



CRA-D-886-DB-2004 (O&M) &  
CRA-D-64-DB-2005 (O&M)

-1-

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

(1) **CRA-D-886-DB-2004 (O&M)**

Pohla Singh and another

... Appellants

Versus

State of Punjab

... Respondent

(2) **CRA-D-64-DB-2005 (O&M)**

Mehal Singh @ Bhali

... Appellant

Versus

State of Punjab

... Respondent

**Date of decision : 25.08.2025**

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL  
HON'BLE MR. JUSTICE H.S. GREWAL**

Present:- Mr. Dhruv Chowfla, Legal Aid Counsel  
for the appellants in both the appeals.

Mr. Nikhil Ghai, Advocate and  
Mr. Joban Singh Dhaliwal, Advocate  
for the appellant in CRA-D-64-DB-2005.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Narinder S. Lucky, Advocate and  
Ms. Jaya Kohli, Advocate for the complainant.

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CRA-D-886-DB-2004 (O&M) &  
CRA-D-64-DB-2005 (O&M)

-2-

**H.S. Grewal, J.**

1. This order shall dispose of CRA-D-886-DB-2004 and CRA-D-64-DB-2005 as these are arising out of the same FIR. For the sake of brevity, the facts are being taken from CRA-D-886-DB-2004.

2. CRA-D-886-DB-2004 has been preferred by the appellants/accused, namely, Pohla Singh and Mohinder Singh against the judgment of conviction and order of sentence dated 31.07.2004 passed by the learned Additional Sessions Judge (Ad-hoc), Amritsar in case FIR No.103 dated 30.10.2001, registered at Police Station Goindwal Sahib, whereby the appellants had been convicted and sentenced to undergo imprisonment along with fine as under:-

Name of the accused/appellant	Section	Sentenced to	Fine (each)	In default of payment of fine
Pohla Singh	302/34 IPC	Life imprisonment	Rs.2,000/-	02 months RI
	326 IPC	05 years	Rs.1,000/-	01 month RI
	324/34 IPC	01 year	-	-
Mohinder Singh	302/34 IPC	Life imprisonment	Rs.2,000/-	02 months RI
	326/34 IPC	05 years	Rs.1,000/-	01 month RI
	324 IPC	01 year	-	-

It was ordered that all the sentences shall run concurrently.

3. CRA-D-64-DB-2005 has been preferred by the appellant/accused, namely, Mehal Singh @ Bhali (who was declared P.O. during trial) against the judgment of conviction and order of sentence dated 21.12.2004 passed by the



CRA-D-886-DB-2004 (O&M) &  
CRA-D-64-DB-2005 (O&M)

-3-

learned Additional Sessions Judge (Ad-hoc), Amritsar in the aforesaid FIR, whereby he had been convicted and sentenced to undergo imprisonment along with fine as under:-

Name of the accused/ appellant	Section	Sentenced to undergo	Fine (each)	In default of payment of fine
Mehal Singh	302 IPC	Life imprisonment	Rs.2,000/-	02 months RI
	326/34 IPC	05 years	Rs.1,000/-	01 month RI
	324/34 IPC	01 year	-	-

It was ordered that all the sentences shall run concurrently.

4. The case of the prosecution is based upon the statement of Gurmej Singh s/o Aroor Singh, dated 30.10.2001, wherein he had stated that he and his brothers owned 30-35 killas of land in Mand of river Beas. On 28.10.2001, he along with his younger brothers Gurmukh Singh, Sukhwinder Singh and Billu Singh s/o Tara Singh went to the land and after crossing the river through a boat, they had hardly gone a little ahead when at about 03:45 P.M. they saw accused-Mehal Singh @ Bholli s/o Harnam Singh, accused-Pohla Singh, both armed with gandasi(s), accused-Mohinder Singh was having Datar and Sahib Singh was empty handed. Sahib Singh had raised a *lalkara* to catch them and they should not be spared and be taught a lesson for quarrelling with them over land. Then accused-Mehal Singh had given a gandasi blow by sharp side on the head of Gurmukh Singh, who had fallen on the ground. Accused-Pohla Singh had attributed a gandasi blow on the head of Billu. Accused-Mohinder Singh had inflicted *datar* blow on the left side of the head of Billu Singh. In the



**CRA-D-886-DB-2004 (O&M) &  
CRA-D-64-DB-2005 (O&M)**

**-4-**

meanwhile, Gurmej Singh and Sukhwinder Singh had raised hue and cry and thereafter, the accused/appellants had run away with their weapons. The complainant-Gurmej Singh and Sukhwinder Singh had taken Gurmukh Singh and Billu in injured condition to the other side of river in the Boat and then after making arrangement of conveyance, they were taken to Civil Hospital, Tarn Taran and were got admitted there. The condition of Gurmukh Singh was critical and later, referred to Government Hospital, Amritsar. Gurmukh Singh was taken to Muni Lal Chopra Memorial Hospital, Amritsar, who succumbed to the injuries there on 30.10.2001.

5. In the meantime, copies of MLRs of Gurmukh Singh and Billu Singh were received by SI Rattan Singh, who went to Civil Hospital Tarn Taran and had presented an application to the Doctor to know whether Billu Singh was fit to make statement but the Doctor had declared Billu Singh as unfit to give statement. Then SI Rattan Singh and other police officials went to Muni Lal Chopra Hospital and near the gate thereof, Gurmej Singh had met him. The statement of Gurmej Singh (Ex.PO) was recorded which was sent to the police station with endorsement Ex.PO/1, whereon FIR Ex.PO/2 was registered. The complainant had stated the motive behind the occurrence that Gurmej Singh and others had a dispute with Pohla Singh over the boundary of their fields in the Mand area and Mehal Singh used to help the other accused persons.

6. SI Rattan Singh had taken the investigation and conducted inquest proceedings on the dead body of Gurmukh Singh at Muni Lal Chopra Hospital, in the presence of Bawa Singh and Karam Singh. The dead body was sent to



**CRA-D-886-DB-2004 (O&M) &  
CRA-D-64-DB-2005 (O&M)**

-5-

Civil Hospital, Tarn Taran, for post mortem examination through HC Lakhwinder Singh and HC Karamjit Singh and an application Ex.PM was given to the doctor in this respect. Thereafter, SI Rattan Singh accompanying with Gurmej Singh had proceeded to the place of the occurrence which was across the river Beas. They went to the place of the occurrence on the next day. SI Rattan Singh had prepared rough site plan (Ex.PS). On that day also, injured-Billu Singh was declared unfit to make statement by the doctor. On 02.11.2001, injured-Billu Singh was found in fit condition to give statement and his statement was recorded. Billu Singh had produced his blood stained shirt and parna, which were sealed in parcel and were seized vide memo Ex.PT.

7. Accused-Mehal Singh was arrested on 03.11.2001 and during interrogation on 05.11.2001, he had disclosed that he had kept concealed gandasi in the wheat husk stored in his cattle shed. His statement Ex.PT was recorded. Then he got recovered gandasi(Ex.PJ) from the said place which was sealed in a parcel and was taken into police possession.

8. Accused-Pohla Singh was arrested on 04.11.2001. During interrogation, he had disclosed that he had kept concealed a gandasi in his cattle shed and he offered to get it recovered. His statement Ex.PU was recorded, which was thumb marked by him and then he got recovered gandasi from the place disclosed by him, which was sealed in parcel with the seal of 'RS' and was seized vide memo Ex.PU/1.

9. Accused-Mohinder Singh was arrested on 08.01.2002. After the completion of the investigation, challan was presented against the accused



**CRA-D-886-DB-2004 (O&M) &  
CRA-D-64-DB-2005 (O&M)**

**-6-**

persons who were chargesheeted under Sections 302, 324, 326 read with Section 34 IPC and charges were framed against them to which they pleaded not guilty and claimed trial.

10. Learned counsel(s) for the appellant(s) submit that the trial Court had erred in convicting the appellants as there were material contradictions in the prosecution versions and the alleged motive attributed to the appellants had not been established. They submit that the entire conviction rests primarily on the statements of prosecution witnesses, whose versions were not fully consistent and the alleged motive of boundary dispute was not proved with convincing evidence. The appellant-Phola Singh had relied on the medical evidence of DW1 Dr. Bal Krishan Sodhi and DW2 ASI Sukhdev Singh to show that he himself had received injuries in the incident and the prosecution suppressed the true genesis of the occurrence. Learned counsel(s), therefore, pray for allowing the appeal, setting aside the impugned judgment and order of sentence and acquitting the appellants from all the charges.

11. On the other hand, learned State counsel and the counsel for the complainant have collectively submitted that it is a case of pre-planned and cold blooded murder committed by the appellants in broad daylight. They submit that the motive for the occurrence stood clearly proved from the long-standing boundary dispute in the Mand area of the village, which had been consistently mentioned right from the earliest version of the case. They further submit that the ocular version of PW4 Gurmej Singh and PW5 Billu Singh was



**CRA-D-886-DB-2004 (O&M) &  
CRA-D-64-DB-2005 (O&M)**

-7-

natural, trustworthy and duly corroborated by the medical evidence on record. PW5 was himself an injured eyewitness and, therefore, his presence at the spot could not be doubted. The medical evidence of PW1 Dr. Ajit Singh and PW3 Dr. Paramjit Singh fully matched with the injuries described by the eyewitnesses. The nature, seat and dimensions of injuries found on the deceased Gurmukh Singh and injured Billu Singh were wholly consistent with the use of sharp-edged weapons like *gandasi/datar* which were attributed to the appellants. Learned counsel(s) also submits that the defence version set up by the appellants was false and an afterthought. The alleged injuries on appellant Pohla Singh were only superficial in nature. It is, therefore, submitted that there is no illegality or perversity in the judgment of the trial Court which would require interference by this Court and the appeals deserve to be dismissed.

12. We have heard learned counsel for the parties and have perused the material available on record.

13. In order to substantiate the charge against the appellant(s), the prosecution had examined PW1 Dr. Ajit Singh, PW2 Joga Singh Patwari, PW3 Dr. Paramjit Singh, PW4 Gurmej Singh, PW5 Billu Singh, PW6 Dr. Tejwant Singh, PW7 SI Rattan Singh, PW8 HC Salwant Singh, PW9 Constable Sukhwanti Singh, PW10 HC Karamjit Singh, PW11 Constable Malkiat Singh, PW12 Ashwani Kumar and had also tendered into evidence reports of Chemical Examiner, Ex.PY and Ex.PZ.



CRA-D-886-DB-2004 (O&M) &  
CRA-D-64-DB-2005 (O&M)

-8-

14. PW1 Dr. Ajit Singh had deposed that on 28.10.2001, he had conducted medico-legal examination of Gurmukh Singh s/o Aroor Singh and it was found that he had suffered an insized wound 5 x 1 x 1 cm on the right side of head 12 cm above right external auditory meatus 5 cm below anterior posterior midline. He was semi conscious. EX.PA is the copy of the MLR with pictorial diagram EX.PA/1. Thereafter, on receipt of bed head ticket from Muni Lal Chopra Hospital, injury was declared dangerous to life. He had further stated that Billu s/o Tara Singh was also medically examined by him on that day at 03:00 P.M. and two injuries of sharp edged weapon were found suffered by him on the right side of his head and on the left side of his head, which were of the duration of two hours. Injury no. 1 was declared dangerous to life and other injury was simple. A copy of the MLR is Ex.PE. Ex.PF is the report whereby injury no.1 was declared grievous. He had also stated that on 30.10.2001 & 01.11.2001, injured-Billu was found unfit to make statement. Only on 02.11.2001, injured-Billu was declared fit to make statement.

15. PW3 Dr. Paramjit Singh, Medical Officer, Civil Hospital, Tarn Taran had deposed that the post mortem on the dead body of Gurmukh Singh was conducted by him on 30.10.2001, which was brought to the Civil Hospital at Tarn Taran by HC Karanjit Singh and Constable Lakhwinder Singh and was identified by Bawa Singh s/o Aroor Singh and Karam Singh s/o Dalip Singh. He had found following injury in the person of the deceased-Gurmukh Singh :-

*“An incised wound about 6 cm (stitched with 5 stitches of silk) and present on the right parietal region of scalp. On dissection, there*



**CRA-D-886-DB-2004 (O&M) &  
CRA-D-64-DB-2005 (O&M)**

**-9-**

*was hematoma present on the substance of the scalp more on the right side. There is fracture line in the right parietal bone which extends on to the left parietal bone and ends in the left temporal bone. On further dissection, a huge subdural hematoma with laceration of the temporal and parietal area of brain.”*

He opined that the cause of death was due pressure on the vital structure of the brain as a result of injury described which was sufficient to cause death in the ordinary course of nature. A copy of Post Mortem Report is Ex.PL.

16. PW4 Gurmej Singh had reiterated the detailed version of the FIR as referred above. He further stated that his statement EX.PO was correctly recorded by the police. PW5 Billu Singh, who was an injured witness, had also corroborated the version as laid down in the FIR and had supported the case of the prosecution.

17. PW6 Dr. Tejwant Singh had deposed that on 02.11.2001, he had conducted X-ray examination of injured-Billu Singh and fracture on right parietal bone was seen and the report thereof is Ex.PR.

18. Other prosecution witnesses had apprised about the investigation proceedings and link evidence.

19. After closing the prosecution evidence, the statements of the appellants under Section 313 Cr.P.C. were recorded wherein they had denied all the allegations and pleaded innocence. They had also deposed that they had been falsely implicated in this case.



**CRA-D-886-DB-2004 (O&M) &  
CRA-D-64-DB-2005 (O&M)**

**-10-**

20. In his defence, the appellants had examined DW1 Dr. Bal Krishan Sodhi and DW2 ASI Sukhdev Singh. DW1 Dr. Bal Krishan Sodhi had deposed that on 29.10.2001 at 02:20 AM, he had conducted medico legal examination of accused/appellant-Pohla Singh and it was found that he had suffered three injuries of sharp edged weapon and he had complained pain in his left knee joint and right thumb. Copy of the MLR is Ex.DA.

21. DW2 ASI Sukhdev Singh had deposed that in October, 2001, he was posted at PS Talwandi Chaudhrian and copy of MLR was received by him on 29.10.2001 which had been issued by Medical Officer, Tibba Hospital and he went to the hospital and he consulted the doctor if Pohla Singh could make statement. Pohla Singh was found unfit to give statement. He was declared fit to give statement by the doctor on 31.10.2001, but he did not make statement saying that he could not speak. Application was made by him with report of the doctor and was sent to PS Goindwal Sahib as the occurrence was of its jurisdiction. The appellants had also tendered into evidence jamabandi of land as Ex.DB, Ex. DC and copy of Chhajra Akash as Ex.DD.

22. After considering the statements of all the witnesses and taking into account the evidence led by both the sides, the trial Court had convicted the appellants and sentenced them to undergo RI for life. However, co-accused Sahib Singh was acquitted of the charges.

23. Upon a careful and independent re-appraisal of the evidence on record and after hearing learned counsel(s) for the parties, this Court is of the



**CRA-D-886-DB-2004 (O&M) &  
CRA-D-64-DB-2005 (O&M)**

**-11-**

considered view that the findings recorded by the learned trial Court are well-reasoned and duly supported by the evidence available on record.

24. The incident is alleged to have taken place on 28.10.2001 at about 03:45 PM across the river Beas. The injured were immediately taken for urgent medical treatment, firstly to Civil Hospital, Tarn Taran and thereafter Gurmukh Singh was referred to Amritsar in a critical state where he succumbed on 30.10.2001. The statement of PW4 Gurmej Singh (Ex.PO) was recorded near the gate of Muni Lal Chopra Hospital. Moreover, injured-Billu Singh was declared unfit to make statement till 02.11.2001 and therefore, the timing of the FIR stands satisfactorily explained and no prejudice is shown to have been caused to the defence on this aspect.

25. The ocular version of PW4 Gurmej Singh and PW5 Billu Singh (an injured eye-witness) inspires confidence and stands corroborated by the medical evidence adduced by the doctors concerned. The testimonies of PW1 Dr. Ajit Singh and PW3 Dr. Paramjit Singh were found to be consistent with the version of PW4 Gurmej Singh and PW5 Billu Singh. PW1 Dr. Ajit Singh had proved the MLRs of Gurmukh and Billu, including the declaration of Gurmukh's injury as dangerous to life and Billu's injury No.1 as grievous. PW3 Dr. Paramjit Singh had conducted the post-mortem and found an incised wound on the parietal region, fracture lines extending across parietal to temporal bones, and a massive subdural hematoma with laceration of brain areas. He opined death was due to pressure on vital brain structures and the



**CRA-D-886-DB-2004 (O&M) &  
CRA-D-64-DB-2005 (O&M)**

-12-

alleged injury was sufficient in the ordinary course of nature to cause death. PW6 Dr. Jaswant Singh had proved fracture on Billu's right parietal bone (Ex.PR). The seat, nature and dimensions of injuries are wholly consistent with the sharp-edged weapons like gandasi/datar attributed to the appellants and the manner of assault described by PW4 and PW5.

26. The plea raised taken by the appellant-Phola was not believable because the medical evidence of DW1 Dr. Bal Krishan Sodhi showed that Pohla Singh had only three superficial incised wounds i.e. on the face, forearm, and wrist along with complaints of pain in his knee and thumb. He was medically examined at Civil Hospital, Tibba, on 29.10.2001 at 02:20 A.M., almost eleven hours after the incident. The doctor opined that the injuries could be about four hours old or even older. The record further indicates that instead of going directly for treatment, Pohla Singh first went to his village Dhoonda, then later to the hospital with his wife. This delay, coupled with the superficial nature of the wounds, makes his version unreliable. The injuries are inconsistent with his claim that he was attacked with deadly weapons and had acted in self-defence.

27. The trial Court had rightly held that the statements of PW4 Gurmej Singh and PW5 Billu Singh were consistent, natural, and reliable. Since PW5 was an injured eyewitness, his presence at the spot could not be doubted and his testimony carried strong value. The small differences in their accounts were minor and did not affect the overall truthfulness of the prosecution's case.



**CRA-D-886-DB-2004 (O&M) &  
CRA-D-64-DB-2005 (O&M)**

**-13-**

28. The prosecution had also established motive by giving their consistent version of an ongoing boundary dispute over land in the Mand area. This motive finds mention in the earliest version and is not a subsequent improvement. Although motive is not essential where direct evidence exists but its presence furnishes an additional link supporting the prosecution case.

29. Moreover, in pursuance to the disclosure statements, gandasi(s) were recovered at the instance of accused-Pohla Singh and Mehal Singh. The chain of custody and link evidence through the police witnesses has remained unshaken in cross-examination. These recoveries lend assurance to the ocular account and are well-matched with the injuries found.

30. The manner in which the appellants came together, armed with deadly weapons and inflicted blows at the vital parts of the body in quick succession clearly established a shared intention under Section 34 IPC. Thus, the conviction of the appellants under Section 302 read with Section 34 IPC is well-founded.

31. In view of the above, we do not find any illegality or perversity in the well-reasoned judgment of the trial Court convicting the appellants. It is also relevant to notice that the learned trial Court had acquitted co-accused Sahib Singh from all the charges. Since no appeal against his acquittal has been preferred either by the State or by the complainant, the said finding has attained finality and the aforesaid consideration is confined only to the conviction of the appellants-Pohla Singh, Mohinder Singh and Mehal Singh.



**CRA-D-886-DB-2004 (O&M) &  
CRA-D-64-DB-2005 (O&M)**

**-14-**

32. Consequently, both the appeals are dismissed and the judgment(s) of conviction and order(s) of sentence passed by the learned Additional Sessions Judge, Amritsar on 31.07.2004 & 21.12.2004 respectively in the aforesaid FIR are hereby upheld.

33. The Chief Judicial Magistrate, Amritsar is directed to take necessary steps to ensure that the appellants are taken into custody and made to undergo the remaining sentence.

34. Pending application(s), if any, shall stand disposed of accordingly.

**(MANJARI NEHRU KAUL)  
JUDGE**

**25.08.2025**  
A.Kaundal

**(H.S.GREWAL)  
JUDGE**

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