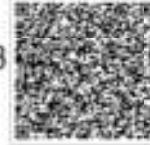


2026:PHHC:056627-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

SR. NO.101

CRA-D-634-DB-2004 (O&M)
RESERVED ON:04.02.2026
PRONOUNCED ON:16.04.2026
UPLOADED ON:-20.04.2026

JASWANT SINGH AND OTHERS

...APPELLANT(S)

VERSUS

STATE OF PUNJAB

...RESPONDENT(S)

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

Present: Appeal stands abated qua appellant No.1.
vide order dated 28.10.2025.

Mr. Anmol Puri, Advocate and
Mr. Shirin Mudgil, Advocate
for appellant No.2.

Mr. KPS Virk, Advocate as
Amicus Curiae for appellant No.3.

Mr. Charanpreet Singh, AAG, Punjab.

N.S. SHEKHAWAT, J.

1. The appellants have filed the present appeal against the impugned judgment of conviction and order of sentence dated 03.07.2004 passed by the learned Additional Sessions Judge (Adhoc), Fast Track Court, Faridkot. Vide the said judgment, Jaswant Singh, appellant No.1, was

convicted under Section 302 IPC as well as Section 25 of the Arms Act,

whereas Balwant Singh and Gurpreet Singh, appellants No.2 and 3, were convicted under Section 302 read with Section 34 IPC. Jaswant Singh, appellant No.1, was sentenced to undergo life imprisonment and to pay a fine of Rs.2000/- with default stipulation under Section 302 IPC. He was further sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.200/- with default stipulation under Section 25 of the Arms Act. Balwant Singh and Gurpreet Singh, appellants No.2 and 3, were sentenced to undergo life imprisonment and to pay a fine of Rs.1000/- each with default stipulation under Section 302/34 IPC.

2. The FIR Ex. PG/2 was registered in the present case on the basis of the statement made by Tara Singh son of Karnail Singh and the same has been reproduced below:-

“Statement of Tara Singh s/o Karnail Singh Jat, resident of Bhallow, P. S. Baghapurana District Moga, aged about 48 years.

Stated that we are two brothers. Elder to me is Mangal Singh. We both do cultivation. We reside in the house constructed in the fields. My maternal uncle's daughter Kako is married to Inder Singh son of Gurdial Singh of village Bhallow. In their house, Dr. Gurpreet Singh of village Kirpalwala runs a medical shop. It is talk of the village that Gurpreet Singh has illicit relations with Kako, the daughter of my maternal uncle. For this reason, my brother Mangal Singh used to stare Dr. Gurpreet Singh and pressurize Inder Singh to oust Dr. Gurpreet Singh from the house and to get the shop vacated. Jaswant Singh and his brother Balwant Singh alias Jhakhhar sons of Dalip Singh, who are collaterals of Inder Singh and whose house is near his house, have good relations with Dr. Gurpreet Singh. For this reason they take the side of Dr. Gurpreet Singh. Inder Singh, Jaswant Singh and Balwant Singh used to feel ill of

the fact that Mangal Singh was defaming them by levelling false allegations. Yesterday on 30.07.2001, I had purchased a cow from Mohinder Singh son of Bachan Singh, Jat, resident of Bhaloor and to pay him the money, I alongwith my brother Mangal Singh had gone to the house of Mohinder Singh at about 08.00 p.m. After making the payment at about 08.30 p.m., I and my brother Mangal Singh were just to return to our house, Mohinder Singh and his brother Major Singh, while talking, came out of the house with us. Adjoining to the house of Mohinder Singh, there is the house of Inder Singh son of Gurdial Singh, on the western side. When we reached in front of the house of Inder Singh, then at once Jaswant Singh son of Dalip Singh, armed with spear, his brother Balwant Singh alias Jhakhar armed with Dang and Dr. Gurpreet Singh armed with Dang (long stick) came out of the house raising lalkaras, Jaswant Singh, while addressing Mangal Singh, said that he was falsely defaming them and he gave a blow with his spear to my brother Mangal Singh, which hit on the left side of his chest. My brother Mangal Singh fell down on the ground. Then Jaswant Singh, Balwant Singh and Dr. Gurpreet Singh fled away from the spot with their respective weapons. The whole occurrence has been witnessed by us in the light of the bulb, fixed outside the house of Inder Singh. Then I along with Jaswinder Kaur wife of Mangal Singh and Major Singh, made arrangement for a jeep and got Mangal Singh admitted in Civil Hospital, Baghapurana, where my brother Mangal Singh died. Out of fear of defamation, my brother Mangal Singh used to restrain Gurpreet Singh from developing illicit relations with Kako and he (Mangal Singh) was pressurising him to vacate the shop from the house of Inder Singh. For this reason, Dr. Gurpreet Singh, Jaswant Singh and Balwant Singh, on the instigation of Inder Singh, and in connivance with each other, have killed my brother Mangal Singh. Legal action be taken against them. I have heard the statement and it is correct. LTI

*Tara Singh, Attested, Sd/- Balwinder Singh Insp/SHO
P.S.Baghapurana. Dated 31-7-2001.*

3. After the registration of the FIR, the investigation was taken up by SHO himself and he prepared the inquest report. The dead body of Mangal Singh was sent for postmortem examination and the incriminating evidence from the place of occurrence was collected. Even the blood stained earth was taken into possession by the police and separate parcels were prepared. On 11.8.2001, Jaswant Singh, Balwant Singh and Dr. Gurpreet Singh, all appellants, were arrested by the police. On interrogation, Jaswant Singh got recovered a spear from the disclosed place, which was taken into possession and a memo in this regard was prepared. The spear was sent to the Forensic Science Laboratory, Chandigarh, and it was found to be blood stained. The scaled site plan of the place of occurrence was also prepared. After completing the necessary investigation, *challan* was presented before the Area Magistrate.

4. After the committal of the case to the trial Court, the trial Court perused the *challan* and accompanying documents and framed charge under Section 302 IPC against Jaswant Singh, appellant No. 1, whereas Balwant Singh and Dr. Gurpreet Singh, appellants No. 2 and 3 were charged for the commission of the offence punishable under Sections 302/34 IPC. A separate charge under Section 25 of Arms Act was also framed against Jaswant Singh, appellant No.1, for keeping in his possession a spear. All the appellants pleaded not guilty to the charge and claimed trial.

5. In order to prove the charge, the prosecution examined ten witnesses in the present case. The prosecution examined PW1 Dr. Arvinder Gill, who had sent the information Ex. PA to SHO, Police Station,

Baghapurana, regarding arrival and death of Mangal Singh. The prosecution further examined Dr. Naresh Kumar, Medical Officer, Civil Hospital, Moga, as PW2, who had conducted the postmortem examination on the dead body of Mangal Singh on 31.07.2001. He observed as under:-

“1.The Body was 5' 8" of male moderately built. Rigormortis was present in all the four limbs. Postmortem staining was present on the back. Body was bearing iron Karra on the right wrist. Kameej and Pajama were lying aside. Kameej was having corresponding cuts on the left side.

Injury

Incised and punctured wound 3.5 cms x 1.5 cms including tails present on the left side of the chest. 8 cms from midline, 6 cms above the nipple, obliquely placed.

On dissection, injury was running inwards medially injuring the underlying chest wall, third rib, left side of the lung upper part, left side of the chest cavity was full of dark colour blood. Heart was healthy and empty.

Stomach was healthy and contained small amount of semi-digested food. Bladder was healthy and contained about 1 Litre of urine.

In his opinion, the cause of death in this case was due to shock and haemorrhage as a result to injury to left lung which was sufficient to cause death in an ordinary course of nature and was antemortem in nature. It was caused by a sharp edged weapon”.

He further opined that the probable time that elapsed between injury and death was 2 to 4 hours and between death and postmortem was within 24 hours. He proved the copy of the postmortem report as Ex. PE and pictorial diagram as Ex. PE/1. The prosecution further examined MHC Kuldeep Singh as PW3, whose evidence was formal in nature. PW4 Tara

Singh reiterated his version as mentioned in his initial complaint Ex. PG and

supported the case of the prosecution. In his testimony, he stated that he along with his brother Mangal Singh, deceased, Mohinder Singh and Major Singh, came out of the house of Major Singh while talking. When they reached in front of the house of Inder Singh, which adjoins the house of Mohinder Singh, Jaswant Singh, armed with a *barchha*, Balwant Singh, armed with a *dang*, Dr. Gurpreet Singh, armed with a *dang*, and Inder Singh, empty-handed, were standing there. On seeing them, all the four accused raised a *lalkara* that they would not spare Mangal Singh for unnecessarily defaming them. Jaswant Singh, appellant No. 1, gave a blow with *barchha*, (spear), which hit Mangal Singh on the left side of his chest, when he tried to turn back. Due to the injury, Mangal Singh fell down. Then all the accused ran away from the spot with their respective weapons. Thereafter, Mangal Singh was shifted to the hospital by them, where he succumbed to the injuries. In his cross-examination, he also admitted that no person came on raising alarm by them. He had stated in his statement before the police that while they were returning, all the four accused were standing in front of the house of Inder Singh and all of them raised *lalkara*. However, he was confronted with his statement Ex. PG wherein a general *lalkara* by remaining three accused was mentioned. The *lalkara* that Mangal Singh had been defaming them unnecessarily was only raised by Jaswant Singh, appellant No. 1.

6. The prosecution further examined PW5 Mohinder Singh, who supported the testimony of PW4 Tara Singh. Even in his cross-examination, he stated that they had raised *lalkara* that they would not allow Mangal Singh to go as he had been unnecessarily defaming them. Even all the

accused ran away from the spot with their respective weapons after the injury was caused by Jaswant Singh, appellant No.1. In his cross-examination, he admitted that in his statement before the police, he had stated that all the four accused raised *lalkara* that Mangal Singh had been unnecessarily defaming them. The prosecution further examined PW6, Gursewak Singh, Draftsman, who had prepared the scaled site plan Ex. PJ. PW-7 ASI Jaswinder Singh was posted as ASI in Police Station Baghapurana on 31.07.2001. On 11.8.2001, Balwinder Singh, Inspector, interrogated Jaswant Singh, appellant No. 1 and in pursuance of his disclosure statement, he got recovered a spear from the fodder stored by him in his fields. Even the spear was blood stained and was taken into possession vide memo Ex. PL which was attested by him and PW4 Tara Singh. Even the rough sketch of the spear was also prepared. PW8, Jugraj Singh, Sub-Station Attendant, PSEB, stated that as per the record, at about 07.30 p.m. on 30.07.2001, the electricity supply was made in village Bhaloor as per the record. The statement of PW9, L.C. Kulwant Singh, PW10 HC Amrik Singh and PW11 L.C. Gurdeep Singh were formal in nature. Balwinder Singh, Inspector, was examined as PW12, who had proved the investigation in the present case. He was the investigating officer in the present case, who prepared the inquest report Ex. PC. On his request Ex.PD, the dead body was subjected to postmortem examination. He prepared the rough site plan Ex. PS with correct marginal notes and blood-stained earth and the samples were taken into possession vide Ex. PH and separate parcels were prepared. He arrested all the accused in the present case on 11.08.2001 and on interrogation, Jaswant Singh, got recovered a spear from the room

meant for storing chaff and the same was taken into possession by him. He also prepared the site plan of the place of recovery as Ex. PN/1 and had deposited the case property with the MHC.

7. After conclusion of the prosecution evidence, the statements of all the three appellants were recorded separately under section 313 Cr.P.C. and they stated that Tara Singh had concocted a false version and they were falsely involved in a criminal trial. In defence, the appellants did not lead any evidence.

8. During the pendency of the present appeal, Jaswant Singh, main accused, expired and vide order dated 28.10.2025, the appeal qua him stood abated.

9. Learned counsel appearing on behalf of appellants No. 2 and 3 vehemently argued that it was a case of blind murder and the appellants were falsely involved in the present case. It has been shown that appellants No. 2 and 3 were even though armed with *dangs*, still, they are simply shown to be present at the place of the occurrence and had not been attributed any role whatsoever. In fact, appellants No. 2 and 3 were not even present in reality and had been falsely involved. Learned counsel further contended that even the case was based on the testimonies of PW4 Tara Singh and PW5 Mohinder Singh and both the witnesses were having close association with the deceased. Rather PW4 Tara Singh, is the real brother of the deceased. Even they had been falsely involved in the present case due to previous enmity between the parties. In alternative, learned counsel for the appellants No. 2 and 3 submitted that the occurrence had taken place at the spur of the moment and only a single blow to the deceased was caused by Jaswant

Singh, appellant No. 1, who had already expired. Neither the blows were repeated nor the accused had taken undue advantage nor had acted in a cruel or unusual manner and at the best, they could be convicted for the commission of the offence punishable under Section 304 Part II IPC.

10. On the other hand, learned State counsel vehemently opposed the submissions made by learned counsel for the appellants No.2 and 3 on the grounds that all the appellants have been assigned specific roles by PW4 Tara Singh and PW5 Mohinder Singh. Even the ocular account is duly corroborated by the testimony of PW2 Dr. Naresh Kumar, who had conducted the postmortem examination on the dead body of the deceased. He found an incised and punctured wound on the left side of the chest which was caused by Jaswant Singh, appellant No. 1 by using a spear. After causing injuries, all the three appellants had fled from the spot. Thus, the appeal deserves to be dismissed by this Court.

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

12. Looking at the outset, the applicable provisions of Indian Penal Code, the group of offences affecting the human body are contained in Chapter XVI of the Indian Penal Code, 1860. Section 299 is the offence of culpable homicide. It provides that whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that it is likely by such act to cause death, commits the offence of culpable homicide.

13. Section 300 defines "**murder**". According to this section, culpable homicide is murder where an act is done by which the death is

caused and such act is done with the intention of causing death. Secondly, if it is done with an intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, it is also a murder. Thirdly, in the section, "**murder**" is committed if the act is done with an intention of causing bodily injury and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death. Fourthly, if the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, he commits murder when such act is committed without any excuse for incurring the risk of causing death.

14. Exceptions to Section 300 mentions when culpable homicide is not murder. The same may be extracted to be relevant in the context of the facts obtained in the present case,

Exception 1.-When culpable homicide is not murder:- Culpable homicide is not murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation or causes the death of any other person by mistake or accident.

The above exception is subject to the following provisos:-

First.-That the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person.

Secondly.-That the provocation is not given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant.

Thirdly.-That the provocation is not given by anything done in the lawful exercise of the right of private defence.

Explanation.-Whether the provocation was grave and sudden enough to prevent the offence from amounting to murder is a question of fact.

Exception 2.-Culpable homicide is not murder if the offender in the exercise in good faith of the right of private defence of person or property, exceeds the power given to him by law and causes the death of the person against whom he is exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence.

Exception 3.-Culpable homicide is not murder if the offender, being a public servant or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant and without ill-will towards the person whose death is caused.

Exception 4.-Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender's having taken undue advantage or acted in a cruel or unusual manner.

Explanation.-It is immaterial in such cases which party offers the provocation or commits the first assault.

Exception 5.-Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death or takes the risk of death with his own consent.

15. While Section 302 deals with the punishment of murder, Section 304 is about punishment for culpable homicide not amounting to murder. The offence under Section 304 IPC is punishable in its Part I as well as in Part II. When the prosecution proves the death of the person in question and further that such death was caused by the act of the accused, and that the accused knew that such act is likely to cause death, the offence would be punishable under Section 304 Part II.

16. Section 304, IPC has two parts namely; Section 304 Part I and Section 304 Part II. The distinction between these two Parts of Section 304, IPC is required to be considered having regard to the provisions of Sections 299 and 300, IPC. Whether the offender had intention to cause death or he had no such intention brings out the vital distinction.

17. The Hon'ble Supreme Court in the matter of ***Kesar Singh and another Vs. State of Haryana, (2008) 15 SCC 753*** observed that the distinguishing feature between Section 300 IPC and Section 299 IPC is the *mens rea* for the said purpose. Culpable homicide is a genus, whereas murder is its specie. Even the concept culpable homicide not amounting to murder was explained by the Hon'ble Supreme Court by making the following observations:-

"If an injury is inflicted with the knowledge and intention that it is likely to cause death, but with no intention to cause death the offence would fall within the definition of Section 304 Part I, however, if there is no intention to cause such an injury, but

there is knowledge that such an injury can cause death, the offence would fall within the definition of Section 304 Part II. Thus, is intention. If intention to cause such an injury as is likely to cause death, is established, the offence would fall under Part I but where no such intention is established and only knowledge that the injury is likely to cause death, it would fall under Part II."

18. In *N. Ramkumar v. State rep. by Inspector of Police*, **Criminal Appeal No. 2006 of 2023**, decided on 06.09.2023 (**2023 AIR SC 4246 : 2023 INSC 812 : 2023 CriLJ 4059** : the Hon'ble Supreme Court has held as follows:-

*19. This Court in a recent judgement in the case of **Anbazhagan v. The State represented by the Inspector of Police in Criminal Appeal No.2043 of 2023 disposed of on 20.07.2023** has defined the context of the true test to be adopted to find out the intention or knowledge of the accused in doing the act as under:*

"60. Few important principles of law discernible from the aforesaid discussion may be summed up thus:

(1) When the court is confronted with the question, what offence the accused could be said to have committed, the true test is to find out the intention or knowledge of the accused in doing the act. If the intention or knowledge was such as is described in Clauses (1) to (4) of Section 300 of the IPC, the act will be murder even though only a single injury was caused. To illustrate: 'A' is bound hand and foot. 'B' comes and placing his revolver against the head of 'A', shoots 'A' in his head killing him instantaneously. Here, there will be no difficulty in holding that the intention of 'B' in shooting 'A' was to kill him, though only single injury was caused. The case would, therefore, be of murder falling within Clause (1) of Section 300 of the IPC. Taking another instance, 'B' sneaks into the bed room of his enemy 'A' while the latter is asleep on his bed. Taking aim at the

left chest of 'A', 'B' forcibly plunges a sword in the left chest of 'A' and runs away. 'A' dies shortly thereafter. The injury to 'A' was found to be sufficient in ordinary course of nature to cause death. There may be no difficulty in holding that 'B' intentionally inflicted the particular injury found to be caused and that the said injury was objectively sufficient in the ordinary course of nature to cause death. This would bring the act of 'B' within Clause (3) of Section 300 of the IPC and render him guilty of the offence of murder although only single injury was caused.

(2) Even when the intention or knowledge of the accused may fall within Clauses (1) to (4) of Section 300 of the IPC, the act of the accused which would otherwise be murder, will be taken out of the purview of murder, if the accused's case attracts any one of the five exceptions enumerated in that section. In the event of the case falling within any of those exceptions, the offence would be culpable homicide not amounting to murder, falling within Part 1 of Section 304 of the IPC, if the case of the accused is such as to fall within Clauses (1) to (3) of Section 300 of the IPC. It would be offence under Part II of Section 304 if the case is such as to fall within Clause (4) of Section 300 of the IPC. Again, the intention or knowledge of the accused may be such that only 2nd or 3rd part of Section 299 of the IPC, may be attracted but not any of the clauses of Section 300 of the IPC. In that situation also, the offence would be culpable homicide not amounting to murder under Section 304 of the IPC. It would be an offence under Part I of that section, if the case fall within 2nd part of Section 299, while it would be an offence under Part II of Section 304 if the case fall within 3rd part of Section 299 of the IPC.

(3) To put it in other words, if the act of an accused person falls within the first two clauses of cases of culpable homicide as described in Section 299 of the IPC it is punishable under the first part of Section 304. If, however, it falls within the third

clause, it is punishable under the second part of Section 304. In effect, therefore, the first part of this section would apply when there is 'guilty intention,' whereas the second part would apply when there is no such intention, but there is 'guilty knowledge'.

(4) Even if single injury is inflicted, if that particular injury was intended, and objectively that injury was sufficient in the ordinary course of nature to cause death, the requirements of Clause 3rdly to Section 300 of the IPC, are fulfilled and the offence would be murder.

(5) Section 304 of the IPC will apply to the following classes of cases : (i) when the case falls under one or the other of the clauses of Section 300, but it is covered by one of the exceptions to that Section, (ii) when the injury caused is not of the higher degree of likelihood which is covered by the expression 'sufficient in the ordinary course of nature to cause death' but is of a lower degree of likelihood which is generally spoken of as an injury 'likely to cause death' and the case does not fall under Clause (2) of Section 300 of the IPC, (iii) when the act is done with the knowledge that death is likely to ensue but without intention to cause death or an injury likely to cause death.

To put it more succinctly, the difference between the two parts of Section 304 of the IPC is that under the first part, the crime of murder is first established and the accused is then given the benefit of one of the exceptions to Section 300 of the IPC, while under the second part, the crime of murder is never established at all. Therefore, for the purpose of holding an accused guilty of the offence punishable under the second part of Section 304 of the IPC, the accused need not bring his case within one of the exceptions to Section 300 of the IPC.

(6) The word 'likely' means probably and it is distinguished from more 'possibly'. When chances of happening are even or greater than its not happening, we may say that the thing will 'probably happen'. In reaching the conclusion, the court has to place itself in the situation of the accused and then judge

whether the accused had the knowledge that by the act he was likely to cause death.

(7) The distinction between culpable homicide (Section 299 of the IPC) and murder (Section 300 of the IPC) has always to be carefully borne in mind while dealing with a charge under Section 302 of the IPC. Under the category of unlawful homicides, both, the cases of culpable homicide amounting to murder and those not amounting to murder would fall. Culpable homicide is not murder when the case is brought within the five exceptions to Section 300 of the IPC. But, even though none of the said five exceptions are pleaded or prima facie established on the evidence on record, the prosecution must still be required under the law to bring the case under any of the four clauses of Section 300 of the IPC to sustain the charge of murder. If the prosecution fails to discharge this onus in establishing any one of the four clauses of Section 300 of the IPC, namely, 1stly to 4thly, the charge of murder would not be made out and the case may be one of culpable homicide not amounting to murder as described under Section 299 of the IPC.

(8) The court must address itself to the question of mens rea. If Clause thirdly of Section 300 is to be applied, the assailant must intend the particular injury inflicted on the deceased. This ingredient could rarely be proved by direct evidence. Inevitably, it is a matter of inference to be drawn from the proved circumstances of the case. The court must necessarily have regard to the nature of the weapon used, part of the body injured, extent of the injury, degree of force used in causing the injury, the manner of attack, the circumstances preceding and attendant on the attack.

(9) Intention to kill is not the only intention that makes a culpable homicide a murder. The intention to cause injury or injuries sufficient in the ordinary cause of nature to cause death also makes a culpable homicide a murder if death has actually been caused and intention to cause such injury or injuries is to

be inferred from the act or acts resulting in the injury or injuries.

(10) When single injury inflicted by the accused results in the death of the victim, no inference, as a general principle, can be drawn that the accused did not have the intention to cause the death or that particular injury which resulted in the death of the victim. Whether an accused had the required guilty intention or not, is a question of fact which has to be determined on the facts of each case.

(11) Where the prosecution proves that the accused had the intention to cause death of any person or to cause bodily injury to him and the intended injury is sufficient in the ordinary course of nature to cause death, then, even if he inflicts a single injury which results in the death of the victim, the offence squarely falls under Clause thirdly of Section 300 of the IPC unless one of the exceptions applies.

(12) In determining the question, whether an accused had guilty intention or guilty knowledge in a case where only a single injury is inflicted by him and that injury is sufficient in the ordinary course of nature to cause death, the fact that the act is done without premeditation in a sudden fight or quarrel, or that the circumstances justify that the injury was accidental or unintentional, or that he only intended a simple injury, would lead to the inference of guilty knowledge, and the offence would be one under Section 304 Part II of the IPC."

20. Thus, it emerges from the case law analysed herein-above for converting the sentence imposed under Section 302 to Section 304 Part II the facts unravelled during trial will have to be seen. In the facts of the case on hand, it is discernible that there was no premeditation to cause death or the genesis of occurrence and the single assault by the accused and duration of entire episode, were factors to adjudge the intention. The offence can be brought clearly within the ambit of Section 304 Part-II IPC. In the instant case it can be noticed that appellant

and the deceased were in love with each other. The fact that deceased had stopped talking to the appellant and she was talking to her neighbour Mr. Sudhakar had ignited the mind of the appellant to be furious about the conduct of the deceased and he was upset about this change of attitude of the deceased. Even according to the testimony of PW-1, who is none other than mother of the deceased there was altercation between the appellant and the deceased and exchange of words between appellant and deceased with regard to their love affair. On being confronted by the appellant as to why the accused had stopped talking to him and as to why she was trying to develop friendship with Sudhakar and the answer given by the deceased had resulted in appellant's getting infuriated and in that spur of the moment he caught hold of her hair and banged her head to the wall which resulted in blood oozing out and on seeing this he ran away from the scene of the incident. Thus, the single assault by the appellant coupled with the duration of the entire period having occurred for about 2-3 minutes would not be sufficient to infer that he had the intention to kill the deceased. Had there been any intention to do away with the life of the deceased, obviously the appellant would have come prepared and would have assaulted the deceased with pre-meditation. Yet another factor which cannot go unnoticed, the appellant had obviously approached the deceased and intended to confront her as to why she was not talking to him though they were in love and also to clear the doubts about she being friendly with Mr. Sudhakar (neighbour) and in this factual scenario, heated exchange of words have taken place and enraged by her reply the appellant has banged her head on the wall in a fit of fury, which cannot be inferred that he had any intention to take away her life, particularly when he was in love with her”.

19. Now we would proceed to examine the facts of the present case

in the light of the abovestated principles of law. The FIR in the present case

was registered on the basis of the statement Ex. PG made by PW4 Tara Singh. In his statement, the complainant clearly stated that while he along with PW5 Mohinder Singh and Mangal Singh deceased reached near the house of Inder Singh, the accused were already standing there. The appellant No. 1 was armed with a spear whereas appellants No. 2 and 3 were armed with sticks. Even all the accused raised *lalkaras* and while addressing Mangal Singh, deceased, they stated in a loud voice that he was the person, who was falsely defaming them and admittedly beyond that no other word was used by the appellants. Even while appearing as PW4 Tara Singh improved his statement and stated that all the four accused in the present case had raised *lalkara* that they would not spare Mangal Singh for unnecessarily defaming them. Thereafter, Jaswant Singh appellant No. 1 had caused an injury to the deceased with a spear and only single blow was given on the chest of the deceased. Thereafter, all the accused ran away from the spot with their respective weapons. In his cross-examination, he also admitted that all the accused had jointly raised the *lalkara* and the *lalkara* was raised only to the effect that Mangal Singh had been unnecessarily defaming them. From the statements made by PW4 Tara Singh and PW5 Mahinder Singh, who were admittedly the eyewitnesses, one thing is very clear that all the accused had not raised *lalkara* to each other to kill Mangal Singh. Rather from the statements made by PW4 Tara Singh and PW5 Mohinder Singh, it is apparent that the accused had no intention to cause the death of Mangal Singh and it appears that Mangal Singh had suspected the character of Dr. Gurpreet Singh, appellant No. 3, and they wanted to teach him a lesson for defaming Dr. Gurpreet Singh in the village.

20. Still further, it is also an admitted fact that Jaswant Singh, appellant No. 1, was armed with a spear, whereas appellants No. 2 and 3 were armed with sticks. Further, only one injury was caused by appellant No. 1 with a spear on the chest of Mangal Singh and after causing injuries, all the three accused fled from the spot. First of all, even though appellants No. 2 and 3 were armed with sticks, but they did not cause any injury on the person of the deceased. Still further, even appellant No. 1 caused single injury on the chest of the deceased and even did not repeat the blows. Thus, a clear inference can be drawn that the appellants had no intention to cause the murder of Mangal Singh and they simply wanted to teach him a lesson for defaming them in the village. Even all the appellants had not acted in an unusual and cruel manner, and it would be appropriate to hold appellants guilty for the commission of the offence punishable under Section 304 Part II IPC.

21. Now advertng to the order on quantum of sentence, it is apparent that the main injury in the present case was attributed to Jaswant Singh, appellant No. 1, who has already expired, and the appeal qua him stood abated vide order dated 28.10.2025. Appellants No. 2 and 3 were simply shown to be present armed with *dangs* at the place of alleged occurrence and no other role was assigned to them. Even at the time of conviction, appellant No. 2 was aged about 62 years, i.e., he is aged about 86 years at present. Similarly, appellant No. 3 was aged about 25 years at the time of his conviction and he must be aged about 50 years at this moment. Consequently, it would be harsh and inadvisable to send both appellants No. 2 and 3 behind the bars again at this stage. The Court also cannot ignore the

fact that the appellants No. 2 and 3 are first time offenders. Moreover, the sentence imposed on them was suspended in the year 2005 and in the last 21 years, they had maintained good conduct. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on both the appellants is ordered to be reduced to the period already undergone by them. However, the sentence of fine will remain the same.

22. This Court records its appreciation for Mr. K.P.S. Virk, Amicus Curiae, who has rendered able assistance to the Court on behalf of the appellant No.3. His fee is assessed Rs. 20,000/-, which shall be paid by the Secretary, High Court Legal Services Committee.

23. The case property, if any, may be dealt with as per the rules.

24. Trial Court record be sent back to the trial Court.

25. 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