

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-D-1881-DB-2014 (O&M)
Date of Decision: 08.04.2025

GURPREET SINGH @ MANGA AND ANOTHER

..... Appellant(s)

Versus

STATE OF PUNJAB

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Deepak Choudhary, Advocate
for appellants.

Mr. Dhruv Dayal, Addl..A.G., Punjab.

LISA GILL, J.

1. This appeal has been filed by appellants for setting aside order dated 16.07.2014, passed by learned Additional Sessions Judge, Ludhiana, whereby appellants have been convicted for the offence punishable under Section 302, 380 read with Section 34 and Section 376 IPC. Vide order dated 17.07.2014, convicts have been sentenced as under:-

Offence U/S	IMPRISONMENT		FINE	IN DEFAULT OF PAYMENT OF FINE
302/34 IPC	Rigorous for life	Imprisonment	Rs.10,000/- each	Rigorous imprisonment for six months
376 IPC	Rigorous for life	Imprisonment	Rs.10,000/- each	Rigorous imprisonment for six months
380/34 IPC	Rigorous for five years	Imprisonment	Rs.5,000/- each	Rigorous imprisonment for three months

2. Brief facts as per the prosecution version are that FIR No.235 dated 21.08.2010 (Ex.PW13/A) was registered under Sections 302/376D, 380/34 IPC, on the statement of complainant Mangat Rai @ Manga, PW-2, who recorded his statement, Ex.PW2/A, to the effect that he was engaged in a private job, his father was serving at an iron factory at Ludhiana and he had three brothers and two sisters. One of his brothers namely Jaspal Nath aged about 16 years, regularly visited their maternal aunt Charanjit Kaur @ Charno, a widow and resident of Satnam Nagar, Doraha. She was residing in a rental accommodation of one Gurdev Singh Mistri. Jaspal Nath had gone to his maternal aunt since the last three days. Charanjit Kaur @ Charno had three daughters namely Renu, Ashu, Keemo and a son namely Sukhdev Singh @ Sukha. She had also adopted a son namely Navdeep Singh @ Navi, upon which Sukhdev Singh @ Sukha was angry with his mother and had left the home about 8 – 9 months ago. Complainant went to visit his maternal aunt's home, upon which he was told by neighbours that a family, who was a tenant with Baldev Singh Mistri, has been murdered. When he arrived at his maternal aunt's home, he saw dead body of his maternal aunt – Charanjit Kaur @ Charno, lying on the floor near the cot. She was murdered through strangulation. Blue marks appeared on her neck and chin. When complainant went to the next room, he saw dead bodies of Karamjit Kaur @ Keemo and Navdeep Singh @ Navi on the bed. They too had been murdered through strangulation by means of a rope and a cloth. Blood stained body of his brother Jaspal Nath was lying on the floor. He intimated about the cold blooded murder of all the family members to his brother and present FIR was thus registered.

3. As per PW-13 Inspector, Jaswinder Singh, who was posted as SHO Police Station Payal on 21.08.2010, he alongwith other police officials including PW-3 ASI Surinderpal Singh, ASI Rajwant Kaur, HC Amrik Singh, C. Pargat Singh and other police officials were present at railway crossing Araichan, in connection with special *Nakabandi*, when complainant Mangat Rai @ Mangat came present and got recorded his statement Ex.PW2/A. *Ruqa* was sent to police station through Constable Pargat Singh, on the basis of which formal FIR (PW13/A) was recorded by ASI Lakhwinder Singh. A request for sending Fingerprint Expert and dog squad was sent by PW-13, who alongwith police party and complainant reached at the place of occurrence. Site Plan Ex.PW13/B was prepared. Inquest reports Ex.PW13/C, Ex.PW13/D, Ex.PW13/E and Ex.PW13/F of the dead bodies of Charanjit Kaur @ Charno, Navdeep Singh @ Navi, Jaspal Nath and Karamjit Kaur @ Keema, respectively, were prepared. Photographs of dead bodies on the spot were taken. Dead bodies were sent to Civil Hospital through H.C. Parmod Kumar. Police party from Police Post Doraha was also called. Blood was lifted from the floor. One torn pocket with white, sky-blue and navy-blue stripes was taken in possession through Memo Ex.PW3/A. SI Manjit Kaur, Fingerprints Expert also arrived at the spot. Fingerprints were taken from a glass lying on the shelf of kitchen and two glasses (all glass tumblers) lying on the floor. Fingerprints were also taken from one glass bottle containing liquor (Aristocrat Premium) lying in kitchen. Four parcels of three glasses and one bottle were prepared and taken in possession vide memo dated Ex.PW3/B. Said memos were duly signed by Mangat Rai @ Mangat – complainant as well as ASI Surinderpal Singh. Case property was deposited with MHC Jagdev Singh, Police Station Payal.

Postmortem was conducted on requests Ex. PA to Ex. PD. Two parcels of swabs and two envelopes with two parcels of blood samples, two envelopes, clothes of deceased Karamjit Kaur @ Keema, three parcels bearing seals of "LMCH", clothes of deceased Charanjit Kaur @ Charno, Jaspal Nath and Navdeep Singh @ Navi were handed over to HC Parmod Kumar after postmortem examination. These were converted into separate parcels and deposited with MHC.

4. It is further stated by PW13 that on 23.10.2010, when he alongwith other police party was present at T-point Shahpur in connection with investigation of the matter, Achhra Singh (PW12) and Kewal Krishan produced the accused Kulwinder Singh @ Nika, Gurpreet Singh @ Gopi and Gurpreet Singh @ Manga alongwith one motorcycle without any registration number. Achhra Singh (PW12) stated that he was Ex-Sarpanch of village Rampur and a Member of Police Advisory Committee, Ludhiana and that on 23.08.2010, Gurpreet Singh @ Gopi and Kulwinder Singh @ Nikka, who were known to him earlier, came to his office at Gaddo Chowk. They used to work on JCB Machines. They apprised him that police was looking for them. They were on visiting terms with Charanjit Kaur @ Charno who resided at Sahnewal alongwith her family and Sukhdev Singh @ Sukha son of Charanjit Kaur @ Charno used to work with them. Due to this reason they often visited his house. They further stated that Charanjit Kaur @ Charno was working in an orchestra, so girls from other places used to come to her house. Charanjit Kaur @ Charno allowed them sexual intercourse with those girls by taking money. Sukhdev Singh @ Sukha used to forbid his mother for doing so and would open quarrel with her. Charanjit Kaur @ Charno asked Gurpreet Singh @ Gopi and Kulwinder Singh @ Nikka to eliminate

Sukhdev Singh @ Sukha because he used to create hurdles in their way. Gurpreet Singh @ Gopi, it is stated, told Achhra Singh that in the month of November, 2009, he alongwith Gurpreet Singh @ Manga took Sukhdev Singh @ Sukha on a motorcycle to a wine shop at Tibba bridge, from where they bought liquor. Subhash, Sarpanch also met them at Tibba bridge, who inquired as to where they were going, to which they replied that they were taking Sukhdev Singh @ Sukha for boarding a train. Gurpreet Singh @ Gopi further revealed that they went for motor at Khanpur village where all of them consumed liquor. Sukhdev Singh @ Sukha was made to consume more liquor than they did and they ultimately took him to a railway line on a motorcycle. They made him sit between both of them on the motorcycle and placed him on the railway line when he was in unconscious condition. After about 15 - 20 minutes, a train came and crossed over Sukhdev Singh. They came back to Charanjit Kaur @ Charno and told that they had killed Sukhdev Singh @ Sukha and on that night they stayed at her house. Charanjit Kaur @ Charno, thereafter, shifted to Doraha in Satnam Nagar where Gurpreet Singh @ Gopi and Gurpreet Singh @ Manga and Kulwinder Singh @ Nikka used to visit her house. They further told Achhra Singh that Charanjit Kaur @ Charno told them that one Gurmail Singh @ Kala was demanding about Rs.60,000/- to 70,000/- from her and was harassing her, therefore, they should eliminate Gurmail Singh @ Kala as well, otherwise she would lodge a case of murder of her son against them. They further stated that they revealed about this blackmailing tactic to Subhash, Sarpanch, who assured that he would talk to Charanjit Kaur @ Charno as to why she was leveling allegations. However, they got perplexed and planned to kill the entire family. They further revealed that on 19.08.2010, all three

of them gathered at liquor shop at Rampur at 7:00 P.M., where they took liquor and after planning went to the house to Charanjit Kaur @ Charno on a motorcycle, which was parked in the field of Chari. They entered Charanjit Kaur's house by scaling wall. She was sleeping in the courtyard of her house with the light of bathroom switched on. They switched off light of bathroom. Gurpreet Singh @ Manga gagged Charanjit Kaur @ Charno and also wrapped a *Dupatta* around her neck, took her in a room from courtyard and killed her with her *Dupatta*. Gurpreet @ Gopi further revealed that he took Karamjit Kaur @ Keemo in a room after gagging her. In the meanwhile, Jaspal Nath, aged 16 years, got up and resisted them. Kulwinder Singh @ Nikka revealed that he twisted Jaspal Nath's arms threw him on the bed and strangled him with cloth. Jaspal Nath fell down on the floor with his face towards the floor and died. Gurpreet Singh @ Gopi further revealed that Gurpreet Singh @ Manga committed rape upon Charanjit Kaur @ Charno, after killing her and he also committed rape with Karamjit Kaur @ Keema and killed her by strangulating her. In the meantime, Navdeep Singh @ Navi, aged four years, who was sleeping, also got up and they murdered him also by strangulating him. They, thereafter, went to kitchen, took liquor and left the place by scaling the wall. They fled from the spot on the motorcycle they had parked on the field. Achhra Singh produced the accused before police authorities. Accused were arrested, who suffered disclosure statements. Accused Kulwinder Singh @ Nikka was declared juvenile and was tried separately. Upon completion of investigation, final report/challan was presented against appellants. Copies of challan and other documents were supplied to accused in compliance of Section 207 Cr.P.C. Matter was committed to the Court of Sessions vide order dated 30.11.2010. Charge

under Sections 302, 376 and 380 read with Section 34 IPC was framed, to which accused pleaded not guilty and claimed trial.

5. In order to prove prosecution case, as many as fifteen witnesses were examined by prosecution, detail thereof is delineated in para 7 of impugned judgment dated 16.07.2014. Statements of accused were thereafter recorded under Section 313 Cr.P.C., whereby entire incriminating evidence was put to them. They claimed innocence and false implication. Present appellants pleaded that they did not know any Achhra Singh and did not have any connection whatsoever with him and neither had they confessed to commission of any crime. They further stated that they had been picked up from their home by the police, no recovery was effected from them, they never worked with any Sukhdev Singh @ Sukha and absolutely false story had been concocted to implicate them in this matter. Kirpal Kaur (PW-8), daughter of Charanjit Kaur @ Charno, it was stated, deposed falsely regarding their connection with the death of their brother.

6. Learned trial Court on considering the evidence on record, facts and circumstances concluded that prosecution had successfully proved commission of offences by appellants as charged beyond all reasonable doubt. Appellants were accordingly, convicted for the offences punishable under Section 302 read with Section 34 IPC, 376, 380 IPC read with Section 34 IPC and sentenced as detailed in the foregoing paras, vide impugned judgment and order of sentence dated 16.07.2014. Aggrieved therefrom present appeal has been filed by appellants Gurpreet Singh @ Gopi and Gurpreet Singh @ Manga.

7. Learned counsel for appellants vehemently argued that FIR in this case was registered against unknown persons. Evidence on record is not

sufficient to sustain conviction of appellants for the offences in question. There was no occasion for the appellants to have gone to Achhra Singh for recording of their confession. Furthermore, Kewal Krishan, the other person before whom extra judicial confession was supposedly made, was not examined. PW14 Navjit Singh @ Naib, who was projected as a witness to have last seen the accused at about 1:15 A.M. on the intervening night of 19/20.08.2010, has not supported prosecution version. He denied that he had ever made any statement to the effect that he saw the accused coming out of the house of Charanjit Kaur @ Charno on the intervening night of 19/20.08.2010. Therefore, there is no worthwhile evidence to prove guilt of appellants. In a matter resting entirely upon circumstantial evidence, it is imperative that there should be no other hypothesis possible except that which points to guilt of accused. Present is not a case where such a hypothesis is possible. It was thus submitted that this appeal be allowed, judgment and order of sentence dated 16.07.2014/17.07.2014, passed by learned Additional Sessions Judge, Ludhiana, be thus set aside and appellants be acquitted of all charges framed against them.

8. Learned counsel for the State, opposed the appeal while refuting the arguments raised on behalf of appellants while submitting that link in the chain of circumstantial evidence is complete and duly proved on record besides scientific evidence on record in the shape of report of Fingerprints Bureau, FSL reports as well as recoveries effected from appellants pursuant to their disclosure statements. It was thus prayed that this appeal be dismissed.

9. We heard learned counsel for the parties and have carefully perused the entire evidence on record.

10. It is a matter of record that present is a case which rests upon circumstantial evidence. Appellants were not named in the FIR. Death of four persons is proved to be a homicidal.

11(i). As per testimony of PW1, Dr. Ramesh Kumar, injuries found on the person of deceased Charanjit Kaur @ Charno, aged 45 years as per postmortem report, were as under:-

Ligature mark measuring 14" x 1" present around the neck as depression yellowish brown at the level of thyroid cartilage horizontal and encircles the neck along the depression edges. Abrasions and echymosed subcutaneous are at tissues with injuries to the muscles of the neck and great vessels (cervical vessels). On opening of the laryngeal cavity tracheal rings compressed and laryngeal cavity markedly congested and contains blood stained fluid.

(ii) Condition of dead body of Charanjit Kaur @ Charno as per postmortem report is stated to be as under:-

(a). Whole face was suffused with eye balls prominent and sub-conjunctival congestion, tongue was protruding out from the mouth. Cynosures was present on the nail bed and mucous membrane of mouth and lips.

(b). Scalp skull congested, vertebrae not explored. Meninges and brain-signs of putrefaction present. Spinal cord not exposed. Walls, ribs and cartilages-signs of putrefaction present. Pleural cavities were congested, lungs were congested and putrefied and on cut section shows puss like material. Peritoneum was congested. Stomach and its contents congested and contained semi digested food 100 ml. Small intestine and its contain congested and contain gases chyme. Large intestine and its contains congested, gases and fecal matter. Liver was congested, spleen was also congested, kidneys congested, Bladder was congested and empty, all shows signs of

early putrefaction. Organs of generation-Uterus was empty and normal size. On examination of external genitalia no redness or any sign of injury was scene on vaginal introits. Rigor mortis was present partially over the lower limb. Signs of early putrefaction was present. Distension of the abdomen was also present with greenish discoloration of the abdomen present alongwith peeling of skin with maggots seen over face, mouth, nose, neck on the lower limbs both. Mouth, Pharynx and Oesophagus were putrefied. Ligature mark described, Larynx and Trachea described.

(iii)The cause of death in this case in his opinion was due to asphyxia as a result of strangulation which was antemortem in nature and was sufficient to cause death in ordinary course of nature. The time between injury and death was immediate and between death and postmortem was more than 48 hours.

(iv)It is further mentioned that three vaginal swabs were taken and sent for chemical examination at Kharar.

The report of three vaginal swabs vide PMR No.RKB-35/2010 was received and it was sent to SHO PS Payal vide dispatch civil hospital No.D9796/10 dated 27.9.2010. Report of Chemical Examiner, Kharar shows that no spermatozoa were detected in the contents of Ex.P1.

12(i). PW1, Dr. Ramesh Kumar, testified that injuries found on the person of deceased Karamjit Kaur @ Keema, aged 12 years as per postmortem report, were as under:-

Ligature mark measuring 12 inches x 1/2 inch appearing as yellowish brown dry hard encircling the neck horizontally at the level of thyroid cartilage. On dissection of ligature mark reveals

abrasions and bruises around the ligature mark and echymosed subcutaneous are around tissue with injury to the surrounding muscles of the neck. Tracheal rings compressed and on exploration laryngeal cavity markedly congested and contained blood stained fluid.

(ii) Condition of body as per postmortem report is stated to be as under:-

(a) Whole face was congested suffused, eye balls were prominent and subconjunctival congestion, fine froth was coming out from the angle of mouth right side. Cyanosis was present on the nail bed and mucous membrane of the mouth and lips.

(b) Scalp, meninges and brain congested. Walls, ribs and cartilages healthy. Plural cavities congested. Lungs congested and contains blood stained fluid on cut sections. Pericardium, heart, large vessels congested. Right side contains 20cc venous blood. Peritoneum congested. Stomach and its contents congested and contains semi digested food along with 150 to 200 ml of gastric juice. Small intestine and its contents congested. Gases and chyme large intestine congested, gases and fecal matter. Liver, spleen and kidney congested. Bladder congested and empty. Organs of generation. On examination hymen was torn. There was redness along the posterior margins of vagina. No other mark of injury present on the external genitalia.

(c) Rigor mortis was present partially over the lower limb. PM staining was present on the dependent parts with signs of early putrefaction. Signs of decomposition if any described, mouth, pharynx and Oesophagus described, ligature mark described, larynx and trachea described.

(iii) Cause of death was opined to be asphyxia as a result of strangulation which was antemortem in nature and sufficient to

cause death in ordinary course of nature. Time between injury and death was immediate and between death and postmortem more than 48 hours. As per report dated 06.19.2010 of Chemical Examiner, spermatozoa was detected on the vaginal swabs sent for examination.

13(i). PW1, Dr. Ramesh Kumar, testified that injuries found on the person of deceased Jaspal Nath, aged 16 years, as per postmortem report, were as under:-

Ligature mark measuring 15 inches x 1.5 inch appearing as yellowish brown in colour placed horizontally encircles the neck completely present just below the thyroid cartilage. Abrasions, bruises scene around the ligature mark. Dissection of ligature mark reveals echymosed subcutaneous are or tissue with injury to the muscles of the neck. On exploration of the larynx tracheal rings compressed and laryngeal cavity contained blood stained fluid.

(ii) Condition of body as per postmortem report is stated to be as under:-

(a) Diffused swelling measuring 4 inch x 3 inch on the occipital region of the scalp. Scalp and skull describe and on exploration clotted blood present corresponding to the injury no.2, Vertebrae not explored, meninges and brain congested. Lungs putrefied on cut sections. Foul smelling material comes out. Pericardium, heart, large vessels putrefied. Peritoneum putrefied. Stomach and it contents putrefied and contains 150 to 200 ml of gastric juice with semi digested food. Small intestine and its contents putrefied. "Gases and chyme large intestine putrefied gases and fecal matter. Liver, spleen putrefied, kidneys congested. Bladder congested and empty. Organs of generation described.

(b) Whole face was congested suffused, eye balls were prominent and bulging out. Maggot were scene all over the body. Tongue was protruding out from the mouth. Cynosis was present on the nail beds and mucous membrane of the oral cavity and lips.

(c) Rigor mortis was present partially over the lower limb. Whole body emits with foul smelling odor with signs of putrefaction i.e. distention of the abdomen with the greenish dis-coloration of the abdomen and chest wall with peeling of the skin at places, scrotum swollen and distended grossly including penis. Mouth, Pharynx and Oesophagus described, ligature mark described, Larynx and Trachea described.

(iii) Cause of death was opined to be asphyxia as a result of strangulation which was antemortem in nature and sufficient to cause death in ordinary course of nature. Time between injury and death was immediate and between death and postmortem was more than 48 hours.

14(i). PW1, Dr. Ramesh Kumar, also testified that injuries found on the person of deceased Navdeep Singh @ Navi, aged 04 years, as per postmortem report, were as under:-

Ligature mark measuring 10 inches x 1/2 inch appearing as yellowish brown in colour placed horizontally encircles the neck completely just below the level of thyroid cartilage. Abrasion, bruises were scene around the ligature mark. Dissection of ligature mark reveals echymosed are around tissue with injury to the surrounding muscles of the neck. On exploration of the Larynx Tracheal rings compressed and laryngeal cavity contained blood stained fluid.

(ii) Condition of body as per postmortem report is stated to be as under:-

(a) Whole face was congested, with eye balls were bulging out with subconjunctival congestion. Cyanosis was present on the nail beds and mucous membrane of the mouth and lips. Tongue was protruding out from the mouth.

(b) Scalp congested and meninges and brain congested and putrefied. Walls ribs and cartilages putrefaction changes present. Plural cavities congested and putrefied. Lungs putrefied on cut sections contains foul smelling gases and blood stained fluid. Pericardium, heart, large vessels putrefied. Peritoneum putrefied. Stomach and its contents putrefied and contains 50 to 100 ml of gastric juice with semi digested food. Small intestine and its contents putrefied. Gases and chyme large intestine putrefied gases and fecal matter. Liver, spleen, kidney putrefied. Bladder congested and empty. Penis and testes were swollen fully.

(c) Rigor mortis was absent. Signs of putrefaction i.e. abdominal distension with greenish discoloration of the skin of the abdomen with peeling of skin at places. Scrotum swollen with putrefaction. Maggots were present all over the body with foul smelling odor. Signs of decomposition described. Mouth, Pharynx and Oesophagus putrefied. Ligature mark described, Larynx and Trachea described.

(iii) Cause of death was opined to be asphyxia as a result of strangulation which was antemortem in nature and sufficient to cause death in ordinary course of nature. Time between injury and death was immediate and between death and postmortem was more than 48 hours.

15. Therefore, homicidal nature of death of all the four victims is proved.

16. At the very outset, it is relevant to refer to scientific evidence on record. As per report of Fingerprint Bureau (Ex.PZ/1), it is proved that fingerprints found on glass bottle and glasses recovered from scene of crime, are of present appellants. Argument raised on behalf of appellants that there is a doubt regarding recovery of glass bottle or glasses in the manner as stated by the prosecution, is devoid of any merit. It is to be noted that at the outset, none had been named and FIR was registered against unknown persons. Photographs of liquor bottle and glasses were clicked by PW7 Sunil Kumar on the same day itself. Glass bottle as well as tumblers were taken in custody vide recovery memo dated Ex.PW3/B on 21.08.2010 itself from scene of crime. They were deposited in the Malkhana. After arrest of appellants, Investigating Officer filed application (Ex.P13/B) before learned Magistrate, Ludhiana, for obtaining fingerprints of accused-appellants. This application was allowed by learned Magistrate, subject to consent of appellants. Their consent was obtained and fingerprints of both appellants were taken and given to Investigating Officer against proper receipt on 27.08.2010 itself. It is proved on record that photographer came to scene of crime first and clicked photographs and subsequently SI Manjit Kaur, Fingerprint Expert, came to scene of crime, checked glasses and bottle lying in kitchen. SI Manjit Kaur duly deposed as PW4 and categorically stated that on 21.08.2010, she was posted at Police Line, Ludhiana as Fingerprint Expert. She reached the place of occurrence after receiving a phone call from Police Control Room, Khanna and met Inspector Jaswinder Singh, SHO Police Station Payal there. She checked and lifted fingerprints from three glass tumblers, one of which was lying on the shelf and two underneath and one glass liquor bottle by applying chemical powder and that

she encircled fingerprints and put her signatures thereon and converted them into parcels, which were sealed by Investigating Officer and were sent to Fingerprint Bureau Block. There is nothing in her cross-examination which would come to the aid of appellants. There is no inconsistency in regard to lifting of fingerprints from scene of crime, from glass bottle and glass tumblers on 21.08.2010 itself. Evidence on record reveals that seals remained intact and there was no tampering. As per fingerprint report, there is matching of fingerprints of present appellants, which were admittedly taken at a subsequent point of time with the fingerprints lifted from glass bottle and glass tumblers found at scene of crime. There is indeed no explanation whatsoever of the same. It is rightly held by learned trial Court that vague plea of appellants regarding recovery of glass bottle Ex.P24 and glass tumblers Ex.P21 to P23, to have been foisted, is completely devoid of any merit.

17. It is pertinent to note that one torn pocket of a T-shirt was recovered from the spot on 21.08.2010 and taken in possession as Ex.P-19. PW13 Inspector, Jaswinder Singh specifically deposed in this regard. T-shirt recovered pursuant to disclosure statement of accused Gurpreet Singh @ Gopi matched with the torn pocket recovered from the spot. Consequent to disclosure statements of both the appellants, recoveries of their blood stained clothes were effected, from Gurpreet Singh @ Manga, Ex.P33 and from Gurpreet Singh @ Gopi, Ex.P-34. Therefore, disclosure statements which led to these recoveries assume evidentiary value and importance to said extent. Mobile phones besides other articles like a wrist watch and a chain disclosed to have been stolen from the house of deceased Charanjit Kaur @ Charno, as per statement of PW8 Kirpal Kaur, were also recovered.

Kirpal Kaur categorically deposed that these mobile phones had been purchased from Bangalore, though, she did not have any bills to substantiate her stand. She duly identified these articles to be belonging to the deceased and her family. There is no merit in the argument raised on behalf of appellants that there is no evidence to indicate that these articles had been recovered from them or that they belong to the deceased.

18. As per report of Chemical Examiner, Ex.PZ, in respect to Karamjit Kaur @ Keema, spermatozoa was detected in the contents of Ex.P1 i.e. three vaginal swabs. As per postmortem report of Karamjit Kaur @ Keema Ex.PG, hymen was found torn. There was redness alongwith posterior margins of vagina, which indicates that Karamjit Kaur @ Keema was sexually assaulted. It is thus proved that deceased Karamjit Kaur @ Keema was subjected to rape by appellants. However, there is no evidence to indicate that Charanjit Kaur @ Charno was also subjected to rape by appellants.

19. Learned counsel for appellants had raised an argument that there was no motive whatsoever to kill the victims. It is to be noted that it has come on record by way of evidence of PW12, Achhara Singh and PW8, Kirpal Kaur that Sukhdev Singh @ Sukha also worked on JCB as did the present appellants. As per statement of Kirpal Kaur, Sukhdev Singh @ Sukha is stated to have died on 25.11.2009. No FIR was admittedly registered, however, it has come on record that Sukhdev Singh @ Sukha had left his mother Charanjit Kaur @ Charno few months prior to the incident in question and had strained relations with her. Be that as it may, question of motive pales into insignificance in view of scientific evidence on record in the shape of report of Fingerprint Expert. There is absolutely no explanation

whatsoever as to how fingerprints of appellants came to be present on the glass liquor bottle and glass tumblers found at scene of crime, which were admittedly taken in police custody and sealed much prior to nomination of appellants as accused.

20. Keeping in view the facts and circumstances as above, in our considered opinion, prosecution has successfully proved its case beyond reasonable doubt against appellants. Chain of circumstances pointing conclusively to guilt of appellants is complete with no missing links. Impugned judgment dated 16.07.2014 and order of sentence dated 17.07.2014 has been correctly passed and calls for no interference. Same are accordingly upheld.

21. No other argument was raised.

22. Appeal is accordingly dismissed being devoid of any merit.

(LISA GILL)
JUDGE

(ALOK JAIN)
JUDGE

08.04.2025

Sunil

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No