appellants submitted that the impugned judgment of conviction and order of sentence passed by the trial Court are wholly unsustainable under the law because the prosecution failed to produce any cogent, reliable, and trustworthy evidence to establish the guilt of the appellants. It is submitted that the present case rests entirely on circumstantial evidence and the extra-judicial confession allegedly made before PW6 Hans

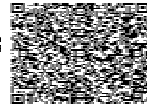


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Raj which is a weak and unreliable piece of evidence. It was further submitted that the appellants had no close relationship or special confidence in PW6 so as to show trust in him for making such a serious confession. Moreover, there was an unexplained delay between the alleged confession on 11.03.2001, the recording of the statement on 12.03.2001 and the production of the appellants before the police on 14.03.2001. He further submitted that the testimony of the approver PW9 Fateh Singh cannot be relied upon as he made material improvements and contradictions in his deposition before the Court. Being an accomplice, his evidence is a weak piece of evidence in law and requires strong independent corroboration, which is absent in the present case. It was also submitted that the medical evidence does not fully corroborate the ocular version, particularly regarding the nature and manner of injuries. Learned counsel further contended that the recovery of the alleged weapon is doubtful as no independent witness of confidence has supported the same. He, therefore, prayed for allowing the appeal(s) of the appellants and setting aside the impugned judgment of conviction and order of sentence.

11. *Per contra*, learned State counsel supported the impugned judgment and submitted that the trial Court rightly convicted the appellants after proper appreciation of the evidence on record. It was submitted that the prosecution successfully proved its case beyond reasonable doubt and that the findings recorded by the trial Court do not suffer from any illegality or perversity. Learned State counsel submitted that the extra-judicial confession made before PW6 Hans Raj, an Ex-Sarpanch of the village, is natural, voluntary and inspires confidence. The delay in informing the police has been



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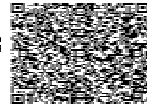
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adequately explained, as PW6 first attempted to consult senior police officers before producing the appellants. It is further submitted that the testimony of PW9 Fateh Singh (approver) is trustworthy and stands sufficiently corroborated by other prosecution evidence, including medical evidence, recovery of weapon and conduct of the appellants. Merely because he is an approver, his testimony cannot be discarded. He also emphasized that the recovery of the Khukhari pursuant to the disclosure statement of the appellant is a strong incriminating circumstance, which further strengthens the prosecution case. The medical evidence fully supports the prosecution version regarding the use of sharp-edged weapons. Accordingly, it is prayed that the prosecution has clearly established the guilt of the appellants beyond reasonable doubt, and the appeal deserves to be dismissed.

12. We have considered the arguments raised by learned counsel for the parties and carefully examined the entire oral and documentary evidence available on record.

13. The FIR in the present case was registered in respect of a blind murder, as no eyewitness to the occurrence was initially available. The dead body of Sandip Pal Singh @ Soni was discovered by his brother-Ajay Pal Singh (complainant), in the wheat fields of Gurcharan Singh at about 09:00 AM on 12.12.2000. On the basis of his statement, the FIR was registered on the same day at about 12:15 PM, and the special report was sent at 04:55 PM.

14. The prosecution has attempted to connect the appellants with the crime solely on the basis of circumstantial evidence. The main circumstances relied upon by the prosecution are the alleged last seen evidence, extra-judicial



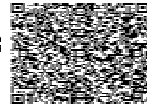
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confession, testimony of the approver, motive, and recovery of weapon. Each of these circumstances must be examined carefully to see whether they form a complete chain pointing towards the guilt of the appellants.

15. The first circumstance relied upon by the prosecution is the last seen evidence of PW5 Shamsheer Singh @ Sheru. According to this witness, he had seen Fateh Singh (the approver) along with the appellants-Manjit Singh and Rajinder Kaur at about 10:00/10:30 PM on 11.12.2000. He stated that all three of them had their ankles smeared with mud. Upon being questioned, Fateh Singh appeared perplexed and stated that they had some altercation with a boy named Soni and therefore, he had become late. PW5 further stated that he noticed this fact in the headlights of his car when he met them near the shop. However, the testimony of this witness does not inspire confidence. A significant circumstance which creates doubt is that his statement was recorded by the police only on 07.03.2001, nearly three months after the occurrence. The prosecution has failed to offer any plausible explanation for this considerable delay. The witness himself admitted that he had come to know about the murder of Soni within three to four days of the occurrence, yet he remained silent and did not inform the police. Such conduct appears wholly unnatural and raises serious doubt about the truthfulness of his testimony. A person who had witnessed suspicious circumstances connected with a serious crime would normally inform the authorities immediately. Therefore, the evidence of PW5 cannot safely be relied upon to establish the circumstance of last seen.

16. The next circumstance relied upon by the prosecution is the extra-judicial confession allegedly made by the appellants before PW6 Hans Raj,



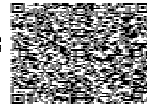
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who was the Ex-Sarpanch of village Muzaffarpur. PW6 stated that on 11.03.2001 at about 10:00 AM, both appellants came to his house and confessed their involvement in the murder of Sandip Pal Singh @ Soni. According to him, Rajinder Kaur disclosed that she had earlier developed illicit relations with the deceased but later their relations got strained. She had asked the deceased to return certain photographs and letters, but he refused and even threatened her. Thereafter, she developed relations with Manjit Singh and both of them decided to eliminate Sandip Pal Singh. PW6 further deposed that on the night of 11.12.2000, Rajinder Kaur called the deceased near the canal bridge and with the help of Manjit Singh and Fateh Singh, assaulted him with a kirch and khukhari, resulting in his death. However, this alleged extra-judicial confession appears doubtful for several reasons.

16.1 Firstly, the prosecution has not established that the appellants had any close relationship or special confidence between the appellants and PW6 that would make them choose him as a person to confess such a serious offence.

16.2 Secondly, the conduct of PW6 appears unnatural and raises doubts. If the appellants had actually confessed before him on 11.03.2001, there was no reason for him to delay informing the police. According to his own version, he reported the matter to the CIA Staff, Nawanshahar only on 12.03.2001 and thereafter produced the appellants before the police on 14.03.2001. This unexplained delay creates doubt about the genuineness of the alleged confession.



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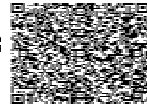
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17. It is a settled principle of law that in cases based on circumstantial evidence, the chain of circumstances must be complete and must conclusively point towards the guilt of the accused, leaving no room for any other hypothesis consistent with innocence. The circumstances must not only be consistent with the guilt of the accused but also must be inconsistent with their innocence. Reliance in this regard can be placed on the judgment of the Hon'ble the Supreme Court in the case of ***Surinder Kumar versus State of Punjab, 1999 SCC (Criminal) 33***, wherein it has been held that when there is no special relationship or confidence between the accused and the witness, the evidentiary value of an extra-judicial confession becomes doubtful.

18. Similarly, this Court in the case of ***Rup Lal versus State of Punjab, 1998(1) RCR (Criminal) 796***, has observed as under:-

*“9. In order to sustain conviction on circumstantial evidence alone, we have to see whether the chain of circumstantial evidence is complete and incapable of explanation on any other hypothesis than that of the guilt of the accused. Circumstantial evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence. Regarding appreciation of circumstantial evidence, the law laid down by the Supreme Court in ***State of Maharashtra v. Annappa Bandu Kavatage, AIR 1979 SC 1410, State (Delhi Administration) v. Gulzari Lal Tandon, AIR 1979 SC 1382, Pohaly Motya v. State of Maharashtra, AIR 1979 SC 1949, Gambhir v. State of Maharashtra, AIR 1982 SC 1157 and Prem Thakur v. State of Punjab, AIR 1983 SC 61*** is as follows :-*

"It is well settled that before a Court can act on circumstantial evidence the circumstances proved must be complete and of a conclusive nature so as to be fully inconsistent with the innocence of the accused and are not explainable on any other hypothesis except the guilt of the accused.

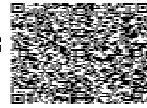


It is also well settled that the accused can be convicted on circumstantial evidence only if every other reasonable hypothesis of guilt is completely excluded and the circumstances are wholly inconsistent with the innocence of the accused.

The principles are that each circumstance relied upon by the prosecution must be established by cogent, succinct and reliable evidence; that the circumstances relied upon must be such as cannot be explained on any hypothesis except the guilt of the accused. In other words, the circumstances must be of an incriminating character. All the proved circumstances must provide a complete chain no link of which must be missing and they must unequivocally point to the guilt of the accused and exclude any hypothesis consistent with his innocence.

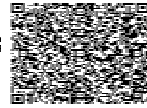
The law regarding circumstantial evidence is well-settled. When a case rest upon circumstantial evidence, such evidence must satisfy three tests : (1) the circumstances from which an inference of guilt is sought to be drawn, must be cogently and firmly established; (2) those circumstances should be of a definite tendency unerringly pointing towards guilt of the accused; (3) the circumstances taken cumulatively, should form chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else. The circumstantial evidence in order to sustain conviction must be complete and incapable of explanation on any other hypothesis than that of the guilt of the accused. The circumstantial evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence."

19. Therefore, the conviction of the appellants based on the alleged extra-judicial confession is not reliable and does not form a strong link in the chain of evidence. It is well known that without clear and strong supporting evidence, an extra-judicial confession cannot be safely used to convict a person.



20. The most material piece of evidence relied upon by the prosecution is the testimony of PW9 Fateh Singh, who was made an approver in the case. PW9 stated that he was running a painter shop at Dhillon Market, Jadla and had known Manjit Singh since childhood. According to him, Manjit Singh had developed close relations with Rajinder Kaur. On the night of 11.12.2000, Manjit Singh allegedly took him along to the house of Rajinder Kaur and thereafter all three of them proceeded towards village Jadla. On the way, the deceased Soni arrived on a scooter. An altercation took place, during which Manjit Singh allegedly inflicted a blow with a khukhari. The deceased attempted to escape but slipped in the fields. Thereafter, Manjit Singh and Rajinder Kaur allegedly inflicted further blows with sharp-edged weapons. However, the testimony of an approver, though legally admissible, must be examined with great caution. It is a well-settled rule of prudence that the evidence of an accomplice requires independent corroboration on material particulars before it can safely be relied upon for recording a conviction. In the present case, the testimony of PW9 does not appear to be wholly reliable. The approver seems to have attempted to minimize his own role in the occurrence and has portrayed himself merely as a passive spectator, despite the fact that he remained present throughout the incident. More importantly, his version does not receive sufficient corroboration from independent evidence available on record.

21. With regard to the reliability of the testimony of an approver, reference may be made to the judgment of the Hon'ble Supreme Court in the case of ***Niranjana Singh vs. State of Punjab, (1996) 9 SCC 98***, wherein it has



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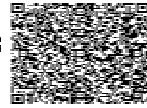
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been held that although a conviction can legally be based on the uncorroborated testimony of an approver, yet as a rule of prudence it is unsafe to place reliance upon such testimony unless it is corroborated in material particulars by independent evidence. The relevant extract thereof is reproduced hereunder:-

“12. The important question that arises for our consideration is whether there is sufficient evidence in this case to arrive at a conclusion that the approver and the appellant were the persons respective for causing the murder of Harnek Singh (decease). It is also equally important to find out as to whether evidence of Gurjant Singh (P.W.3) the approver is trustworthy and can be relied upon to sustain the conviction of the appellant before us. It is well settled that the approver's evidence must pass the double test of reliability and corroboration in material particulars. It is said, that the approver is a most unworthy friend and he having arraigned for his immunity must prove his worthiness for credibility in Court. Firstly, we will have the evidence of Gurjant Singh (P.W.3), approver carefully to find out as to whether his evidence can be accepted as trustworthy. Secondly, once that hurdle is crossed the story given by an approver so far as the accused on trial is concerned, must implicate him in such a manner as to give rise to a conclusion of guilt beyond reasonable doubt. Ordinarily, combined effect of [Sections 133 and 114](#) of the Evidence Act is that conviction can be based on uncorroborated testimony of an approver but as a rule of prudence it is unsafe to place reliance on the uncorroborated testimony of an approver. [Section 114](#) illustration (b) incorporates a rule of caution to which the courts should have regard. See [Suresh Chandra Bahri vs. State of Bihar](#) 1995 Supp (1) SCC 80.”

22. In the present case, the testimony of the approver remains largely uncorroborated on material aspects and therefore, it would not be safe to base the conviction of the appellants solely on such evidence.

23. The prosecution has also relied upon the alleged recovery of the weapon, namely the *khukhari*, at the instance of the appellants. However, this



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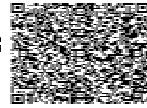
recovery also appears doubtful because it is not supported by any reliable independent witness. Moreover, the prosecution has not produced convincing evidence to show that the recovered weapon was actually used in the commission of the crime.

24. Another important aspect pertains to the medical evidence. The post-mortem report shows that the deceased had suffered numerous incised and punctured injuries on different parts of his body. The nature and multiplicity of injuries appear extensive and brutal. However, the manner in which the incident has been described by the approver does not satisfactorily explain the large number of injuries found on the body of the deceased. Thus, the medical evidence does not completely support the prosecution version.

25. The prosecution has also tried to establish motive by alleging that Rajinder Kaur had illicit relations with the deceased and that the deceased had refused to return certain photographs and letters. Even if this allegation is accepted, the motive appears weak. From the evidence on record, it appears that Rajinder Kaur had already developed relations with co-accused Manjit Singh. In such circumstances, the alleged motive does not appear strong enough to explain the commission of such a brutal murder.

26. Furthermore, it is noteworthy that this is a blind murder case and the evidence linking the appellants with the offence surfaced only after about three months of the occurrence. Such delay further weakens the prosecution case.

27. After carefully examining the entire evidence on record, it becomes evident that the circumstances relied upon by the prosecution do not



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form a complete and unbroken chain pointing exclusively towards the guilt of the appellants. The evidence relating to last seen, extra-judicial confession and testimony of the approver is either unreliable or insufficiently corroborated.

28. It is a settled principle of criminal law that suspicion, however strong, cannot take the place of proof. The prosecution must establish the guilt of the accused beyond reasonable doubt. Where the evidence creates doubt or two views are possible, the view favourable to the accused must be adopted.

29. In light of the above, we are of the considered opinion that the prosecution has failed to prove its case against the appellants beyond reasonable doubt. The benefit of doubt must, therefore, go to the appellants.

30. Consequently, the appeal is allowed and the impugned judgment of conviction and order of sentence dated 29.07.2004 passed by the learned Additional Sessions Judge, Nawanshahar, are hereby set aside. The appellants are acquitted of all the charges framed against them by giving them the benefit of doubt. Their bail bonds shall stand discharged. The fine, if paid, be refunded in accordance with law.

31. Pending application(s), if any, shall stand disposed of accordingly.

(H.S.GREWAL)
JUDGE

(N.S. SHEKHAWAT)
JUDGE

March 20, 2026

Sonia

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