

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

CRA-D-924-DB of 2014 (O&M)

SHAMSHER SINGH

... APPELLANT

VERSUS

STATE OF HARYANA

...RESPONDENT

Reserved on : 12.12.2025.
Pronounced on : 6.02.2026.

Whether full judgment
is pronounced
or
operative part thereof : **Full.**

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. S.S. Nain, Advocate with
Ms. Tanya Vashist, Advocate,
for appellant.

Mr. Dhruv Dayal, Additional A.G. Haryana.

PARMOD GOYAL, J.

This appeal is directed against the judgment of conviction dated 15.04.2014 and order of sentence dated 16.04.2014 passed by Sessions Judge, Narnaul, Haryana in Sessions Case No. 30 of 2013 whereby and whereunder appellant Shamsher Singh was held guilty of charges under Sections 302 and 201 Indian Penal Code, 1860 (hereinafter referred to as 'IPC') and was sentenced to undergo rigorous life imprisonment and pay a fine of Rs. 15,000/- (in default to undergo RI for six months) under section 302 IPC and to undergo rigorous imprisonment for a period of three years and pay a fine of Rs. 5,000/-

(in default to pay fine to undergo RI for three months) under section 201 of IPC.

2. Prosecution case as put forth by way of statement of PW-1-Neelam-author of FIR/sister-in-law of accused, on the basis of which FIR was registered, is that accused was younger brother of husband of Neelam and he was married to younger sister of Neelam. Accused had a seven year old son named Anshu (deceased). Accused was confined in jail in connection with a quarrel in the village and in his absence, his wife along with their child, Anshu (deceased) had gone to her parental house, from where she had disappeared 1-1/2 years prior to occurrence. Their son Anshu was at his maternal grandparents/uncle's house. Ten (10) days prior to his release, accused had asked Neelam to get his son Anshu from house of his in-laws. On 25.03.2013, Neelam brought back Anshu and handed over Anshu to accused. Thereafter, accused started beating Anshu. On 22.04.2013 at about 08.00 a.m., Neelam looked in the house of accused and found that accused had committed murder of Anshu whose dead body was lying on the cot. On seeing Neelam, accused took the body of Anshu on pretext that he is going to get medicines from village Dholi. Neelam informed her parents about the incident on phone. Thereafter, Neelam's brothers namely Sonu and Ashok reached village Akoda and caught hold of Shamsher (accused) at the *bani* (forest) of village Dholi and found Anshu dead. She accordingly prayed for action against accused.

3. After completion of investigation in FIR No.151 dated 22.04.2014 registered at Police Station Mahendegarh, challan against the appellant was presented on 11.06.2013. Appellant was put to trial for commission of offences under Sections 302 and 201 IPC, which was denied by accused who claimed trial. Thereafter, on 16.08.2013 charges under

Sections 302 and 201 IPC were framed.

4. To prove case of prosecution, apart from examining complainant/eye witness Neelam as PW-1, in all 10 witnesses were examined. Prosecution has also examined PW-10 Yashpal who asserted to have found accused with deceased in his lap in the forest area. Accused had told them that he was taking deceased to doctor. Police was informed, upon which accused was arrested and dead body was taken in possession. PW-10 duly identified dead body of deceased and found/saw several marks of injuries. Dr. Suresh Chand, examined as PW-5, conducted post-mortem along with Dr. Renu Verma on the dead body of deceased-Anshu. PW-5, vide post-mortem report Ex. P-5/A noted the following:-

“Hematoma 6x4 cm over right parieto occipital region of skull, # of bone underneath seen, EDH present, collection of blood clot present.

Deep burn over root of nose approx 0.5x0.5 cms.

Partially healed abrasion with scab present over right cheek, left cheek just lateral to eyes and over chin.

Partially healed abrasion with scab over right side of chest size approx. 3x1 cm, over left ASIS-1x1 cm, over tip of penis-1x0.5 cm, over right knee-1x1 cms, over right elbow -3x1 cms, over left elbow graze abrasion --1x1 cms.

Partially healed burn wound over thoraco-lumbar spine size approx 4x2 cms and over right elbow 0.5x0.5 cms.

Bruise over whole of sole of left foot.

Brain oedema present

Viscera healthy.

Cause of death in this case was coma due to Antimortem head injury however viscera send to FSL to rule out

poisoning. Probable time between death & # post mortem was within 24 hours.”

5. Prosecution has also examined PW-2, ASI Mahesh Kumar, who prepared two scaled site plans Ex. PW2/A and Ex. PW2/B. PW-3-HC Satbir Singh took photographs of the dead body of deceased at forest of village Dholi Ex.P-1 to Ex.P-7. PW4–ASI Yashwant Singh recorded disclosure statement Ex.PW-4/A suffered by accused Shamsher while identifying the place where he committed the murder of deceased Anshu. PW-6 ASI Kirpal Singh received information about the murder of deceased and on reaching the house of accused, he recorded statement of Neelam, inspected spot and conducted investigation. On the basis of statement of Neelam, FIR was registered. PW-7 Constable Mahender Partap tendered formal affidavit Ex.PW7/A deposing handing over case property for FSL. PW-8 ASI Satish Kumar recorded FIR Ex.PW8/B. PW-9 Inspector Ramesh Kumar deposed regarding investigation and arrested accused Shamsher.

6. To counter the case of prosecution, the accused, apart from denying his involvement vide his statement recorded under Section 313 Cr.P.C. in which he claimed to be innocent, had opted to lead evidence in defence. However, no evidence in defence was led by the accused.

7. Learned Sessions Judge, Narnaul, relying on evidence led by prosecution, accepted the deposition of PW1 corroborated by other witnesses and held accused Shamsher Singh guilty of charges under Sections 302 and 201 IPC levelled against him. Aggrieved of judgment of conviction dated 15.04.2014 and order of sentence dated 16.04.2014, present appeal has been preferred by accused.

8. Learned counsel for accused has argued that learned Trial Court has erred in relying upon evidence of PW1-Neelam in convicting the accused. From the evidence of PW1-Neelam and PW6-ASI Kirpal Singh it is clearly made out that house of Neelam was situated at a distance from the house of accused and, therefore, she could not have witnessed the occurrence as being claimed by her. Accordingly, her statement is stated to be unreliable. It is further submitted that PW1-Neelam is an interested witness and she herself admitted that she had enmity with accused. It is asserted that appellant has been falsely implicated by his sister-in-law to grab his property and also out of enmity. Prosecution has failed to examine the mother of accused, who as per PW1, was present at the time of occurrence in the house of accused. Learned counsel accordingly prayed for acquittal of appellant-accused.

9. Learned State counsel on the other hand has defended the judgment of conviction and order of sentence and asserted that findings are based upon cogent evidence on record. It is asserted that evidence of PW1 and PW10 clearly shows that it was accused who was found in possession of dead body of deceased. That body of deceased was having external injuries which duly corroborates assertions made by PW1, PW10 and PW-5 (Doctor who had conducted post mortem examination).

10. On consideration, we do not find any error in appreciation of evidence by learned Trial Court. Admittedly, accused is facing trial for killing his own minor son aged 7 years. PW1-Neelam is sister-in-law of accused and maternal aunt (Massi) of deceased. She duly stated that her younger sister was married to accused; prior to the incident accused remained in jail; that during his absence his wife had left for her maternal home and one and half (1 ½) years

prior to occurrence she had gone missing. PW1 has further asserted that accused was released from jail and had asked PW1 to bring his son back from his maternal home. PW1 had brought back deceased and had handed over his custody to accused on 25.03.2013. Accused had started beating his son and on 22.04.2013 PW1 had noticed that after killing deceased, accused had put him on the cot and thereafter, accused left his home along with dead body of deceased and when she inquired from accused it was informed that accused was taking his son to doctor. PW1 accordingly informed her brothers who on information found accused along with dead body of deceased in the forest area of village Dholi. Deceased had injury marks on his body. Police was informed and dead body was taken in possession from accused and after recording statement of PW1, FIR was lodged. PW10 who along with brother of PW1 had located accused and deceased in the forest area of village Dholi has fully supported the case of prosecution. He while appearing before the Court asserted that on 22.04.2013 he received telephonic call from Ashok whereby he informed that his brother-in-law has murdered his son Anshu by giving him beatings. Thereafter, he along with Ashok reached village Akoda where Neelam told them that accused has taken deceased towards forest area of village Dholi. They found accused Shamsher Singh having Anshu in his lap in the forest area of Dholi and when they inquired from accused, accused informed them that he was taking deceased to the doctor, however, Anshu was already dead. Police was called on the spot. Police took the body of child and arrested the accused. He duly asserted that he had identified Anshu and his dead body was having several marks of injuries.

11. Above noted evidence of PW1-Neelam is being challenged by defence on the ground that PW1 was inimical towards accused and wanted to grab his property by falsely implicating him. No doubt PW1 in her cross-examination had admitted that she had some quarrel with accused Shamsher Singh and he had given her axe blows 2-3 times, however, mere fair admission made by PW1 regarding previous quarrel with accused by itself is not sufficient to draw the conclusion that PW1 had any reasons to falsely implicate accused in murder of her nephew and son of accused. It must not be forgotten that PW1 being sister-in-law of accused could not have inherited the property as same would have gone to other class one heirs i.e. mother and brother of accused, therefore, the argument that PW1 had falsely implicated accused in order to grab his property is without any basis. It needs to be kept in mind that both deceased and accused are closely related to PW1. Accused is brother-in-law (Jija) of PW1 and deceased was nephew; she is the maternal aunt (massi) as well. The evidence of PW-1 is consistent and trustworthy, which is further corroborated by evidence of PW-10 and PW-5-Doctor. The assertions of PW-1 that it was she who had brought deceased from his maternal home and had handed his custody on 25.03.2013 just a month prior to occurrence after release of accused from jail has gone unchallenged. This shows that no enmity as to falsely implicate accused in present case, existed.

12. Similarly, there is no merit in the argument raised on behalf of learned counsel for appellant that PW1 could not have seen the occurrence as her house was situated at a distance. From the evidence of PW1, PW6 as well as site plan, it is clearly made out that house of PW1 and that of accused are situated nearby and separated by open area i.e. field of accused-Shamsher

Singh. PW1 has clearly stated that she had seen the dead body of deceased lying on the cot from opening of her house. This fact has not been challenged in her cross-examination on behalf of accused, rather in her cross-examination PW1 had specifically asserted that one aperture was present in the wall of her house from where she had seen deceased lying on the cot. PW1 had also specifically stated that 'jangla' (window/grill) of house of Shamsher Singh was also open. Even on perusal of site plan it is clearly made out that there was no obstruction between house of PW1 and accused. Verandha could be seen from the house of PW1, therefore, assertions made by PW1 cannot be doubted.

13. It is worth noticing that PW10 clearly stated that when the dead body was recovered from possession of accused, deceased was having injury marks over his body. The fact regarding external injury marks as stated by PW10 are fully established by evidence of PW5-Dr. Suresh Chand who had conducted postmortem examination of deceased vide his report Ex.PW5/B. It is worth noticing that PW5 along with Dr. Renu Verma had conducted postmortem examination on the dead body of deceased Anshu who had suffered following injuries:-

“Hematoma 6x4 cm over right parieto occipital region of skull,# of bone underneath seen, EDH present, collection of blood clot present.

Deep burn over root of nose approx 0.5x0.5 cms.

Partially healed abrasion with scab present over right cheek, left cheek just lateral to eyes and over chin.

Partially healed abrasion with scab over right side of chest size approx.3x1 cm, over left ASIS-1x1 cm, over tip of penis-1x0.5 cm, over right knee-1x1 cms, over right elbow -3x1 cms, over left elbow graze abrasion --1x1 cms.

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Bruise over whole of sole of left foot.

Brain oedema present.

Viscera healthy.”

PW-5 had duly found cause of death to be coma due to antemortem head injury and stated that probable time between death and postmortem was 24 hours. The evidence of doctor as well as postmortem report duly establish that deceased had not died on account of natural causes but on account of antemortem injuries which were found on body of deceased. The injuries also corroborate version of PW-1 of regular physical abuse of deceased at the hands of accused. PW10 has further proved that accused Shamsheer Singh was found in possession of dead body of deceased in the forest area of village Dholi. This fact could not be challenged by defence. No explanation is forthcoming as to why the minor child who was in the custody of accused turned into dead body when recovered from his possession. In view of provision of Section 106 of Evidence Act, 1872 it was duty of accused to explain in what circumstances minor child in his custody had turned into dead body recovered from his possession who had died on account of external injuries, however, no explanation is forthcoming.

14. Similarly, the argument that non-examination of mother-in-law of PW1 i.e. mother of accused is fatal to the case of prosecution is again without any merit. There was no bar on accused to produce his own mother/mother-in-law of PW1 in defence evidence. Non-examination of mother of accused who may not be cooperating with the investigation out of love for her son, therefore, cannot be held to be fatal to the case of prosecution, in view of trustworthy and reliable evidence of PW1 and PW10 duly corroborated by medical evidence.

15. In the given factual matrix, prosecution has succeeded in proving its case against the appellant beyond reasonable doubt. Learned Trial Court has rightly appreciated the evidence led by both sides and correctly concluded that it was appellant who had caused death of deceased-Anshu by giving him beatings. The judgment of conviction and order of sentence are well reasoned and accordingly upheld. There is no merit in present appeal.

16. No other argument was raised.

17. Appeal is accordingly, dismissed. Conviction and sentence as recorded by learned Trial Court are upheld.

(LISA GILL)
JUDGE

(PARMOD GOYAL)
JUDGE

6.2.2026
chiranjeev/shivani

Whether speaking/reasoned	:	Yes/No.
Whether reportable	:	Yes/No.
Uploaded on	:	07.02.2026