



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

CRA-D No.966-DB-2004 (O&M)

Date of decision: 29.07.2025

SADHU RAM

... Appellant

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Sudhir Sharma, Advocate for the appellant.

Mr. Karan Sharma, Deputy Advocate General, Haryana.

H.S. Grewal, J.

1. The present appeal has been filed by the accused-appellant in case FIR No.146 dated 14.08.2002 under Section 302 IPC registered at Police Station Pundri, wherein vide judgment dated 17.11.2004 passed by Additional Sessions Judge, Kaithal, the accused-appellant has been convicted and sentenced to undergo imprisonment for life and to pay a fine of Rs.5,000/- and in default of payment of fine, to further undergo imprisonment for a period of six months for the offence under Section 302 IPC.

2. Brief facts of the case are that on 13.08.2002, a V.T. message was received from Police Station City Kaithal regarding the injuries of injured Jasbir Singh. On receipt of message, ASI-Anand Prakash reached the Police Station and collected the rukka and MLR of the injured and reached the Civil Hospital, Kaithal. However, Doctor declared that the injured-Jasbir Singh was not fit to make statement. Thereafter, V.T. message again was received on 14.08.2002



regarding the death of Jasbir Singh. Thereafter, ASI-Anand Prakash alongwith other police officials went to the Civil Hospital, Kaithal where they met Jagat Ram, the complainant who recorded his statement before the police which was reduced to the contents of FIR. The complainant stated that he was having two sons, elder one is Jasbir Singh and younger to him is Sukhbir Singh who is running a Computer Centre at Pundri. On 12.08.2002 at about 5.00 or 6.00 pm, the complainant and his son Jasbir Singh were working in the fields at separate places. The appellant-Sadhu Ram was also working in his fields adjoining the fields of the complainant. The appellant-Sadhu Ram came near Jasbir Singh in his field and asked him as to why he had cut the dol of the fields of Sadhu Ram and had caused loss to him again and again and he also hurled abuses at Jasbir Singh. He also gave an axe blow on his head which Jasbir Singh tried to save but the axe blow hit him on his head as such, Jasbir Singh fell down on the ground and raised alarm "*Maar dia, Maar dia*". The complainant and his nephew Shish Pal and Baljinder Singh who were working in the fields nearby rushed to the spot, all of them saw that Sadhu Ram-accused was putting some poisonous matter in the mouth of Jasbir Singh forcibly. When the accused found the complainant and other persons coming towards him, he ran away from the spot alongwith his weapon and dibba from which he administered some poisonous substance to Jasbir Singh. The complainant then took the injured to the Civil Hospital, Kaithal in an unconscious condition from where he was referred to PGI, Rohtak for emergency treatment. The complainant and other members while going towards PGI, Rohtak noticed the condition of Jasbir Singh being deteriorated and instead of taking him to PGI, Rohtak, they took the injured to Shah Hospital, Kaithal. After sometime, the injured Jasbir Singh succumbed to his injuries and breathed his last due to the poisonous substance administered to him. The dead body was brought to Civil



Hospital, Kaithal. The complainant had stated before the police that Sadhu Ram had caused the death of Jasbir Singh by hitting him by the axe and forcibly administering poisonous substance to him. Thereafter FIR No.146 dated 14.08.2002 was registered.

3. In order to prove its case, the prosecution has produced PW-1/Rameshwar Dass, Patwari Halqa; PW-2/Mohar Singh, Inspector/SHO; PW-3/Dr. M.S. Shah; PW-4/Dr. R.D. Chawla; PW-5/Haveli Ram, Head Constable; PW-6/Balwant Singh UGC No.531; PW-7/Anand Prakash, ASI; PW-8/ Jagat Ram, the complainant appeared as witness and deposed as per prosecution case reiterating the facts as mentioned in the FIR; PW-9/Shish Pal, another eye witness to the occurrence had deposed in support of the case of the prosecution and deposed with the lines of PW-8/Jagat Ram; PW-10/ Bal Kishan ASI; PW-11/ Ram Dia, Constable; PW-12/ Surta Ram, SI, PW-13/ Moji Ram, SI and PW-14/ Raj Singh, Sub Inspector who is the Investigating Officer of the case and took over the investigation from Moji Ram-SI, also deposed regarding the investigation conducted.

4. The appellant in his statement under Section 313 Cr.P.C. had stated that he is innocent and the deceased-Jasbir Singh was a frustrated and distressed person due to his family circumstances as he used to share his sentiments with the accused and he had committed suicide. He further stated that the complainant party had concocted the present story against him and earlier also, he had tried to commit suicide.

5. During the pendency of this appeal, the sentence of the accused-appellant, namely, Sadhu Ram was suspended by this Court vide order dated 22.10.2008.



6. Counsel for the appellant submits that the trial Court has erred in passing the aforesaid judgment in as much as there is an inordinate delay of about 51 hours in lodging the FIR which was registered on 14.08.2002 at 8.30 pm in respect of incident that occurred on 12.08.2002 at about 5.00/6.00 pm. He further submits that this inordinate delay not being explained is fatal to the prosecution case and learned Additional Sessions Judge has committed error in ignoring this serious infirmity in the prosecution case. He further contends that the trial court has erred in placing reliance upon the evidence of the prosecution witnesses particularly, Jagat Ram PW8 and Shish Pal PW9 who are highly interested being very close relatives of the deceased.

7. On the other hand, learned State counsel has contended that the judgment passed by the learned trial Court is well-reasoned and based on proper appreciation of facts and evidence. The contentions raised by the learned counsel for the appellant are misplaced and do not require interference by this Court. He further submits that no doubt, the incident took place on 12.08.2002 but the FIR in this case was registered on 14.08.2002 at about 8.30 pm and the delay of two days in lodging the FIR is well explained which is based on the fact that the injured-Jasbir Singh was in critical condition and the time was consumed in saving his life, who was initially admitted in Civil Hospital at Kaithal where the doctor opined that he should be immediately shifted to PGI Rohtak as his condition was critical and an application was moved before the doctor on duty for recording the statement of injured. But the doctor opined (Ex.PD) that the patient was unfit to make statement. When the injured-deceased was in the process of taking to PGI Rohtak, his condition deteriorated more on the way, so he was admitted in Shah Hospital, Kaithal on 14.08.2002 where he breathed his last due to the injuries



suffered by him and the poisonous substance administered to him by the accused. He further states that in the present case, there is a statement of complainant eye witness which is further corroborated by another eye witness who has got no vested interest to depose falsely against the accused and the mere fact that these witnesses are related to the deceased is no ground to discard their statements which are further corroborated by the recovery of weapon effected by the police on the demarcation of the accused.

8. We have examined the record with the assistance of learned counsel for the parties and have carefully considered the evidence on record.

9. PW-8/Jagat Ram and PW-9/Shish Pal are the eye witnesses. The incident is stated to have occurred on 12.08.2002 at about 05.00-06.00 pm in the evening. As per Ex.P.B. which is Medico Legal Report (MLR) of Jasbir Singh, the hour of arrival is stated to be 12.40 a.m. and hour of examination is stated to be 12.50 am and has been stated to have brought accompanied by Jagat Ram. The rukka Ex.PC was sent to SHO at 12.45 am on 13.08.2002. Then, Ex. PE states another rukka that deceased is brought dead by Jagat Ram which is dated 14.08.2002 at 2.00 p.m.. The rukka was received at 2.35 p.m.. Thereafter, post mortem on the body of Jasbir Singh was conducted. Statement of PW-6/Balwant, UGC no.531 states that on 14.08.2002 at 5 to 6 pm, he alongwith SI-Raj Singh left for Pundri at about 04.00 pm on 14.08.2002. He states that he reached the spot at 03.00 pm in Village Pai and the dead body was lying in the field near the minor distributory and he further stated that he brought the dead body to the Police Station and then to the Civil Hospital, Kaithal. This statement puts a whole twist to the case of the prosecution. When the incident has taken place on 12.08.2002 at 5/6.00 pm then what was the point of bringing the body on 14.08.2002 at 03.00



pm to the Village and placing it in the fields near the minor distributory/ the place of occurrence and then taking it to the police station and thereafter, to the Civil Hospital, Kaithal.

10. The statement of PW-7/ASI Anand Prakash also puts another twist in the case of the prosecution as he states that when he reached the hospital, nobody came forward to make a statement before him on 13.08.2002 and no witness was present in the Hospital. 01-02 persons were present near the injured in the hospital, he states that he asked them about the scene but they replied that they did not know anything about the same. Therefore, till the next day of the occurrence, the version of the prosecution has not cropped up, it was only reported on 14.08.2002, after a delay of 51 hours and such delay is unexplained. It seems that it was a blind murder to implicate the present appellant. The complainant and the police had put the worst engineered occurrence whereby they had brought the dead body to the site of occurrence in the fields on 14.08.2002 and then took it to the police Station and thereafter to the Civil Hospital. This conduct of the police is not explained nor is the delay in lodging the FIR in the present case which casts a huge doubt on the case of the prosecution.

11. In this light of the matter, the prosecution has failed to establish the guilt of the appellant beyond the shadow of reasonable doubt. The procedural irregularities and material contradictions in evidence cast a shadow of doubt which benefits the appellant in accordance with the principle of 'benefit of doubt' enshrined in criminal jurisprudence.

12. Consequently, the present appeal is allowed and we hold that the judgment dated 17.11.2004 passed by Additional Sessions Judge, Kaithal, is hereby set aside and the appellant is hereby, acquitted of the charges against him.



13. Pending applications, if any, also stand disposed of.

(MANJARI NEHRU KAUL)
JUDGE

(H.S. GREWAL)
JUDGE

29th July, 2025
Sonia Puri