



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

346

CRA-D-469-DB-2005 (O&M)
Date of decision: August 29th, 2025

Nafe Singh

.....Appellant

Versus

The State of Haryana

.....Respondent

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

Present: Mr. Rahul Vats, Advocate
for the appellant.

Mr. Shiva Khurmi, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J.

The instant appeal has been preferred by the appellant against the judgment of conviction dated 24.05.2005 and order of sentence dated 26.05.2005 passed by learned Additional Sessions Judge, Hisar, whereby he has been sentenced as follows:

Offence under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
302 of the IPC	RI for life	₹5,000/-	S.I. for two months
201 of the IPC	RI for two years	₹2,500/-	S.I. for one month

CASE OF THE PROSECUTION, PROCEEDINGS BEFORE THE TRIAL COURT, AND FINDINGS RECORDED BY THE TRIAL COURT:

2. The present case arises out of an incident that occurred on 20.12.2001 in Village Nangthala, District Hisar, in which Umed Singh,

(hereinafter referred to as 'deceased') lost his life.

3. On the evening of that day, Raj Kumar visited the house of the deceased, Umed Singh, and took him along. When Umed Singh did not return home by nightfall, his son Hanuman (PW-6) and other family members became anxious. The following morning, the uncle of the complainant, Janak Raj, informed him that a dead body was lying in the fields belonging to Bhagwan Dass. Hanuman accompanied by others, rushed to the spot and discovered that it was indeed the body of his father, Umed Singh. He observed a grievous incised wound on the neck of his father, evidently inflicted by a sharp-edged weapon.

4. On the basis of the statement made by Hanuman (Exhibit PD), the police registered FIR No.307 dated 21.12.2001 (Exhibit PD/1) under Sections 302, 201, 34 of the IPC at Police Station Agroha, District Hisar.

5. Initially, suspicion was directed towards Raj Kumar. However, during the course of investigation, the role of accused-appellant Nafe Singh surfaced. He was subsequently arrested and interrogated. The investigation revealed that on 20.12.2001, between 6:30 and 7:30 pm, accused Nafe Singh was seen consuming liquor at the cart of PW-8 Ram Sarup. The deceased, Umed Singh, joined him there and also started consuming liquor. Shortly thereafter, Devi Lal and Satpal Singh arrived. After drinking together, a quarrel broke out between Umed Singh and the accused.

6. The evidence of PW-8 Ram Sarup and PW-11 Satpal Singh firmly established the fact that the deceased was last seen in the company of the accused immediately prior to his death.

7. On 10.01.2002, the accused made an extra-judicial confession before PW-7 Banwari Lal, Sarpanch. He admitted that after consuming

liquor with Umed Singh, an altercation had ensued, and in the course of the quarrel, he had killed Umed Singh with a spade. He also requested Banwari Lal to facilitate his surrender before the police. Acting on his disclosure statement (Exhibit PL), the accused led the police to his house and produced the spade (Exhibit P7) allegedly used in the crime, along with the bloodstained shirt. Both articles were seized, sealed and taken into possession vide recovery memo (Exhibit PQ). Additionally, soil samples were lifted from the place of occurrence. The seized articles were forwarded to the Forensic Science Laboratory (FSL). The FSL report (Exhibit PU) confirmed the presence of human blood on the recovered spade and shirt.

8. In support of its case, the prosecution examined 15 witnesses, including the following material witnesses:

(i) **PW-2 Dr. Joginder Kapoor:** conducted the post-mortem examination on 22.12.2001. He opined that the cause of death was haemorrhage and shock due to ante-mortem injury on the neck, which was sufficient in the ordinary course of nature to cause death. He further confirmed that the injury could have been caused by the recovered spade (Exhibit P7).

(ii) **PW-6 Hanuman (complainant):** lodged the complaint (Exhibit PD) narrating that his father had left with Raj Kumar on the fateful evening and was later found dead with an incised wound.

(iii) **PW-7 Banwari Lal (Sarpanch-witness of extra-judicial confession):** testify that on 10.01.2002, the accused voluntarily confessed before him to having killed Umed Singh with a spade after a drunken quarrel, and requested to be handed over to the police.

(iv) **PW-8 Ram Saroop (witness of last seen):** deposed that on

20.12.2001, at around 6:30-7:00 pm, the accused and the deceased were drinking liquor together at his cart; Devi Lal and Satpal later joined them. He stated that a quarrel erupted between the accused and deceased at that time.

(v) **PW-11 Satpal Singh:** this witness corroborated the testimony of PW-8 Ram Saroop by confirming that he also witnessed the accused and deceased consuming liquor together and subsequently quarrelling.

(vi) **PW-12 Bhamar Singh and PW-13 Constable Bahadur Singh:** witnesses to the recovery of the spade, bloodstained shirt, and other incriminating material.

(vii) **PW-14 Inspector Bimla Devi (Investigating Officer):** she arrested the accused, recorded his disclosed statement (Exhibit PL), effected the recovery of the spade (Exhibit P7), and bloodstained shirt from his house, lifted soil samples from the spot, prepared site plans (Exhibit PR) and completed the investigation.

(viii) **Other formal witnesses:** police officials and Constables, who carried sealed parcels, prepared the inquest report (Exhibit PN), seized the clothes of the deceased and deposited the case property in the Malkhana.

9. When examined under Section 313 of the Cr.P.C., the accused denied all incriminating circumstances put to him. He pleaded false implication and claimed innocence. However, he did not lead any substantive defence evidence, nor did he examine any defence witnesses. Upon a comprehensive appraisal of the evidence, the trial Court held that the prosecution had successfully proved its case beyond reasonable doubt. The Court found the testimonies of PW-8 Ram Saroop and PW-11 Satpal Singh credible and trustworthy in establishing the last seen

circumstance, namely, that the accused and deceased were drinking together shortly before the occurrence, followed by a quarrel.

10. The extra-judicial confession made before PW-7 Banwari Lal was considered voluntary, reliable and of high probative value, providing strong corroboration to the case of the prosecution. The recovery of the bloodstained spade and shirt at the instance of the accused, duly supported by the FSL report (Exhibit PU) confirming the presence of human blood, directly connected the accused with the commission of the crime.

11. The plea of the defence of false implication was rejected, as there was no material to substantiate such a claim and no motive for the complainant side to falsely implicate the accused was shown.

12. The trial Court thus concluded that the chain of circumstances was complete, consistent only with the hypothesis of the guilt of the accused and left no reasonable ground for doubt. Accordingly, the accused Nafe Singh convicted under Sections 302 and 201 of the IPC and sentenced to undergo imprisonment for life.

SUBMISSIONS BY THE COUNSEL FOR THE APPELLANT-ACCUSED:

13. Learned counsel appearing for the appellant-accused has argued as follows:

(i) Foundational infirmity: Delayed and belated implication:

(a) The appellant was not named in FIR No.307 dated 21.12.2001 lodged on the statement of PW-6 Hanuman. Suspicion initially centered on Raj Kumar, who, as per the earliest version, had taken the deceased from his home on 20.12.2001.

(b) The name of the appellant surfaced only after 21 days, when PW-11 Satpal Singh's statement was recorded on 07.01.2002 under Section 161 of the Cr.P.C., where he, for the first time attributed a supposed motive to the appellant-an alleged remark by the deceased under the influence of alcohol.

(c) This unexplained delay in introducing the appellant, despite the case having been registered promptly on 21.12.2001 and the local community having been aware of the death by the next day, strikes at the root of credibility.

(ii) Unnatural silence of the witness of last seen (PW-11 Satpal Singh):

(a) PW-11 admitted that he came to know of the death on 21.12.2001 around noon yet, by his own showing, he kept quiet until 07.01.2002-for reasons left unexplained.

(b) Given that his house is only two kilometers away from the appellant, and that he claimed to have seen the deceased and the appellant drinking together and quarrelling on 20.12.2001, ordinary human conduct would dictate immediate disclosure to the family of the deceased or police once the death became known.

(c) This prolonged and inexplicable reticence renders the testimony of PW-11 Satpal Singh inherently unreliable.

(iii) Extra-judicial confession before PW-7 Banwari Lal is inherently improbable:

(a) The trial Court erred in assuming that, because the appellant did not allege animus with PW-7 Banwari Lal, the confession must be true.

(b) The appellant was not shown to be well acquainted with PW-7 Banwari Lal or to repose such confidence in him as to confess the crime

some 20 days after the incident, ostensibly “requesting to be produced before police”.

(c) In the absence of a natural, credible reason for selection of PW-7 Banwari Lal as a confidant, and with no independent corroboration of the contents of the confession, the alleged extra-judicial confession is unsafe to rely upon.

(iv) **No substantive link evidence; chain of circumstances incomplete:**

(a) Beyond PW-11 Satpal Singh’s belated “last seen” account and the contested confession before PW-7 Banwari Lal, no other reliable circumstance connects the appellant to the murder in question.

(b) The recovery of a spade and a bloodstained shirt (Exhibit PI) pursuant to disclosure statement of accused (Exhibit PL) does not, by itself, establish guilt: The spade is a common agrarian implement; the FSL report (Exhibit PU), only shows presence of human blood, with no serological match/DNA linkage to the deceased on record.

(c) The prosecution, on whom the initial onus lay, failed to establish each link conclusively so as to form an unbroken chain pointing only to the appellant.

(v) **Motive not proved; inconsistency of medical evidence with last seen theory:**

(a) The suggested motive-a trivial quarrel while drinking-is vague and inadequate.

(b) If the deceased and appellant had indeed been consuming liquor shortly before the death, Post-Mortem Report (Exhibit PB), or FSL report ought to have reflected presence/traces of alcohol, however, the same is

missing in both these reports. This discrepancy undermines the “drinking-and-quarrel” narrative.

(vi) **Absence of guilt:**

- The emphasis of the prosecution on the appellant not being found at home when the Investigating Officer first searched after 07.01.2002 is equivocal: mere absence or delayed apprehension cannot substitute proof of participation in the crime.

14. On the above arguments, a prayer was made by the learned counsel for setting aside the conviction of the appellant as the same was unsustainable.

SUBMISSIONS ON BEHALF OF THE STATE:

15. Learned counsel for the State argued as follows:

(i) **Conviction rests on coherent mosaic of circumstances:**

(a) Last seen together: Both PW-8 Ram Saroop and PW-11 Satpal Singh consistently deposed that on the evening of 20.12.2001 (around 6:30 to 7:00 pm), the appellant and the deceased were drinking liquor together at the cart of PW-8 Ram Saroop; Devi Lal and Satpal Singh joined and a quarrel ensued between the appellant and the deceased.

(b) Temporal proximity: The body was discovered the next morning, (21.12.2001) with a deep incised wound on the neck, aligning with a fatal altercation shortly after the quarrel at the cart of PW-8 Ram Saroop

(ii) **Voluntary extra-judicial confession corroborated by recovery:**

(a) On 10.01.2002, the appellant made a voluntary confession before PW-7 Banwari Lal (Sarpanch) that he had, during the quarrel, killed the deceased with a spade, and sought to be taken to the police.

(b) Pursuant to the disclosure statement (Exhibit PL), the appellant led to recovery of the spade (Exhibit P7) and his bloodstained shirt, both duly sealed and seized.

(c) FSL report (Exhibit PU) confirmed human blood on both the spade and shirt, corroborating the confession and linking the appellant to the crime.

(iii) Medical testimony dovetails with weapon and injury:

(a) PW-2 Dr. Joginder Kapoor conducted the post-mortem on 22.12.2001 and opined that death was due to shock and hemorrhage caused by ante-mortem neck injury, sufficient in the ordinary course to cause death; such injury could be caused by the recovered spade (Exhibit P7).

(b) The medical opinion thus aligns with the narrative of the prosecution and the recovery of the weapon of offence.

(iv) Conduct indicating consciousness of guilt:

(a) After the name of the appellant surfaced on 07.01.2002, the Investigating Officer's initial attempt to apprehend him at home failed; his absence was argued to be indicative of evasion.

(v) Overall chain of circumstances complete:

(a) Read cumulatively-last seen along with the quarrel which took place between the deceased and the accused on 20.12.2001, extra-judicial confession, recovery of the weapon of offence and bloodstained clothes, report of the FSL, and medical corroboration-all these circumstances unerringly point to guilt, justifying the conviction. The trivial inconsistencies, if any, do not create any dent in the case of the prosecution.

16. A prayer was, therefore, made for dismissal of the instant appeal.

17. We have heard learned counsel for the parties and perused the relevant material on record.

18. Before proceeding further, some of the undisputed facts need to be referred to:

(i) Death of Umed Singh on 20/21.12.2001 is undisputed;

(ii) Cause of death: As per Post-Mortem Report (Exhibit PB) by PW-2 Dr. Joginder Kapoor, death resulted from hemorrhage and shock due to an ante-mortem injury on the neck, sufficient in the ordinary course to cause death;

(iii) The case rests entirely on circumstantial evidence.

19. In a case founded solely on circumstances, the prosecution must establish each circumstance firmly, and the whole chain must be complete, consistent only with the guilt of the accused, and exclude every reasonable hypothesis of innocence. Suspicion, however strong, cannot replace proof beyond reasonable doubt. Extra-judicial confession is a weak form of evidence and ordinarily requires cautious scrutiny and corroboration of trustworthy quality. "Last seen" is likewise weak by itself, unless the time gap is narrow and intervening possibilities are reasonably excluded.

20. Coming to the evidence of last seen, PW-11 Satpal Singh admitted knowledge of the death of the deceased by noon on 21.12.2001 yet divulged nothing until 07.01.2002-16 days later. He offered no convincing explanation for this unnatural silence.

21. The name of the appellant was absent from the FIR, which was lodged on 21.12.2001. His name emerged only through the post facto statement of PW-11 Satpal Singh on 07.01.2002, making that statement the

pivot of implication. A circumstance so central and yet so belatedly disclosed cannot, without strong corroboration, be the bedrock of guilt. The evidence of PW-11 Satpal Singh itself indicates that he was not even acquainted with the deceased; his subsequent narration of a quarrel and abuse between the appellant and the deceased, followed by silence for weeks defies logic and human conduct. Although PW-8 Ram Saroop supported that both the deceased and the accused were consuming liquor on the fateful day around 6:30 to 7:00 pm and a quarrel followed, however, “last seen” alone—especially when the version of PW-11 Satpal Singh is tainted by delay, does not exclude other reasonable hypothesis, including the role of Raj Kumar, who, as per the earliest version, had taken the deceased from his house.

22. The last seen circumstance is inherently unreliable and, in any event, insufficient without any solid corroboration.

23. Coming next to PW-7 Banwari Lal, Sarpanch, before whom the accused made his extra-judicial confession, the record shows that there was no relationship of trust or familiarity between the appellant and this witness that would naturally prompt a confession to him—particularly, 20 days after the occurrence.

24. The alleged confession—accompanied by a request to be produced before police—appears contrived in the absence of any independent markers of reliability.

25. When the sole corroboration proffered is the recovery and a belated last seen account of doubtful credibility, the confession cannot safely be acted upon.

26. Therefore, the extra-judicial confession is inherently unsafe to rely upon in this factual matrix.

27. Coming to the alleged recoveries of spade and bloodstained shirt pursuant to the disclosure statement and the report of the FSL: a spade is a common agricultural tool. Mere recovery from the house of the appellant does not, by itself, establish its use in the crime in question. Furthermore, FSL report (Exhibit PU) confirms human blood on the spade and shirt. However, in the absence of any DNA linkage to the deceased and given the otherwise weak corroborative circumstances, the recovery does not conclusively connect the appellant to the murder in question.

28. The alleged recovery occurred weeks after the incident, further diminishing the probative force in the absence of unmistakable scientific linkage.

29. The evidence of recovery is inconclusive and cannot complete the chain.

30. The motive to commit the crime as per the prosecution was a trivial monetary quarrel while both the deceased and accused were drinking. This is neither definite nor persuasive as a motive for the murder in question.

31. If the deceased and the appellant had been consuming liquor shortly before the death, one would expect post-mortem/FSL indicators of alcohol; the record does not reflect the presence of alcohol. This inconsistency undercuts the core “drinking-and-quarrel” narrative.

32. Motive remains unproved and the medical-forensic evidence does not affirm the asserted consumption of liquor theory of the prosecution.

33. The argument of the learned State counsel of the appellant being absent when the Investigating Officer searched his residence on 07.01.2002 is also meritless. Absence or delayed apprehension is not a legal substitute for proof of guilt and cannot cure deficiencies in the core

evidence.

34. In our cumulative assessment of the evidence on record, what remains is:

- a belated and unreliable “last seen account” of PW 11 Satpal Singh,
- an improbable extra-judicial confession to a person not shown to be a natural confidant, and inconclusive evidence of recovery of the weapon of offence and bloodstained clothes, with no linkage to the deceased, against the backdrop of unproved motive and inconsistency in the medical evidence regarding alleged alcohol consumption.

35. These circumstances do not form a complete chain that points only to the guilt of the appellant while excluding all reasonable hypothesis of innocence. The prosecution has not discharged its foundational burden. The approach of the learned trial Court-treating weak links as mutually reinforcing-was clearly erroneous.

36. The conviction of the appellant is, therefore, founded on infirm and uncorroborated circumstances. As the chain is incomplete, the benefit of doubt must follow.

37. The appeal is allowed. The impugned judgement of conviction dated 24.05.2005 and order of sentence dated 26.05.2005 passed by the learned trial Court are hereby set aside and the appellant is acquitted of the charges framed against him.

(MANJARI NEHRU KAUL)
JUDGE

August 29th, 2025
Puneet

(H.S. GREWAL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No