

2026:PHHC:028357-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA D-495-DB-2004
Reserved on:-16.02.2026
Date of Decision:23.02.2026
Uploaded on:07.03.2026

Baldev Singh ...Appellant
Vs.
State of Punjab ...Respondent

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

Present: Mr. Naresh Gopal Sharma, Advocate
(Legal Aid Counsel) for the appellant.
Mr. Bhanu Pratap Singh, Addl. A.G., Punjab.

N.S.SHEKHAWAT, J.

1. By way of the present appeal, the appellant has challenged the correctness and legality of the impugned judgment dated 14.02.2004 passed by the Court of Additional Sessions Judge (Adhoc), Faridkot, whereby he was ordered to be acquitted.
2. The FIR, Ex.PN/1 in the present case was registered on the basis of the statement made by ASI Kewal Singh and the relevant extract of the FIR is reproduced below:-

*“To, Officer incharge P.S. Sadar, Mkt.
Today, I, the ASI alongwith HC Teja Singh 1120, LC Manjit Singh No.197, LC Pritam Singh 40, C. Jaswant Singh 572, PHG Charanjit Singh & PHG Baldev Singh, on a private jeep, was going from Abohar road Muktsar towards the villages Rahoorianwali, Mahabadhar, Bhagser, etc. When the police party reached village Rahoorianwali, near katcha path from Rahoorianwali to Gondiwala, it noticed a gathering of people near the path at a distance of about 1 killa from the road on the*

Eastern side. So, I alongwith the police party reached the spot and saw that along the passage, in the vacant field of Major Singh, the dead body of a young man was lying who was aged about 35/40 years and whose height was about 5½ feet, complexion whitish, and the body was healthy and strong. He was wearing a T-shirt of light pink colour turned inside out. Trousers (Pyjama) of white terricot, shoes of black and brown colour on the wrong feet, and socks of black colour were found on the body. It appears that after killing this person, acid had been thrown on his face so as to make the deadbody unidentifiable. Some acidic substance was also found lying on the ground. A tumbler made of glass containing medicine of white colour and a citizen watch were lying near the dead body. On further personal search, one purse of plastic was recovered from the right side pocket of his trousers (pyjama), which contained four currency notes of the denomination of Rs.10/- each and one form regarding parole of a prisoner have been recovered. The form of parole was in the name of Baldev Singh son of Ajit Singh, caste Mehra, resident of Attari, P.S. Gharinda Distt. Amritsar for his release on parole from Central Jail, Amritsar for six weeks i.e. from 24.07.1998 to 05.09.1998. The aforesaid articles have been taken into police custody through separate memos by me, the ASI in the presence of the witnesses. Some unknown persons, after murdering this young man, have tried to make the dead body unidentifiable by throwing acid on it and thus have committed an offence punishable under Sections 302/201 IPC. As such, this ruqa is sent to the Police Station through LC Manjit Singh for registration of the case. After registration of the case, its number be intimated. Control room be informed through wireless message. Special reports be sent to the higher officers. The SHO may be sent at the spot. Sd/- Kewal Singh ASI, P.S.S. Muktsar, 30-08-1996. In the area of village Rahoorianwali at 10.45 a.m.

At the police station: On receipt of the aforesaid writing in the Police Station, case under the aforesaid offence against the unknown person has been registered and the police file of this case is sent to the Investigation Officer through LC Manjit Singh No. 157. Control Room is being informed. The special reports are sent to the Ilaqa Magistrate and the higher officers through C. Sukhmander Singh No. 187.

*Sd/- Balbir Singh ASI
Officer-in-charge,
P.S. Sadar Muktsar.
30-08-1996”.*

3. After the registration of the FIR, the inquest report of the dead body was prepared and the dead body was sent to Civil Hospital, Muktsar, for conducting the post-mortem examination. Major Singh, brother of Baldev Singh, appellant, was sent to the hospital for identification of the dead body. Major Singh identified the dead body as that of his brother Baldev Singh. The rough site plan of the place of occurrence was prepared. The information was sent to senior police officers and ASI Kewal Singh conducted the investigation at the spot. The dead body was sent to GGS Medical College, Faridkot for post-mortem examination. Even the fingertips of the dead body were cut and put in ten different glass vials and were handed over to the police. On 23.09.1998, Nirmal Dass, father of Harish Kumar, identified all clothes as that of Harish Kumar which were removed from the dead body and it was found that it was the dead body of Harish Kumar. It was also found that Baldev Singh appellant was released on parole from Central Jail Amritsar and he in connivance of his brother Major Singh and Bakhshish Singh committed the murder of Harish Kumar after bringing him in his auto-rickshaw from Amritsar. Acid was thrown on him. Major Singh, brother of appellant, had identified the dead body of Harish Kumar as that of his brother Baldev Singh, so that it may be declared that

Baldev Singh died and he might not have to go to jail. Initially, Major Singh Bakhshish Singh and Baldev Singh were also tried by the trial court, but were ordered to be acquitted. Ultimately, Baldev Singh, appellant was arrested by the police and on the basis of his disclosure statement, a shirt, gold ring and identity card of the deceased were recovered from him and were taken into possession by the police by preparing a memo. After completion of investigation, *challan* was presented against the appellant. After commitment, the case was considered by the trial Court and the trial Court formed a *prima facie* opinion that appellant had committed the offence under Sections 302, 120-B, 201 and 120-B IPC and he was ordered to be charged, seated accordingly. He pleaded not guilty and claimed to be tried by the trial Court.

4. To prove its case, the prosecution examined PW1 Dr. Sarabjit Singh Sandhu, who along with Dr. Major Singh Brar, conducted the postmortem examination on the dead body of Baldev Singh (Harish Kumar in reality). On 01.09.1998, the dead body was identified by Darshan Singh, Chowkidar and Major Singh, brother of the appellant. He found the following injuries on the person of the deceased:-

- “1. Acid burns were present on the forehead, face, neck and upper part (anterior) of the chest on both sides of the nipple upto 8 cms below the nipples. Burns were deep in nature. On dissection of the neck, there was no sign of strangulation found.*
- 2. Skull was exposed at places on the forehead and head. On dissection, there was no injury on the head and in the cranial cavity. Brain was in the early stage of putrifaction.*
- 3. Acid burns in an area of 12 x 4 cms was present on the antero-medial side of right upper arm in its lower 1/3rd. Burns were muscle deep and extended to upper 1/3rd of the right fore arm.*

4. Acid burns in an area of 10 x 5 cms were present on the antero-medial side of the right leg. Burns were muscle deep in its upper 2/3rd.

5. Lower lip was missing on its left half due to acid burns.

6. Eye balls were damaged due to acid burns. Plural larynx, trachea, both the lungs, liver spleen, kidneys were congested. Stomach was congested and contained about 100 C.C. of the dark coloured fluid. In organ of generation, no abnormality was detected.

Acid burns were antemortem in nature cause of death would be given after receiving the report of the Chemical Examiner report”.

He further stated that on receipt of chemical report, Ex. PD, the cause of death in their opinion was due to shock and result of acid burns which were sufficient to cause death in ordinary course of nature.

5. The prosecution further examined Saraj Singh as PW2, who was declared hostile and he did not support the case of the prosecution. The prosecution further examined Chowkidar Darshan Singh as PW3, who stated that an unidentified dead body was lying in the fields of Major Singh. The inquest report was prepared by ASI at the spot. The acid was found near the dead body. The acid was found splattered near the dead body. The acid soaked earth as well as simple earth and tumbler were lifted by ASI at the spot by separate parcels. A paper was also found in his pocket, which was also taken into possession by the police. The prosecution further examined PW4 Kewal Krisha, photographer, who had taken the photographs of dead body lying in the fields and the same were proved as exhibits PW4/1 to PW4/5. The prosecution further examined PW5 Mohinder Nath, who stated that Harish Kumar deceased was his brother and he used to ply an auto rickshaw. On 29.08.1998, he had gone out with that auto rickshaw, but he

did not come back. They searched for him for 3/4 days, but he was not

available and his father Nirmal Dass lodged a report in this regard. After 6/7 days, they were told by Sham Lal that he had seen Baldev Singh appellant along with a lady, child and a person in auto rickshaw of Harish Kumar. Later on, they came to know about the recovery of unidentified dead body at Muktsar and were shown the photograph, shoes and socks which they identified. The photograph as well as articles belonged to his brother Harish Kumar. After the arrest of Baldev Singh appellant, the belongings of Harish Kumar were taken into possession by the police. On 17.04.1999, PW5 Mohinder Singh alongwith his father and maternal uncle went to Police Station, Sadar Muktsar and in their presence a sealed parcel was opened and they identified the shirt and gold ring of Harish Kumar, which was taken out of the parcel. Harish Kumar was wearing the ring Ex. P-7 at the time of his death. Identity card of Harish Kumar Ex. P-8 was also recovered. After identification of the articles, the same were again sealed by the police.

6. The prosecution further examined PW6 Nirmal Dass, father of the deceased. He also supported the statement of PW5 Mohinder Singh. The prosecution examined PW7 ASI Kewal Singh, who supported the contents of the FIR and had also conducted the investigation initially. As per him, on 31.08.1998, Major Singh accused came to the dead house and identified the dead body of his brother Baldev Singh, appellant. He also prepared the rough site plan of place of recovery and dead body and also got his postmortem conducted on the dead body. The statements of PW8 HC Surinder Singh and PW9 ASI Wariam Singh were formal in nature. The prosecution further examined PW10 ASI Basant Singh, who recovered the auto rickshaw and had taken it into possession by memo Ex. PK. A photocopy of RC of the auto rickshaw along with a bank passbook in the

name of Baldev Singh, appellant were also recovered from the auto rickshaw and the same were taken into possession.

7. The prosecution further examined PW12 Constable Kewal Singh from Central Jail Amritsar. As per the entry dated 24.07.1998, Baldev Singh, appellant had been released on parole for six weeks, i.e., till 05.09.1998. However, he did not come to jail on 05.09.1998. The prosecution further examined PW13 Sham Lal, who deposed that at about 01.00 p.m. on 28.08.1998, Major Singh, Baldev Singh and Bakhshish Singh had boarded the auto-rickshaw of Harish Kumar, since deceased, and drove away his auto-rickshaw towards Amritsar. Pirthi Singh, the Investigating Officer of the case, was examined as PW14. In his presence, the clothes and photographs of dead body of Harish Kumar were identified by his family members. These persons had shown him a shirt, matching *pyjama* worn by deceased. He had prepared two parcels of the shirt and *pyjama* and he had taken same into possession. The prosecution further examined PW15 HC Harsukhpal Singh, whose testimony was formal in nature. Onkar Nath, Junior Assistant from the DTO Office Amritsar, appeared as PW16, and as per him, the auto rickshaw was registered in the name of Gurpreet Singh son of Ratan Singh, Railway Colony, Amritsar. PW17 Surjit Singh Gill had prepared scaled site plan Ex. PU in the present case. The prosecution further examined PW18 Mukhwinder Singh, SHO, who had supervised the investigation in the present case. As per him, on 27.03.1999, he had arrested Baldev Singh and Bakhshish Singh, both the accused. Baldev Singh made a disclosure statement that he had kept sealed one gold ring, identity card and one shirt of Harish Kumar, since deceased, and by putting the articles in a polythene bag, he had buried them in the ground, near *Kikkar* tree on the

Eastern side of the place of the occurrence. On the basis of statement, he got

recovered the gold ring, identity card and shirt of the deceased. Inspector Mukhwinder Singh also prepared the rough site plan of the place of the recovery and formally arrested both the accused in the present case. On 17.04.1999, Mohinder Nath, brother of deceased came to the police station and identified gold ring, identity card and shirt, which were recovered by appellant as belonging to the deceased. Even a separate identification memo Ex. PL was prepared, which was attested by him and Mohinder Nath. The statement of PW19 Constable Jaswant Singh was formal in nature. The prosecution examined Naresh Kumar as PW20, who was the President of the Congress committee of Ward Number 38, Chhehrta, Amritsar. On 26.03.1999, Baldev Singh, appellant and Bakhshish Singh co-accused came to his shop and had suffered extrajudicial confession before him. They both stated that they had committed the murder of Harish Kumar and had thrown the dead body in the fields of village Rahooorianwali. Baldev Singh appellant told him that they had disfigured the dead body by pouring acid on it. Baldev Singh had told him that they had taken off the clothes of dead body of Harish Kumar and had dressed the same with appellant's shirt and had put the jail documents (parole papers of the appellant) in the pocket of *pyjama* worn Harish Kumar, since deceased. Baldev Singh, appellant also changed the shoes of Harish Kumar with his shoes. Baldev Singh also told him that he could not see the condition of his family and he did not want to return jail. Further, Bakhshish Singh also told him that he and Baldev Singh also conspired and hired the auto rickshaw of Harish Kumar and committed the murder of Harish Kumar. Baldev Singh told his brother Major Singh that in case the police summoned him to identify the dead body, he should identify the same to be that of Baldev Singh, appellant. The prosecution, thereafter, closed the evidence.

8. After closure of the evidence, the statements of appellant was recorded under section 313 Cr.P.C. and he stated that he was innocent. On 29.08.1998, he came from his in-laws with his wife and children. When he reached the bus stand of Muktsar, Rajender Kumar Sharma, Head Constable, met them. He was having Rs. 1,00,000/- with him for payment of fine. They took tea with Rajender Kumar Sharma. After 10 minutes, some police officials came in the car there and apprehended him. He was kept in illegal custody from 29.08.1998 to 27.03.1999 and, thereafter, he was falsely involved in the present case just to grab his one lakh rupees.

9. In his defence, the appellant examined Chhindo as DW1, his mother, who stated that her son-in-law was wrongly arrested by the police. Even the appellant had borrowed a sum of rupees one lakh from her as they had to pay the fine. DW2 Kulwant Kaur, wife of the appellant, also supported the statement of DW1 and stated that her husband had been wrongly arrested by the police. The testimony of DW3 Tarseem Singh is not relevant. DW4 Gurjant Singh stated that he was in police station from 23.03.1999 to 26.03.1999 in Police Station Sadar Muktsar. The appellant, his wife, and two children were also in custody in Police Station Sadar Muktsar along with him and they were falsely involved in a murder case. DW5 Dilbagh Singh and DW6 Satnam Singh deposed regarding the false implication of Major Singh, co-accused, but their testimonies are not relevant.

10. Learned counsel for the appellant vehemently argued that the prosecution had failed to prove charge against him beyond reasonable doubt. The trial Court had rightly disbelieved the “last seen” theory as PW13 Sham Lal had testified that he had seen the deceased with the accused at about

Dass had clearly stated that Harish Kumar, since deceased, left the house on 29.08.1998. Thus, from the statements of PW5 Mohinder Nath and PW6 Nirmal Dass, it was apparent that Sham Lal was wrongly introduced as a witness. Still further, PW2 Saraj Singh was also declared as hostile and did not support the case of the prosecution. Learned trial Court further failed to appreciate that now the entire prosecution case was based on testimony of PW20 Naresh Kumar, who had deposed that appellant had suffered extrajudicial confession before him on 26.03.1999. It is unbelievable that the appellant and his co-accused had suffered an extrajudicial confession after about seven months of the occurrence and, that too before a person, who was not close to the appellant. Apart from that, even certain recoveries were planted on him by the police and the case was based on the testimonies of official witnesses only. Thus, the circumstantial evidence in the present case was incomplete and the circumstances were inconsistent with the hypothesis of guilt of the appellant and were not of conclusive nature and the linkage in the chain of circumstances were also missing in the present case.

11. On the other hand, learned State Counsel referred to the findings recorded by the trial Court and argued that the impugned judgment was liable to be upheld by this Court. In fact, from the dead body of Harish Kumar, the papers pertaining to the parole of the appellant were recovered and after committing the murder, the parole papers of Baldev Singh were kept in his pocket so that the people may presume that appellant had died and he may not required to surrender before the jail authorities on 05.09.1998. Even Harish Kumar had no reason to keep the parole papers of Baldev Singh in his pocket as they were not known to each other. Still further, ring finger, identity card and shirt of the deceased were recovered

had been able to prove the case beyond the shadow of reasonable doubt and the appellant was liable to be convicted by this Court.

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

13. As per the prosecution case, on 30.8.1998, ASI Kewal Singh, PW7 along with other police officials, was on patrolling duty and near village Rahooorianwali noticed a gathering of people on the left side of the road. He along with police officials reached there and found the dead body lying there in the fields of Major Singh. The face of the dead body was disfigured by acid also. A wrist watch and a cloth containing acid were also recovered by the police. In the right side pocket of the pyjama worn by deceased, the papers granting parole to Baldev Singh appellant were also found. As per the parole papers, six weeks parole was granted by Central Jail Amritsar to Baldev Singh appellant. It appeared that a person had been killed and that acid had been thrown on him to disfigure the dead body. Even other belongings to the deceased were recovered. Major Singh, brother of the appellant, was called by the police and he identified the dead body to be of Baldev Singh appellant. This clearly proves that Baldev Singh, who was released on parole on 05.09.1998 for six weeks by Central Jail Amritsar, never wanted to surrender and he tried to create evidence regarding his death so that he may escape the trauma of jail. Even otherwise, Harish Kumar, since deceased, was not known to Baldev Singh appellant and parole papers of Baldev Singh could not have been found in the pocket of the deceased. Even, the appellant had not raised a defence that his parole papers had been stolen by anyone or he had misplaced the same anywhere.

Thus, it was apparent that after committing the murder of Harish Kumar, parole papers of appellant were kept in the dead body of the deceased to

escape the punishment. Even otherwise, the prosecution further examined PW10 ASI Basant Singh, who had taken the auto rickshaw of the deceased in possession. Even a blank passbook in the name of Baldev Singh was recovered from the auto Rickshaw of the deceased.

14. Still further, the prosecution examined PW18 Inspector Mukhwinder Singh, who had arrested the appellant on 27.03.1999. The appellant suffered a disclosure statement while in custody that he had kept concealed one gold finger ring, identity card and shirt of Harish Kumar deceased by putting the same in a polythene bag and he had buried all the articles near the root of a *Kikkar* tree on the Eastern side of the place of the occurrence. He led the police party to the disclosed place and got recovered the same. Even the prosecution examined PW5 Mohinder Nath, who identified the finger ring, identity card and shirt to be belonged to his brother Harish Kumar Singh deceased. The appellant failed to explain as to how he came in possession of the finger ring, identity card and shirt of the deceased. This clearly proves that after disfiguring the dead body of Harish Kumar, his belongings were removed by Baldev Singh appellant and rather the parole papers of the appellant were put in his pocket so that everybody may presume the dead body belonged to the appellant instead of Harish Kumar. Still further, the prosecution story finds corroboration from the medical evidence also. The prosecution examined Dr. Sarabjit Singh Sandhu PW1, who had conducted the postmortem examination on the dead body on 01.09.1998 and found the following injuries:-

“1. Acid burns were present on the forehead, face, neck and upper part (anterior) of the chest on both sides of the nipple upto 8 cms below the nipples. Burns were deep in nature. On dissection of the neck, there was no sign of strangulation found.

2. Skull was exposed at places on the forehead and head. On dissection, there was no injury on the head and in the cranial cavity. Brain was in the early stage of putrefaction.

3. Acid burns in an area of 12 x 4 cms was present on the antero-medial side of right upper arm in its lower 1/3rd. Burns were muscle deep and extended to upper 1/3rd of the right fore arm.

4. Acid burns in an area of 10 x 5 cms were present on the antero-medial side of the right leg. Burns were muscle deep in its upper 2/3rd.

5. Lower lip was missing on its left half due to acid burns.

6. Eye balls were damaged due to acid burns. Plural larynx, trachea, both the lungs, liver spleen, kidneys were congested. Stomach was congested and contained about 100 C.C. of the dark coloured fluid. In organ of generation, no abnormality was detected.

Even the acid burns were antemortem in nature and it was clear that upper portion of the dead body was disfigured so that face of the deceased may not be identified. Even after receipt of chemical examiner report, Ex. PD, the cause of death was declared to be shock as a result of acid burns which were sufficient to cause death in an ordinary course of nature. Thus, the ocular version of the prosecution finds support from the medical evidence. Even otherwise, we have carefully perused the findings recorded by the trial Court and find that the trial Court has correctly appreciated the evidence in the light of the settled law. Still further, learned counsel for the appellant has failed to point out any illegality, material irregularity or perversity in the impugned judgment passed by the learned Additional District and Sessions Judge (Adhoc) Faridkot.

15. As an upshot of above discussion, we find no merits in the present appeal and the same is ordered to be dismissed. As a consequence,

the impugned judgment dated 14.02.2004 passed by the Court of Additional Sessions (Adhoc), Faridkot, is upheld.

16. The appellant/accused is directed to surrender within 15 days from today, failing which, the CJM concerned shall issue non bailable warrants against the present appellant/accused and shall commit him to custody to serve the remaining sentence of imprisonment.

17. The fee of Mr. Naresh Gopal Sharma, learned Amicus Curiae, who assisted the Court on behalf of the appellant is assessed at Rs. 20,000/-. The aforesaid fee shall be paid by the Secretary, High Court Legal Services Committee.

18. All pending applications, if any, are disposed off, accordingly.

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

20. Records of the Court below be sent back.

(N.S.SHEKHAWAT)
JUDGE

(H.S.GREWAL)
JUDGE

23.02.2026	Whether reasoned/speaking	: Yes/No
amit rana	Whether reportable	: Yes/No