

2026:PHHC:057698-DB



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

CRA-D-934-DB-2004(O&M)**Reserved on: 26.02.2026.****Pronounced on: 16.04.2026.**

Ajmer Puri

...Appellant

VS.

State of Punjab

...Respondent

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

Present : Mr. J.S. Bhatia, Advocate
 for the appellant.

Mr. M.S.Bajwa, DAG, Punjab.

N.S.Shekhawat J.

1. The appellant has preferred the present appeal against the impugned judgment of conviction and order of sentence dated 04.08.2004 passed by the Court of Additional Sessions Judge (Ad hoc), Fast Track Court, Faridkot, whereby, the appellant has been convicted for commission of the offence punishable under Section 302 of IPC and sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs.500/- alongwith default stipulation.

2. The FIR (Ex.PF/2) was registered in the present case on the basis of the statement made by Avtar Puri son of Vidya Puri and the same has been reproduced below:-

“Stated that I am resident of Village Gholia Khurd and I do the work of preparing furniture in the village itself. In the village, we live in the site of Baba Alakh Puri. In this site, Nazar Puri s/o Joginder Puri, who is not married, reside with the family of his brother Karnail Puri. In respect of site of the Dera of Baba Alakh Puri, a case is pending in the Court between us and Nazar Puri. On 6.12.2000, at about 3.00 P.M. I came to know that Nazar Puri and his nephews are going to construct a verandah in the disputed site. I took along my mother's sister Nasib kaur w/o Darshan Puri and went to restrain them. Sher Puri, Baghel Puri, Ajmer Puri sons of Karnail Puri armed with long sticks (Dangs). Chhinder Puri and Gola Puri sons of Sher Puri armed with long sticks and Nazar Puri s/o Joginder Puri armed with long stick were standing there. When I asked them not to construct the verandah, then Sher Puri raised a lalkara that he be taught a lesson for preventing them from constructing the verandah. Sher Puri gave a Dang blow to me, which hit on my left arm. We raised alarm killed-killed. On hearing my noise, my father's younger brother's son Jasbir Puri s/o Darshan Puri came at the spot. Nazar Puri raised a lalkara that he be also taught and he be treated as Darshan Puri was treated. Ajmer Puri gave a Dang blow to Jasbir Puri which hit on the right side of his head. He fell down. Baghel Puri, Chhinder Puri and Gola Puri pulled and pushed me and my mother's sister Nasib Kaur. On hearing our noise, my mother Sukhdev Kaur was also attracted at the spot. Then they all fled away from the spot with their respective weapons. Thereafter, my friend Daljit Singh s/o Chand Singh, caste Raja Sikh r/o Village Gholia Khurd, arranged a conveyance and got my uncle's son Jasbir Puri admitted in Civil Hospital, Baghapurana, The doctor dressed him. On seeing his serious condition, he was admitted in Civil Hospital, Nihal Singh Wala but the doctor referred him to Civil Hospital, Moga. But instead of Moga, we admitted him in CMC Ludhiana for treatment, where the doctor started his treatment. For my own

treatment, I got myself admitted here. Later on, I was discharged. The cause of grievance is that there is a dispute over the land between us. Nazar Puri wants to take forcible possession of the land. For this reason, they with their common intention, have caused injuries to us. You have recorded my statement. I have heard it and is correct. I am the complainant. Action be taken.

*Attested
Sd/- Wakil Singh ASI
P.S.Baghapurana
08.12.2000*

*Avtar Puri aforesaid
Sd/- Avtar Puri*

Police Proceedings: On 6.12.2000, on receipt of MLR No.GS/28/2000 in respect of Soni s/o Darshan Puri, r/o Gholia Khurd, wherein the doctor has recorded one injury having been caused with blunt weapon and has kept under observation, in the police station. I the ASI alongwith H.C. Gurjant Singh No. 48 reached Civil Hospital, Baghapurana for recording the statement of the injured. On obtaining opinion from the doctor in respect of the injured, the doctor informed that injured Soni has left the hospital. Then a Q.S.T. was received from the S.H.O., P.S. Nihal Singh Wala that Jasbir @ Soni had come to Civil Hospital, Nihal Singh Wala, due to injuries and he has been referred to Civil Hospital, Moga. Thereupon, I the ASI along with H.C.Gurjant Singh No. 48, PHG (page torn) reached Civil Hospital, Moga for recording the statement of the injured. The doctor reported in writing that no patient of this name was admitted in the hospital. Today on receipt of a wireless message bearing No. 827 dated 7.12.2000 from the S.H.O. Division No. 3, Ludhiana that Jasbir Puri son of late Darshan Puri and Avtar Puri son of Vidya Puri residents of Gholia Khurd are admitted in CMC Judhiana. Upon this, I the ASI alongwith HC Gurjant Singh No. 48, PHG Gurmit Singh, PHG

Jaila Singh reached CMC Ludhiana for recording the statement and obtained medical ropkar no. C-488007 in respect of Jasbir Puri and Medical ropkar no. C-48008 in respect of Avtar puri and obtained written opinion from the doctor. He declared Jasbir Puri alias Soni unfit to make the statement. Then the written opinion of the doctor was obtained as to the nature of his injuries and the doctor reported that his injury could be dangerous to life. Then the aforesaid statement of Avtar Puri, the eye-witness, whatever he dictated was recorded and after having been reduced into writing, it was read over to him, who after hearing and admitting the statement to be correct, put his signatures in english under his statement, which I attested. From the statement medical report and the opinion of the doctor, an offence punishable under Section 307/323/148/149 IPC is made out. So, this statement is sent to the Police Station, through PHG Jaila Singh, for the registration of a case. After the registration of the case, FIR number be intimated. I along with the accompanying officials and Avtar Puri, complainant proceed to the spot.

*At C.M.C. Ludhiana
at 11.30 AM*

*Sd/- Wakil Singh, ASI
P.S. Baghapurana
08.12.2000*

FIR No.214 dated 08.12.2000 under Sections 307/323/148/149 of IPC has been registered at P.S.Baghapurana.

Sd/o Atma Singh, ASI”

3. After registration of the FIR, ASI Wakeel Singh and other police officials inspected the place of occurrence and collected the incriminating evidence from the spot. Rough site plan was also prepared. Thereafter, the postmortem examination on the dead body of Jasbir Puri was conducted at Civil Hospital, Ludhiana. During the course of investigation, Ajmer Puri, appellant

was arrested and suffered a disclosure statement that he had concealed a dang in the KUP of Toori (cattle fodder) and could get the same recovered. On his disclosure statement, a dang (stick) was recovered by the police. Even the recoveries were made from other co-accused, which are not relevant, as all remaining accused have been acquitted by the trial Court itself and only the appellant was convicted.

4. After conducting the necessary investigation, challan was presented against the appellant and six other accused, who already stood acquitted. After committal, the trial Court found that the appellant and others co-accused had committed the offence under Sections 148, 302/149 and 323/149 of IPC. All the accused pleaded not guilty to the charge and claimed to be tried by the trial Court.

5. In order to prove the charge against the appellant, the prosecution examined Dr. Pawan Gupta as PW-1. He had sent information (Ex.PA) to the police regarding the admission of Avtar Puri and information (Ex.PB) regarding the admission of Jasbir Puri in the hospital. The statement of PW-2, HC Gurjant Singh was formal in nature. The prosecution further examined PW-3, Darshan Singh, Record Keeper, C.M.C., Ludhiana, who brought the medical file of Jasbir Puri, deceased and also proved his death certificate (Ex.PD). He also brought the original injury report of the deceased, which was signed by Dr. Yatin Ghosh. Dr. Yatin Ghosh had left the C.M.C. and was no longer in service and he identified his signatures on Ex.PE. The prosecution further examined PW4, Gursewak Singh, Draftsman, who had prepared the scaled site plan (Ex.PF), in the present case. Avtar Puri, complainant was examined as PW-5, who reiterated the version, as mentioned in his statement (Ex.PF), which

was basis of the FIR in the present case. He stated that the present appellant had given a dang blow on the head of Jasbir Puri, deceased. As for him, there was a dispute regarding Muhantship land of the Dera between the accused party and them. The case of Muhantship was decided in their favour in the year 1990 by the Appellate Court. The prosecution further examined Nasib Kaur, wife of Darshan Puri as PW-6, who was also an eyewitness and also stated that the present appellant was carrying a stick and gave an injury on the right side of the head of Jasbir Puri, deceased. Still further, the prosecution examined HC Kuldeep Singh as PW-7, whose testimony was formal in nature. ASI Wakeel Singh was examined as PW-8, who conducted the investigation in the present case initially. He also got the postmortem examination conducted on the dead body of the deceased. Even, he joined SHO on 22.12.2000, while the appellant was interrogated and he got recovered a stick (dang), in pursuance of his disclosure statement. Inspector Joginder Singh was examined as PW-9, who conducted the initial investigation in the present case and presented the challan. The prosecution further examined PW-10, Dr. Jasbir Singh, who was part of the Medical Board, which conducted the postmortem examination on the dead body of Jasbir Puri on 09.12.2000. According to him, rigor mortise was present all over the body and there was postmortem staining on the back and he found the following injuries.

- “1. Stitched wound starting from the centre and upper part of the forehead, curving through the parietal bone and ending at the temporal bone at tragus of right ear.*
- 2. Stitched wound 1.5 cm on the right parietal bone on the upper and back.*

3. *On exploration of the skull, there was haematoma on the right temporal parietal region. There was four burr-holes marking on the temporal parietal region. Temporal parietal bone can be separated. There was haematoma beneath it. There was clotted blood in the brain matter and it is oedematous.*

Throat was healthy.

The cause of death in this case was due to shock as a result of head injury, which was sufficient to cause death in ordinary course of nature. The injuries were ante mortem in nature.”

As per him, the time between injuries and death was about two days and the death and postmortem was about 20 hours. He also exhibited the copy of postmortem report as Ex.PV and the pictorial diagram as Ex.PV/1.

6. After concluding the prosecution evidence, all the incriminating circumstances were put to the appellant in the shape of the statement under Section 313 Cr.P.C. and he stated that he had been falsely implicated as Chhinder Puri, Gohla Puri and Nazar Puri were found innocent by the police and as he participated in the inquiry by the police, the complainant made a wrong statement before the police and falsely involved him.

7. Even Dr. G.S. Sharma was examined as DW-1, who stated that he had examined Sony son of Darshan Puri and found the following injury on his person.

“1. A profuse swelling over the right forehead 3 cm x 2 cm, 3 cm above right supra ciliary arch and advised x-ray.

The injury was kept under observation. The patient was brought by Daljit Singh, friend. Patient was conscious, his BP was 120/80 mm, pulse 80 pm. Both pupils were dilated and reacting to light.

Ex.DB is the carbon copy of MLR and it bears my signatures. The injury was caused with blunt weapon. He had thoroughly checked the body of the injured, when he came to him.”

8. Learned counsel appearing on behalf of the appellant has vehemently argued that the appellant was falsely involved in the present case due to a dispute pertaining to Dera of Baba Aulakh Puri between both the parties. Apart from that, a land dispute was also pending between the parties and both the parties were claiming their land as well as the Dera. Still further, in the present case, initially seven persons were tried by the trial Court, however, six accused have already been acquitted by the trial Court and the appellant was wrongly convicted. Rather, this clearly shows that the most of the version of the complainant side was found to be false and the appellant has been made scapegoat unnecessarily.

9. On the other hand, learned State counsel has vehemently argued that this case was of an eyewitness account and from the statements of PW-5, Avtar Puri and PW-6 Nasib Kaur, the involvement of the present appellant stood beyond the shade of reasonable doubt. Apart from that, the ocular account was corroborated by the medical evidence and the deceased had succumbed to the injuries suffered in the said incident.

10. We have heard learned counsel for the parties and perused the record carefully.

11. In the present case, the prosecution examined Avtar Puri, complainant as PW-5. While appearing as PW-5, Avtar Puri had reiterated his version, as mentioned in the FIR (Ex.PF/2). He categorically stated that the appellant had come alongwith other accused and was carrying a dang (stick).

Even, the appellant gave a blow with stick on the head of Jasbir Puri, deceased and he had suffered the injury on his head. Even, he also clarified that a land dispute as well as a dispute regarding Muhantship was pending between the complainant party and the appellant/accused. Even the case of Muhantship was decided in their favour in the year 1990 by the Appellant Court, however, it appears that the accused party was nursing a grudge due to the said dispute and a specific role was assigned to the present appellant. Even the testimony of PW-5, Avtar Puri was duly corroborated by the statement of PW-6 Nasib Kaur, who deposed on similar line. Both the witnesses were cross-examined at length, however, their testimonies could not be shattered in any manner.

12. Apart from that, the present appellant was interrogated by ASI, Wakeel Singh and Joginder Singh, SHO, on 22.12.2000. However, the appellant suffered a disclosure statement that he had concealed a dang (stick) in the heap of toori (cattle fodder) and he could get the same recovered. In pursuance of his statement (Ex.PN), he led the police party to be disclosed place and got recovered the dang, which was taken into possession by the police. Still further, the prosecution examined PW-10, Dr. Jasbir Singh, who found the following injuries on the person of Jasbir Puri, deceased.

“1. Stitched wound starting from the centre and upper part of the forehead, curving through the parietal bone and ending at the temporal bone at tragus of right ear.

2. Stitched wound 1.5 cm on the right parietal bone on the upper and back.

3. On exploration of the skull, there was haematoma on the right temporal parietal region. There was four burr-holes marking on the temporal parietal region. Temporal parietal bone can be

separated. There was haematoma beneath it. There was clotted blood in the brain matter and it is oedematous. Throat was healthy.”

13. From the above, it is apparent that the ocular version of the prosecution was found duly corroborated with the medical evidence and the injury, which was caused by the present appellant proved fatal finally and Jasbir Puri, deceased had died, due to the injury caused by the present appellant. Even it is not the case of the present appellant that he had exercised his right of private defence and in self-defence, he had committed the offence. Even, the prosecution had led sufficient and cogent evidence to prove the involvement of the present appellant in the crime beyond the shadow of reasonable doubt.

14. As a consequence, the present appeal is devoid of merits and is ordered to be dismissed. Consequently, the impugned judgment of conviction and order of sentence dated 04.08.2004 passed by the Court of Additional Sessions Judge (Ad hoc), Fast Track Court, Faridkot are ordered to be upheld.

15. All pending applications, if any, are also disposed of, accordingly.

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

17. 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