



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

(I) CRA-D-250-DB-2005 (O&M)
Ajit Singh and others ... Appellants

Versus

State of Punjab ... Respondent

(II) CRA-D-251-DB-2005 (O&M)
Baljit Singh and others ... Appellants

Versus

State of Punjab ... Respondent

(III) CRR-1363-2005 (O&M)
Charanjit Singh ... Petitioner

Versus

Ajit Singh and others ... Respondents

Date of Decision:-10.3.2025

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Arnav Sood, Advocate, Amicus Curiae,
for the appellant(s) in
CRA-D-250-DB-2005 & CRA-D-251-DB-2005.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. D.S.Virk, Advocate, Amicus Curiae,
for the petitioner in CRR-1363-2005.



CRA-D-250-DB-2005 (O&M);
CRA-D-251-DB-2005 (O&M) &
CRR-1363-2005 (O&M)

(2)

GURVINDER SINGH GILL, J.

1. This judgment shall dispose of above-mentioned set of two appeals filed on behalf of appellants namely Ajit Singh, Jagtar Singh, Baljit Singh, Baldish Singh & Balbir Singh challenging their conviction in respect of offences punishable under Sections 148, 302, 307, 324 read with Section 149 of Indian Penal Code as recorded by learned Additional Sessions Judge, Hoshiarpur vide judgment dated 16.3.2005, and also a criminal revision petition filed filed by complainant – Charanjit Singh challenging acquittal of accused Swaran Kaur @ Swarni, Jaswinder Kaur, Resham Kaur and Rajwinder Kaur @ Beena while also seeking enhancement of sentences imposed upon accused/appellants namely Ajit Singh, Jagtar Singh, Baljit Singh, Baldish Singh & Balbir Singh.
2. The matter arises out of FIR No.86, dated 18.5.2002 registered at Police Station Mahilpur, under Sections 302, 307, 326, 324, 148 and 149 of Indian Penal Code, at the instance of Charanjit Singh son of Sohan Singh. The translated gist of his statement (Ex.PA) reads as under:

“I am an agriculturist by profession. Lakhvir Singh is my cousin, who had constructed a residential house in the village adjoining the house of Ajit Singh. Ajit Singh had placed ‘girders’ on the wall of Lakhvir Singh’s house in Lakhvir Singh’s absence without seeking his permission. When Lakhvir Singh questioned Ajit Singh about the same, Ajit Singh replied that it would not matter and that he (Ajit Singh) will pay for his share in the constructed wall. Later when Lakhvir Singh demanded the amount qua the share of Ajit Singh in respect of the constructed wall, then Ajit Singh retorted that he (Lakhvir Singh) had raised the construction by encroaching upon his (Ajit Singh’s) plot and, as such, there was no question of any payment of amount. The said remarks led to an altercation between them and Lakhvir Singh told Ajit Singh that he will



remove the 'girders' from the wall. The said incident was disclosed to me as well as to complainant's uncle Chain Singh and Gurmit Singh son of Chain Singh by Lakhvir Singh. We, however, advised that we should not enter into any kind of quarrel and will discuss the matter with Ajit Singh. Today (18.5.2002) at about 10:30 A.M., I alongwith Lakhvir Singh, Chain Singh and Gurmit Singh went to the roof of Lakhvir Singh's house to check the position of 'girders'. However, we saw that Ajit Singh armed with a 'kirpan', Jagtar Singh armed with a 'datar', Parveen Singh @ Tota unarmed, Veena Rani, Resham Kaur, Jaswinder Kaur and Swarni, who were all carrying brick bats and sticks, were sitting with a pre-meditated plan and upon seeing them Ajit Singh raised a 'lalkara' exhorting his companions to catch us and to teach us a lesson for removing 'girders' from the wall. Immediately thereafter Ajit Singh gave a blow with 'kirpan' to Lakhvir Singh hitting him on his head. Baldish Singh inflicted a blow with 'gandasi' on the head of Lakhvir Singh. Baljit Singh gave a blow with 'kirpan' on the head of Lakhvir Singh and resultantly Lakhvir Singh fell down. Veena Rani, Resham Kaur and Jaswinder Kaur started throwing brick bats while Lakhvir Singh had fallen down, hitting him on his head and on other parts of his body. I stepped forward pleading with them not to give beatings. Baldish Singh inflicted a blow with 'gandasi' aiming the same at my head and when I raised my right arm to ward off the blow, the 'gandasi' hit my arm. Thereafter Baljit Singh gave a blow with 'kirpan' hitting my right eye. When Chain Singh and Gurmit Singh stepped forward to save us, then Balbir Singh gave a 'gandasi' blow to Gurmit Singh hitting him on his head and arms. Ajit Singh and Baljit Singh gave blows with 'kirpans' on the head of Gurmit Singh and who consequently fell down. While he was lying fallen Swarni gave a blow with 'dang' to Gurmit Singh. Baldish Singh gave a blow with 'gandasi' on the head of Chain Singh. Ajit Singh gave a 'kirpan' blow on the head of Chain Singh. Jagtar Singh inflicted an injury with 'datar' on the head of Chain Singh. In the meantime, Chain Singh's sons namely Gurdev Singh and Santokh Singh reached at the spot and who witnessed the occurrence and raised alarm 'maar ditte' thereafter the accused ran away from the spot with their respective weapons. All four of us were taken to Civil Hospital, Mahilpur by Gurdev Singh and Santokh Singh, where we were administered first-aid. Lakhvir Singh, Chain Singh and Gurmit Singh were referred to Civil



CRA-D-250-DB-2005 (O&M);
CRA-D-251-DB-2005 (O&M) &
CRR-1363-2005 (O&M)

(4)

Hospital, Hoshiarpur. However, Lakhvir Singh could not survive and succumbed to his injuries. Ajit Singh, his son Jagtar Singh and Parveen Singh, his daughters Veena Rani, Resham Kaur & Jaswinder Kaur, his wife Swarni, Baldish Singh, Balbir Singh and Baljit Singh had inflicted injuries when Charanjit Singh had demanded payment of amount in respect of their share in the constructed wall as Ajit Singh had placed 'girders' on the same. Action be taken."

3. The aforesaid statement (Ex.PA) was recorded at Civil Hospital Mahilpur and was sent to police station for registering formal FIR. Thereafter S.I. Paramjit Singh (PW-12) proceeded to Civil Hospital, Hoshiarpur where dead body of Lakhvir Singh had been kept and prepared inquest report. Post mortem examination of dead body was got conducted. Chain Singh and Gurmit Singh had also been referred from Civil Hospital, Hoshiarpur to DMC, Ludhiana on 18.5.2002 itself. The police also visited the place of occurrence and prepared a rough site plan Ex.PEE. Later a scaled site plan Ex.PC was prepared. Blood stained soil was lifted from the spot and was prepared in two sealed parcels. Accused Ajit Singh, his son Jagtar Singh and two of his daughters namely Rajwinder Kaur and Resham Kaur were arrested on 19.5.2002. During the course of interrogation of Ajit Singh, he suffered a disclosure statement Ex.PFF as regards concealment of 'kirpan' under an iron box in his house and pursuant to the said disclosure statement, got the same recovered which was taken into possession by the police vide recovery memo Ex.PJJ. During the course of interrogation of Jagtar Singh, he suffered a disclosure statement Ex.PGG as regards concealment of blood stained 'datar' in his room and got the same recovered which was taken into possession by the police vide recovery memo Ex.PLL. Accused Baljit Singh and Baldish Singh were arrested on 27.5.2002. During the course of interrogation of Baljit Singh, he



CRA-D-250-DB-2005 (O&M);
CRA-D-251-DB-2005 (O&M) &
CRR-1363-2005 (O&M)

(5)

suffered a disclosure statement Ex.POO regarding concealment of '*kirpan*' and subsequently got the same recovered which was taken into possession by the police vide recovery memo Ex.PQQ. Baldish Singh suffered a disclosure statement Ex.PRR regarding concealment of a '*gandasi*' which was got recovered by him and taken into possession by the police vide recovery memo Ex.PTT. Swarni and Jaswinder Kaur were arrested by the police on 5.7.2002. The weapon used in the occurrence i.e. '*kirpan*' got recovered at the instance of accused Ajit Singh as well as the blood stained soil lifted from the spot were sent for examination to Forensic Science Laboratory, Punjab, Chandigarh and were found to be stained with human blood vide report Ex.PVV.

4. Upon conclusion of investigation, challan was presented before Judicial Magistrate 1st Class, Hoshiarpur on 10.8.2002 against 8 accused, who committed the case to the Court of Sessions vide order dated 16.8.2002. Learned Additional Sessions Judge, Hoshiarpur, finding sufficient grounds to presume that the accused had killed Lakhvir Singh and had injured others accordingly framed charges against the accused for offences punishable under Sections 148, 302, 307, 324 read with Section 149 of Indian Penal Code 9.9.2002. Subsequently, upon an application under Section 319 Cr.P.C. filed by the prosecution Balbir Singh was ordered to be summoned as an additional accused vide order dated 28.3.2003 and charges were framed afresh against all the 9 accused in respect of the aforesaid offences on 5.5.2003 to which they pleaded not guilty and claimed trial. It may here be mentioned that co-accused Parveen, who was a juvenile, was tried separately by Juvenile Justice Board.



*CRA-D-250-DB-2005 (O&M);
CRA-D-251-DB-2005 (O&M) &
CRR-1363-2005 (O&M)*

(6)

5. The prosecution, in order to establish its case, examined as many as 12 PWs.

The gist of their testimonies is being briefly referred to herein under:-

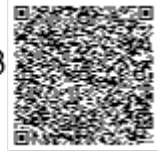
PW-1 Charanjit Singh (complainant) stated in tune with his statement Ex.PA got recorded by him before the police on the basis of which FIR had been lodged. He narrated in detail the manner in which the accused had inflicted injuries to the deceased and also to him and to other injured.

PW-2 Gurmit Singh (injured) stated in tune with the prosecution version with regard to the injuries inflicted by the accused.

PW-3 Dr. Jagmohan Singh, Medical Officer, Civil Hospital, Hoshiarpur stated that on 21.5.2002 while he was on duty in X-ray Department in Civil Hospital, Hoshiarpur, Charanjit Singh had been medically examined and X-ray examination was done by Radiographer Madanjit Singh in his presence and he had furnished opinion on the basis of the x-ray films opining therein that no bone injury was detected in the x-ray films.

PW-4 Arjun Khanna, Draftsman proved the scaled site plan Ex.PC prepared by him.

PW-5 Dr. Karnail Singh, Medical Officer, Civil Hospital, Hoshiarpur, who had conducted post-mortem examination on the dead body of Lakhvir Singh on 19.5.2002, stated in detail with respect to the injuries found on the dead body and proved the post-mortem report as Ex.PD. He opined the cause of death to be on account of shock and hemorrhage, which was sufficient to cause death in ordinary course of nature.



*CRA-D-250-DB-2005 (O&M);
CRA-D-251-DB-2005 (O&M) &
CRR-1363-2005 (O&M)*

(7)

- PW-6** Dr. Simarjit, Resident, DMC and Hospital, Ludhiana stated that she had examined Gurmit Singh and had conducted x-ray examination of his left forearm, wrist and elbow and that there was evidence of fracture of left ulna (forearm).
- PW-7** Dr. Raj Kumar, C.T. Scan Centre, Hoshiarpur stated that he is not in possession of original record of C.T. scan because they do not maintain any such record and that the C.T. scan films are handed over to the patients or to their attendants.
- PW-8** Dr. Sukhdev Singh, Medical Officer, Chest and T.B. Hospital, Patiala stated that on 18.5.2002 while he was posted at Community Health Centre, Mahilpur, he had medico-legally examined Gurmit Singh and had found 2 injuries on his person i.e. one incised wound on his left forearm and another incised wound on the left parieto occipital region. He proved the MLR in respect of Gurmit Singh as Ex.PJ. He further stated that on the same day he had medico legally examined Chain Singh, who was found to have sustained one incised wound on his head. He proved the MLR in respect of Chain Singh as Ex.PK. He further stated that on the said day he had also examined Charanjit Singh and had found two injuries on his body i.e. an incised wound on his skull and another incised wound on his right forearm. He proved the MLR in respect of Charanjit Singh as Ex.PL. He further stated that later upon examining the C.T. scan report in respect of Chain Singh, he declared injury No.1 as dangerous to life vide his opinion Ex.PM. He further stated that he had declared injury No.1 in respect of Gurmit Singh also to be grievous in nature and injury No.2 of Gurmit Singh being



CRA-D-250-DB-2005 (O&M);
CRA-D-251-DB-2005 (O&M) &
CRR-1363-2005 (O&M)

(8)

dangerous to life. He further stated that injuries No.1 & 2 of Charanjit Singh were declared simple injuries.

PW-9 Dr. R.K. Kaushal, Department of Neuro Surgery, DMC Ludhiana stated that Gurmit Singh had been admitted in their hospital on 18.5.2002, having been referred by Civil Hospital, Hoshiarpur and that Gurmit Singh was suffering from a compound depressed fracture of his left parital bone and compound fracture of left ulna and was operated upon on the same day itself i.e. on 18.5.2002 and was discharged on 30.5.2002. He proved the bed head ticket as Ex.PQ and discharge slip card as Ex.PR in respect of Gurmit Singh. He further stated that on the same day i.e. on 18.5.2002 he had also examined Chain Singh and who also was having a depressed fracture on his left parital bone with air in the brain and was found to be having a brain injury and was operated upon on 19.5.2002 and was discharged on 1.6.2002. He proved the bed head ticket as Ex.PS and discharge slip card as Ex.PT in respect of Chain Singh.

PW-10 Head Constable Gurmail Singh, who was posted as MHC at Police Station Model Town, Hoshiarpur, tendered his affidavit Ex.PX in evidence, wherein he deposed that on 4.7.2002 the case property was sent through Constable Makhan Singh for depositing the same in the office of FSL, Chandigarh, but on account of some objections having been raised by office of FSL, Chandigarh, the same was deposited back in the '*Malkhana*' on 4.7.2002 itself and that it was subsequently on 11.7.2002, after removal of objections, the case property was again sent through Constable Makhan Singh for depositing the same in the office of FSL, Chandigarh and the



CRA-D-250-DB-2005 (O&M);
CRA-D-251-DB-2005 (O&M) &
CRR-1363-2005 (O&M)

(9)

same was accordingly deposited in the office of FSL, Chandigarh on the said date. He further deposed that as long as the case property remained in his possession, the same was not tampered with.

PW-11 Constable Makhan Singh, who is another formal witness, tendered his affidavit Ex.PY in evidence, wherein he deposed that on 4.7.2002 MHC Gurmail Singh had handed over the case property to him with a direction to deposit the same in the office of FSL, Chandigarh but on account of some objections having been raised by office of FSL, Chandigarh, the same was deposited back in the 'Malkhana' on 4.7.2002 itself and that it was subsequently on 11.7.2002 that the case property was again handed over to him, which he accordingly deposited in the office of FSL, Chandigarh on 11.7.2002. He further deposed that as long as the case property remained in his possession, the same was not tampered with.

PW-12 SI Paramjit Singh, SHO, Police Station Lambra, District Jalandhar, who is the Investigating Officer in the present case stated in detail with regard to the investigation conducted in the matter right from lodging of the FIR upto the filing of challan. He stated with regard to the disclosure statements made by the accused and the recovery of the weapons made pursuant thereto. He proved various documents and memos prepared during the course of investigation. He stated that upon conclusion of investigation challan was presented in the Court of learned Area Magistrate.



CRA-D-250-DB-2005 (O&M);
CRA-D-251-DB-2005 (O&M) &
CRR-1363-2005 (O&M)

(10)

6. The prosecution tendered into evidence the report of FSL as Ex.PBB and closed its evidence. Upon closure of the prosecution evidence, statements of all the accused were recorded in terms of provisions of Section 313 Cr.P.C., wherein the entire prosecution evidence was put to them, but they denied the case of prosecution in *toto* and pleaded false implication. The accused additionally took a plea that as a matter of fact Lakhvir Singh, Gurmit Singh, Charanjit Singh and Chain Singh, who were all armed with 'sabals' (iron rods) etc. had come to the roof of the house of Ajit Singh and had tried to dismantle the roof and when they tried to stop them, they inflicted injuries to them (accused) and that some injuries were also sustained by persons on the complainant's side and that Lakhvir Singh had sustained injuries at the hands of members of his own party and had fallen down from roof. Accused Baldish Singh and Baljit Singh took a plea that they had been falsely implicated due to party faction in the village.
7. In their defence, the accused examined **DW-1** Darshan Singh, SP Vigilance Bureau, Flying Squad-1, Punjab, Chandigarh, who stated that he was posted as SP(D), Hoshiarpur in May, 2002 and had conducted an inquiry in the matter with regard to involvement of Baljit Singh, Baldish Singh and Balbir and that as per the verification of the facts he had found that the occurrence had taken place on the roof of house of Ajit Singh. He further stated that later on he came to know that subsequently a supplementary challan in terms of provisions of Section 173(8) Cr.P.C. was filed, wherein the name of Balbir Singh was mentioned in column No.2. The accused examined **DW-2** Dr. Dilbag Rai, SMO, Incharge, CHC, Mahilpur, PHU Paldi, District Hoshiarpur, who stated that on 19.5.2002 Ajit Singh & Jagtar Singh had come to the



*CRA-D-250-DB-2005 (O&M);
CRA-D-251-DB-2005 (O&M) &
CRR-1363-2005 (O&M)*

(11)

“emergency” section of hospital where they were medically examined by Dr. Kavita Bhatia. He proved the relevant extracts from the register pertaining to the entries in question as Ex.DC. The accused also examined DW-3 Dr. Kavita Bhatia, Medical Officer, who stated that she had medically examined Ajit Singh and had recorded the following observations:

“There is abrasion on left temporal bone 7.5 cm above left ear, 2 cm X 1 cm” No other fresh injury was detected.”

8. DW-3 further stated that even Jagtar Singh son of Ajit Singh had been examined by her, who was found to be having the following injury:

“1. Lacerated wound on the dorsal aspect of left arm at junction of upper half and lower half. 1 cm x ½ cm. No fresh injury was detected.”

9. The Trial Court framed the following points for determination:

- “1. Whether eye-witness account of the version is trustworthy?
2. Whether the medical evidence led by the prosecution supports the injured eye-witnesses version?
3. Whether there is inordinate delay in reporting the matter to the police and despatch of the special report to the Area Magistrate? If so its effect?
4. Whether the recovery of the weapons of offence from possession of some of the accused brings an important circumstance in favour of the prosecution?”

10. The learned trial Court, upon marshaling the evidence on record, found that the prosecution had failed to establish charges against Swaran Kaur @ Swarni, Resham Kaur, Jaswinder Kaur and Rajwinder Kaur @ Beena, whereas the charges framed against the five accused namely Ajit Singh,



CRA-D-250-DB-2005 (O&M);
CRA-D-251-DB-2005 (O&M) &
CRR-1363-2005 (O&M)

(12)

Jagtar Singh, Baljit Singh, Baldish Singh and Balbir Singh were found to be duly established. Consequently, the accused were convicted and sentenced as under:

Name of the convict	Offence	Imprisonment	Fine	In default
Ajit Singh	302 IPC	Life Imprisonment	Rs. 5,000/-	R.I. for 1 year
	307 r/w 149 IPC	R.I. for 10 years	Rs.2,000/-	R.I. for 6 months
	324 r/w 149 IPC	R.I. for 3 years	--	--
	148 IPC	R.I. for 3 years	--	--
Jagtar Singh	302 r/w 149 IPC	Life Imprisonment	Rs. 5,000/-	R.I. for 1 year
	307 r/w 149 IPC	R.I. for 10 years	Rs.2,000/-	R.I. for 6 months
	307 IPC	R.I. for 10 years	Rs.2,000/-	R.I. for 6 months
	324 r/w 149 IPC	R.I. for 3 years	--	--
	148 IPC	R.I. for 3 years	--	--
Baljit Singh	302 IPC	Life Imprisonment	Rs. 5,000/-	R.I. for 1 year
	307 r/w 149 IPC	R.I. for 10 years	Rs.2,000/-	R.I. for 6 months
	324 r/w 149 IPC	R.I. for 3 years	--	--
	148 IPC	R.I. for 3 years	--	--
Baldish Singh	302 IPC	Life Imprisonment	Rs. 5,000/-	R.I. for 1 year
	307 r/w 149 IPC	R.I. for 10 years	Rs.2,000/-	R.I. for 6 months
	324 r/w 149 IPC	R.I. for 3 years	--	--
	148 IPC	R.I. for 3 years	--	--
Balbir Singh	302 r/w 149 IPC	Life Imprisonment	Rs. 5,000/-	R.I. for 1 year
	307 IPC	R.I. for 10 years	Rs.2,000/-	R.I. for 6 months
	324 r/w 149 IPC	R.I. for 3 years	--	--
	148 IPC	R.I. for 3 years	--	--

11. Learned counsel for the appellant(s), while assailing the conviction of the accused/appellant(s), submitted that they have falsely been implicated in the present case and that falsity of the case would be evident from the fact that the witnesses in question have been taking inconsistent stands. Learned



*CRA-D-250-DB-2005 (O&M);
CRA-D-251-DB-2005 (O&M) &
CRR-1363-2005 (O&M)*

(13)

counsel further submitted that even the medical evidence does not substantiate the ocular version as narrated in the FIR and that while Chain Singh is stated to have been inflicted 3 injuries on his head by three different accused i.e. by Ajit Singh and also by Jagtar Singh and Baldish Singh, but as a matter of fact only one injury was found on his head.

12. Learned counsel further submitted that even the involvement and presence of Balbir Singh at the spot is highly doubtful and while in the FIR the complainant alleged that Balbir Singh inflicted 2 injuries to Gurmit Singh i.e. on his head and another on his arm, the complainant, however, changed his stand when he stepped into the witness box and attributed 1 injury only to Balbir Singh i.e. injury on the head of Gurmit Singh. Learned counsel further submitted that while Balbir Singh is alleged to be carrying a '*gandasi*', the doctor in DMC Hospital, Ludhiana i.e. PW-9 Dr. R.K. Kaushal stated that injury on the head of Gurmit Singh could be possible due to fall on the edges of parapet walls.
13. Learned counsel submitted that the genesis of occurrence had been suppressed and that admittedly the occurrence had taken place on the roof of house of Ajit Singh and infact the complainant party had attacked Ajit Singh and others, wherein Ajit Singh and his son Jagtar Singh were injured and that it was in self-defence that some injuries came to be sustained by the complainant's side and that during the course of scuffle Lakhvir Singh fell down from the roof leading to his death.
14. Opposing the appeals, learned State counsel submitted that it is a case of eye version account, wherein the complainant i.e. PW-1 Charanjit Singh and also the injured i.e. PW-2 Gurmit Singh are both stamped witnesses having



*CRA-D-250-DB-2005 (O&M);
CRA-D-251-DB-2005 (O&M) &
CRR-1363-2005 (O&M)*

(14)

sustained injuries at the hands of the accused and they have stated consistently on all the material aspects of the case and that their testimonies not only inspire confidence but also stand corroborated from the medical evidence. Learned State counsel thus submitted that findings of guilt as recorded by the Trial Court do not suffer from any infirmity and warrant no interference.

15. Learned counsel for the revision petitioner, while pressing the revision petition, submitted that the acquittal of accused namely Swaran Kaur @ Swarni, Resham Kaur, Jaswinder Kaur and Rajwinder Kaur @ Beena is without any justifiable basis and that the Trial Court fell in error in acquitting them although it is on the basis of testimonies of the same very witnesses that five of the co-accused namely Ajit Singh, Jagtar Singh, Baljit Singh, Baldish Singh and Balbir Singh have been convicted. Learned counsel further submitted that the sentence as imposed upon the aforesaid five accused is not commensurate with the offences committed by them and the same needs to be enhanced.
16. We have considered rival submissions addressed before this Court and with the assistance of learned counsel have also perused the record of the case.
17. Since the primary offence alleged in the instant case is the offence of murder of Lakhvir Singh, it is apposite to first of all refer to the medical evidence led by the prosecution as regards the injuries/death of Lakhvir Singh. PW-5 Dr. Karnail Singh, who had conducted post-mortem examination on the dead body of Lakhvir Singh stated in detail with regard to the injuries found on the dead body and described the same as under:



- “1. Stitched wound over left side of forehead. 7 cm. In length starting from eyebrow going towards left temporal area. On opening the stitches the wound was incised in nature, wound was bone deep. On further dissection fracture of left frontal and temporal bone was seen. On opening the skull, meninges and brain were congested.
 2. Stitched wound 2 cm size horizontal left side of forehead 2 cm. above injury No.1 just below the hairline. On opening wound was incised in nature and was s/c tissue deep.
 3. Incised wound 7 cm X 1 cm. Vertical in left parital area of scalp 12 cm from top of pinna of left ear. 2 cm away from midline, bone deep.
 4. Lacerated wound 7 cm X 1.5 cm. horizontal right parital area of scalp. Just away from midline 10 cm. above the top of right ear. The wound was bone deep.
 5. Lacerated wound 5cm X 1cm. Obliquely horizontal in right parital area just front of injury No.4. 1 cm. away from midline. 12 cm. from the top of right ear and wound was bone deep.
 6. Incised wound elliptical in shape 2 cm X 1.5 cm. on the back of right shoulder. 5 cm. below the top of shoulder. S/C tissue deep. Clotted blood was present. Blood sample from the heart was taken and was handed over to the Shamsheer Singh SI on his request, and note to this effect was given in the post mortem report.”
18. PW-5 Dr. Karnail Singh while proving the post-mortem report as Ex.PD further stated that the cause of death was due to shock and hemorrhage due to the injuries found on the dead-body, which were sufficient to cause death in ordinary course of nature. The witnesses were briefly cross-examined on behalf of the accused, but nothing substantial could elicited during the course of cross-examination so as to doubt either his veracity or his opinion.
19. As noticed above, the deceased Lakhvir Singh was found to have sustained as many as 6 injuries out of which 5 injuries were on his head and one was on his back. Further out of the 6 injuries 4 injuries were incised wounds. Having



*CRA-D-250-DB-2005 (O&M);
CRA-D-251-DB-2005 (O&M) &
CRR-1363-2005 (O&M)*

(16)

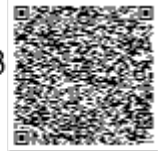
regard to the number and nature of injuries and the opinion of the doctor concerned, which could not be shattered on any count, this Court has no hesitation in holding that Lakhvir Singh died on account of the injuries inflicted to him.

20. It is not in dispute that it is a case of an eye version account. The complainant i.e. PW-1 Charanjit Singh and PW-2 Gurmit Singh are both eye-witnesses and were injured in the occurrence. The factum of existence of injuries on their person has been duly proved by PW-8 Dr. Sukhdev Singh, Medical Officer, Chest and T.B. Hospital, Patiala. PW-8 while in the witness box categorically stated that on 18.5.2002 he had medico-legally examined Gurmit Singh and has found the following injuries:

- “1. A horizontal incised wound about 7.5 cm X 2.5 cm on the medial side of the left forearm at the level of the wrist, wound is bled profusely underlying bone and tendons are seen out. Wound is extended to dorsal and vertical aspect of forearm. Advised x-ray and Ortho opinion.
2. An incised wound about 11 cm X 2.5 cm x bone deep on the left parieto occipital region about 10 cm above and posterior to tip of pinna left. Wound is bled profusely. Hairs and clothes are matted with blood. This wound is about 4 cm lateral to sagittal sinus. Advised x-ray and ortho opinion.”

21. PW-8 Dr. Sukhdev Singh further stated that on the same day he had examined Charanjit Singh and found the following injuries on his person:

- “1. An oblique incised wound about 7 cm X .75 cm on right side of zygomatic process of skull wound is bled slightly.
2. An incised wound 7 cm X 3 cm X muscle deep dorsal medial aspect of right forearm muscle and seen clearly. Wound is bled profusely movement of the wrist painful. Advised x-ray right forearm.”



CRA-D-250-DB-2005 (O&M);
CRA-D-251-DB-2005 (O&M) &
CRR-1363-2005 (O&M)

(17)

22. PW-8 further stated that he had also examined Chain Singh on the same day i.e. on 18.5.2002 and found the following injuries on his person:
- “1. An incised wound about 7.5 cm X 2.5 cm X bone deep on posterior part of skull extending upto occipital bone. Wound is bled profusely underlying muscles are also cut. Advied x-ray skull.”
23. PW-8 Dr. Sukhdev Singh opined that the weapon used for causing injuries was sharp edged weapon. He further stated that upon receipt of the C.T. scan report in respect of Chain Singh, he declared injury No.1 as dangerous to life vide his opinion Ex.PM. He further stated that he had declared injury No.1 in respect of Gurmit Singh also to be grievous in nature and injury No.2 of Gurmit Singh being dangerous to life. He further stated that injuries No.1 & 2 of Charanjit Singh were declared simple injuries. During the course of cross-examination the aforesaid doctor stated that the injuries could be a result of a single weapon.
24. While it is correct that the accused are stated to be carrying 3 types of weapons i.e. sword, *gandasi* and *datar*, but all three of these are in the nature of sharp edged weapons and, under these circumstances, the resultant injury inflicted with such weapons would be more or less identical in nature and, as such, the opinion of the doctor during cross-examination that the injuries found on person of injured could be a result of a single weapon only would not cause any dent in the case of prosecution or give any reason to doubt the opinion of the doctor concerned. Under these circumstances, this Court has no hesitation in affirming that PW-1 and PW-2 had also sustained injuries. The attribution of injuries as given by the said witnesses is more or less consistent and barring minor and insignificant inconsistencies they have stated identically on all material aspects.



CRA-D-250-DB-2005 (O&M);
CRA-D-251-DB-2005 (O&M) &
CRR-1363-2005 (O&M)

(18)

25. However, as far as the case of accused Jagtar Singh is concerned, there is some doubt as regards his involvement inasmuch the injury attributed to Jagtar Singh i.e. injury on the head of Chain Singh is attributed to 2 other accused as well. In the FIR, complainant – Charanjit Singh stated that while Ajit Singh had inflicted injury on the head of Chain Singh with the help of ‘*kirpan*’, Baldish Singh had inflicted injuries with ‘*gandasi*’ on the head of Chain Singh and that even Jagtar Singh inflicted injury on the head of Chain Singh with a ‘*datar*’. However, only one injury was found on the head of Chain Singh as per his MLR. Although when complainant Charanjit Singh stepped into the witness-box he attributed the injury on the head of Chain Singh to Jagtar Singh only, but PW-2 Gurmit Singh did not attribute any injury to Jagtar Singh. Further, the injured Chain Singh himself did not step into the witness-box to disclose as to how he had sustained the injury on his head. Under these circumstances, it is certainly unsafe to hold that Jagtar Singh had caused injury to Chain Singh particularly in view of the inconsistent stand of the PWs and also on account of the Chain Singh himself did not step into the witness box. Jagtar Singh is not stated to have caused any other injury. Consequently, a doubt having been created as regards the presence of Jagtar Singh and as regards his attribution, his conviction cannot sustain and deserves to be set aside.
26. Learned counsel representing appellant – Balbir Singh while assailing his conviction submitted that although in the FIR complainant – Charanjit Singh stated that Balbir Singh inflicted 2 injuries to Gurmit Singh i.e. on his head and arm, whereas when Charanjit Singh stepped into the witness box, he attributed one injury only to Balbir Singh i.e. on the head of Gurmit Singh,



CRA-D-250-DB-2005 (O&M);
CRA-D-251-DB-2005 (O&M) &
CRR-1363-2005 (O&M)

(19)

therefore, a doubt stands created as regards the involvement of Balbir Singh. While it is correct that there is slight inconsistency in the version recorded by Charanjit Singh to the police and in his statement recorded in the Court, but this Court finds that as far as the injury on the head of Gurmit Singh is concerned, the same is duly established from the medical evidence in the shape of testimony of PW-8 Dr. Sukhdev Singh. Further, Gurmit Singh, unlike injured Chain Singh himself stepped into the witness box and categorically stated that he had been inflicted injury on the head by Balbir Singh and did not attribute any other injury. The aforesaid statement of Balbir Singh is consistent with the statement of PW-1 Charanjit Singh. Under these circumstance, minor inconsistency as pointed out by learned counsel would be insignificant and there is no reason to doubt the case of the prosecution as regards the involvement of accused Balbir Singh.

27. The case of the prosecution would also find corroboration from the factum of recovery of the weapons of offence at the instance of accused inasmuch as while Ajit Singh pursuant to his disclosure statement got recovered a blood stained '*kirpan*', which was taken into possession by the police vide recovery memo Ex.PJJ, Baljit Singh got recovered a '*kirpan*' which had been cleaned and which was taken into possession by the police vide recovery memo Ex.PQQ and Baldish Singh got recovered a '*gandasi*' which had been cleaned and which was taken into possession by the police vide recovery memo Ex.PTT. The blood stained '*kirpan*' recovered at the instance of Ajit Singh was sent for chemical examination to FSL and as per the report of FSL Ex.PBB, the said '*kirpan*' was found to be stained with human blood. As per the report of the FSL even the blood stained soil collected from the spot was



*CRA-D-250-DB-2005 (O&M);
CRA-D-251-DB-2005 (O&M) &
CRR-1363-2005 (O&M)*

(20)

found to be stained with human blood. The said circumstances would also led assurance to the case of prosecution.

28. During the course of arguments, learned counsel representing the accused submitted that the injuries in question had infact been caused in self defence as the occurrence had taken place on the roof of Ajit Singh's house, but having regard to the fact that none from the side of the complainant was armed with any weapon, whereas the accused were duly armed, the aforesaid contention does not seems plausible at all particularly in view of the fact that it is the conduct of the accused as regards placement of '*girders*' on the wall constructed by the deceased, which had given rise to the dispute in question.
29. In view of the discussion made above, we find that the findings of guilt of accused namely Ajit Singh, Baljit Singh, Baldish Singh & Balbir Singh as recorded by the Trial Court do not suffer from any infirmity and the same are duly borne out from the evidence led by the prosecution in the shape of testimonies of the stamped witnesses and which are corroborated by the medical evidence and also by the factum of recovery of weapons of offence at the instance of accused. Consequently, conviction of the appellants namely Ajit Singh, Baljit Singh, Baldish Singh & Balbir Singh is upheld and appeals filed on their behalf being sans merit and are hereby dismissed. However, as already discussed above, the conviction of appellant – Jagtar Singh cannot sustain for the reasons recorded above and, as such, the appeal qua Jagtar Singh is hereby accepted and his conviction is set aside. His bail bonds/surety bonds shall stand discharged. The criminal revision also stands dismissed.
30. Intimation be sent to quarters concerned for effecting arrest of appellants Ajit Singh, Baljit Singh, Baldish Singh & Balbir Singh so as to undergo remaining



*CRA-D-250-DB-2005 (O&M);
CRA-D-251-DB-2005 (O&M) &
CRR-1363-2005 (O&M)*

(21)

part of their sentence. Case property be dealt with under rules upon expiry of limitation for filing appeal.

**(GURVINDER SINGH GILL)
JUDGE**

10.3.2025

Pankaj

**(JASJIT SINGH BEDI)
JUDGE**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No