

2026:PHHC:088344



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

101

CRR 420 of 2023 (O&M)**Reserved on:-24.04.2026****Date of Decision:01.07.2026**

Ranjit Singh and others

...Petitioner (s)

Vs.

State of punjab and another

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT**Present:** Mr. Amit Arora, Advocate, for the petitioners.

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

Mr. A.S. Manaise, Advocate
for respondent No.2/complainant.**N.S.SHEKHAWAT, J. (Oral)**

1. The petitioners have filed the present revision petition against the impugned order and charge sheet dated 10.01.2023 passed by the Court of Additional Sessions Judge, Tarn Taran, whereby, the trial Court proceeded to frame charge under Section 302 IPC and in alternative under Section 304 of IPC against the present petitioners.

2. Learned counsel for the petitioner contended that the FIR in the present case was ordered to be registered against the petitioners on the basis of the statement made by Lakhwinder Singh, respondent No. 2, and the same has been reproduced below:-

“Statement of Lakhwinder Singh son of Sardha Singh resident of Village Thakarpura Police Station Sadar Patti, District Tarn Taran aged about 39 years. It is stated that I am resident of above mentioned address and we are three brothers and eldest brother is Gursewak Singh, younger to

him is Sukhdev Singh, aged about 42 years and I am the youngest. We all three brothers used to do agriculture work. Near to our land, there is a land of Ranjit Singh and Gurbhej Singh sons of Balwinder Singh, residents of village Thakarpura and they have constructed their houses in the said land itself. On 07.11.2021 at about 8 PM, my brother Sukhdev Singh son of Sardha Singh have gone for irrigating land and there he had a fight with Ranjit Singh son of Balwinder Singh regarding which my brother disclosed to me and I also went in the land with my brother and persuaded him by stating that we don't want to fight and thereafter we both brothers went to sleep near the room. Today on 08.11.2021 at about 5AM in the morning my brother Sukhdev Singh after getting awake went to the fields for watering. Ranjit Singh, Gurbhej Singh sons of Balwinder Singh and Gurpreet Kaur wife of Ranjit Singh, residents of village Thakarpura were already standing there and Gurpreet Kaur raised lalkara that let us catch hold of him today and teach him a lesson for putting water into our land. After saying this Gurpreet Kaur get hold of my brother Sukhdev Singh and Gurbhej Singh get hold of him from both of the arms of my brother and Ranjit Singh with his hands strangulated my brother Sukhdev Singh. My brother raised hue and cry and I went towards him while running and on seeing me all the three persons fled away from the spot. My brother Sukhdev Singh fell down and I try to shake him but he was not breathing. I immediately called my cousin brother Rashpal Singh @ Bittu son of Bakshish Singh, resident of village Thakarpura and after arranging the vehicle took my brother to Civil Hospital, Patti for treatment. When we reached near the Civil Hospital, Patti then my brother Sukhdev Singh got expired. Ranjit Singh, Gurbhej Singh, Gurpreet Kaur above said have murdered my brother Sukhdev Singh by strangulating him because of

putting water in the fields. This entire incident was witnessed by me. I after leaving the dead body of my brother with Rashpal Singh @ Bittu was going to gave information to you and you met me on the way. Thus, strict legal action may kindly be taken against the above said accused persons. I have got recorded my statement before you, which has been read over and the same is admitted to be true.” Sd/- Lakhwinder Singh attested by Lakhbir Singh SI/SHO Police Station Sadar Patti, date 08.11.2021XXX.”

3. Learned counsel for the petitioners submitted that as per the allegations levelled by the complainant in the FIR, the petitioner No.2 had exhorted all other accused to caught hold of the deceased and teach him a lesson. Thereafter, the petitioner No.2 had caught hold of the deceased, whereas, petitioner No.3 had held both arms of the deceased, and the petitioner No.1 had allegedly strangled Sukhdev Singh, deceased. Learned counsel submitted that in fact after the occurrence, the postmortem examination on the dead body of Sukhdev Singh was conducted by a board of doctors and the postmortem report (Annexure P-3) was prepared. As per the medical evidence, apparently there was no injury on the neck of Sukhdev Singh, deceased, and in the column of death, it was mentioned that the cause of death would be given after receipt of report of histopathological report and chemical examiner's report. Even, there was no medical evidence to suggest that the strangulation of Sukhdev Singh by anyone. Thereafter, the reports of experts were received and the medical opinion was obtained from Board of Doctors regarding the cause of death. However, the Board of Doctors, Department of Forensic Medicines and Toxicology, GMC Amritsar, recorded the following opinion:-

“After going through the inquest papers, photocopy of the postmortem record and viscera reports, the present board want to comment that we are not in a good position to comment upon the exact cause of death as neither we have conducted the postmortem nor we have seen the case. Moreover, in the postmortem examination report, nothing has been mentioned about any of the gross findings as well as on dissection and the whole report mentioning NAD (No Abnormality detected). So, the present board is not in a position to comment on the cause of death. As per the guidelines of the Punjab Medical manual, the concerned doctor is to give the opinion. Thus, the doctor who conducted the postmortem is in better position to declare cause of death. Even if the concerned doctor or board constituted at CH Patti finds any difficulty, they can come to the department on any working day with prior information for consultation but the final cause of death has to be declared by the concerned doctor/doctors.”.

4. Thereafter, again a Board of Doctors recorded the following findings regarding the cause of death:-

“Now after going through PMR, police papers, Chemical Examiner Report and Histopathology Report and discussion (verbal) with Forensic Medical Dept., the Board of Doctors is of the opinion that the cause of death in this case in opinion of Board of Doctors is failure of functions of

Heart and Lungs (vital organs) which is sufficient in ordinary course of nature to cause death”.

5. While referring to the aforesaid medical opinion, learned counsel submitted that the case of the prosecution was falsified by the opinion of the board of doctors as well as other attending circumstances. He further submitted that from the postmortem report as well as opinion of the board of doctors, no injury mark was found on the person of the deceased so as to suggest that any kind of force was used in the present case and Sukhdev Singh (since deceased) had died due to failure of functions of heart and lungs and it was a case of natural death. Apart from that, there was no motive on the part of the petitioners to commit the alleged crime. In fact, the land of the petitioners is adjacent to the land of the complainant and the complainant side wanted to interfere in the possession of the petitioners and wanted to carve out a passage from their land. Even, father of petitioners No.1 and 3, namely, Balvinder Singh, had filed a suit for permanent injunction (Annexure P-9) on 28.12.2020 against the father of the complainant and the same was pending adjudication. Thus, only with the view to victimize the petitioners and to settle the old scores, a false case was got registered by the complainant by concocting a story.

6. Learned counsel further submitted that the trial Court completely failed to appreciate that from the material on record, no *prima facie* case justifying the framing of charges was there. However, the trial Court completely failed to appreciate that the prosecution had failed to produce any material on record showing the involvement of the petitioners in the alleged crime. Ultimately, the petitioners also moved

an application (Annexure P-8), for discharging them in the present case and raised several arguments. However, while passing the impugned order, the trial Court not only overlooked the arguments made in the application (Annexure P-8), but also clearly brushed aside the material placed on record by the prosecution, which unerringly pointed towards the innocence of the petitioners. Even, the law is well settled that the trial Court could not have framed charge only on the basis of suspicion alone and before framing the charge, the trial Court should record findings that the material placed on record by the prosecution justified the framing of charge against the present petitioners. Even, the impugned order is non-speaking and no reasons have been recorded for framing of charge against the petitioners. The trial Court proceeded in a mechanical manner and the *challan* and the accompanying documents were ignored while passing the impugned order.

7. On the other hand, learned State counsel assisted by learned counsel for the complainant had vehemently opposed the submissions made by the learned counsel for the petitioners on the ground that Gurpreet Kaur, petitioner No. 2, had exhorted the other accused to teach a lesson to the deceased. On this, the petitioner No. 3 had caught hold of the arms of the deceased and petitioner No. 1 strangled the deceased with his hands. Even, the petitioners had raised several disputed questions of facts which could only be adjudicated during the course of trial and the defence of the petitioners was not to be examined at this stage. Apart from that, there was sufficient evidence in the shape of *challan* before the trial Court which clearly justified the framing of charge against the petitioners. During the pendency of the present

petition, the SSP Tarn Taran was directed to examine the file of the IO in the present case and to submit a status report before this Court. In compliance of the orders passed by this Court, the SSP Tarn Taran appeared before the Court also and submitted that there was no incriminating evidence against the petitioners in the present case and the corrective measures shall be taken by him also. He had also assured the Court that in case some police officials were found involved in the matter, appropriate departmental action shall be taken against them in the present case.

8. I have heard learned counsel for the parties and find force in the submissions made by learned counsel for the petitioners in the present case. Vide the impugned order, the trial Court just to take cognizance of the matter had ordered the framing of charge against the petitioners. However, it was the bounden duty of the trial Court to give appropriate and sufficient reasons on the basis of which it arrived at a conclusion. The trial Court overlooked the settled legal position that the ingredients of each of the provisions of the Indian Penal Code which sought to be foisted upon the petitioners are to be *prima-facie* established before the cognizance of the case was taken by the trial Court. In the present case, the petitioners had moved an application for discharging them and had raised several submissions (Annexure P-8) before the trial Court. However, while passing the impugned order, the trial Court passed a non-speaking order without even adverting to the material on record before it. The trial Court completely failed to appreciate that the charge could not have been framed only on the basis of certain oral submissions made by the witnesses of the prosecution

who were already inimical towards the accused side. The trial Court could not have overlooked the medical evidence in the present case, and apparently, the trial Court avoided to do the legal exercise in the present case. In fact, the Hon'ble Supreme Court in the matter of ***M/s Shree Mahavir Carbon Ltd. Vs. Om Prakash Jalan (Financer) and another***, 2013 AIR (SCW) 6209 highlighted the importance of legal reasoning in support of a particular decision and held that the principal objective in giving judgment is to make it an effective, practical and workable decision, and held as follows:-

“11. In the present case, we have avoided to do this exercise and have not gone into the merits of the case to find out whether the conclusion of the High Court is correct or not, as the counsel for both the parties have agreed for remand of the matter.

12. It is nowhere suggested by us that the judgment should be too lengthy or prolix and disproportionate to the issue involved. However, it is to be borne in mind that the principal objective in giving judgment is to make an effective, practical and workable decision. The court resolves conflict by determining the merits of conflicting cases, and by choosing between notions of justice, convenience, public policy, morality, analogy, and takes into account the opinions of other courts or writers (Precedents). Since the Court is to come to a workable decision, its reasoning and conclusion must be practical, suit the facts as found and provide an effective, workable remedy to the winner.

13. We are of the opinion that while recording the decision with clarity, the Court is also supposed to record sufficient reasons in taking a particular decision or arriving at a particular conclusion. The reasons should be such that they

demonstrate that the decision has been arrived at on a objective consideration.

14. When we talk of giving “reasons” in support of a judgment, what is meant by “reasons”? In the context of legal decision making, the focus is to what makes something a legal valid reason. Thus, “reason would mean a justifying reason, or more simply a justification for a decision is a consideration, in a non-arbitrary ways in favour of making or accepting that decision. If there is no justification in support of a decision, such a decision is without any reason or justifying reason.

15. We are not entering into a jurisprudential debate on the appropriate theory of legal reasoning. It is not even a discourse on how to write judgments. Our intention is to simply demonstrate the importance of legal reasoning in support of a particular decision. What we have highlighted is that instant is a case or arriving at a conclusion, in complete absence of reasons, what to talk of adequate or good reasons that justifying that conclusion”.

9. Still further, the Hon'ble Supreme Court in the matter of ***State of Punjab Vs. Bhag Singh, 2004 (1) RCR (Criminal)*** again held that a judicial and quasi-judicial order should be a speaking order which should indicate application of judicial mind and held as follows:-

*“6. Even in respect of administrative orders Lord Denning M.R. in **Breen v. Amalgamated Engineering Union, 1971(1) All E.R. 1148** observed "The giving of reasons is one of the fundamentals of good administration". In **Alexander Machinery (Dudley) Ltd. v. Crabtree, 1974 LCR 120** it was observed : "Failure to give reasons amounts to denial of justice." Reasons are live links between the mind of the decision taker to the controversy in question and the decision or conclusion arrived at". Reasons substitute subjectivity by objectivity. The emphasis on recording*

reasons is that if the decision reveals the "inscrutable face of the sphinx", it can, by its silence, render it virtually impossible for the Courts to perform their appellate function or exercise the power of judicial review in adjudging the validity of the decision. Right to reason is an indispensable part of a sound judicial system, reasons at least sufficient to indicate an application of mind to the matter before Court. Another rationale is that the affected party can know why the decision has gone against him. One of the salutary requirements of natural justice is spelling out reasons for the order made, in other words, a speaking out. The "inscrutable face of a sphinx" is ordinarily incongruous with a judicial or quasi-judicial performance."

10. In view of above discussion, the impugned order and charge sheet dated 10.01.2023 passed by the Court of Additional Sessions Judge, Tarn Taran, is set aside and the case is remanded back to the trial Court to pass a fresh speaking, well-reasoned order by taking into account the submissions of the statements of the witnesses, medical record, and the other relevant material before it.

11. It is clarified that this Court has not gone into the merits of the case and the trial Court should pass an order on the strength of the merits of the case.

12. Pending applications, if any, stand also disposed of, accordingly.

01.07.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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