



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

322

CRA-D-368-DB-2005 (O&M)

Date of Decision: 08.08.2025

BALKAR SINGH

... Appellant

VERSUS

STATE OF PUNJAB

... Respondent

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

Present: Mr. Karan Nehra, Advocate
for the appellant.

Mr. Amit Rana, Sr. DAG, Punjab.

H.S. GREWAL, J.

The instant appeal is preferred by the appellant namely Balkar Singh against the judgment of conviction and order of sentence dated 19.01.2005 passed by the Sessions Judge, Bathinda, in case FIR No.356 dated 01.08.2002, registered under Sections 302 and 201 of IPC at Police Station Kotwali, Bathinda whereby the appellant had been convicted and sentenced to undergo imprisonment along with fine as under:-

Section(s)	Rigorous imprisonment	Fine	In default of payment of fine to undergo RI for
302 IPC	Life imprisonment	Rs.2,000/-	06 months
201 IPC	R.I. for a period of five years	--	--

Both the sentences had been ordered to run concurrently.

2. The case of the prosecution is that on 01.08.2002, Puran Singh son of Narian Singh i.e. the complainant had got recorded his statement before S.I. Amritpal Singh, SHO Police Station Kotwali, Bathinda stating that he is a rickshaw puller and his daughter namely Rani was married to Balkar Singh son of Dalip Singh about 12 years back. Balkar Singh purchased a house in Guru Nank Pura Mohalla, Bathinda and started residing there alongwith his family. Balkar Singh was running an ass-cart. Jit Singh, brother of Balkar Singh was residing in Deep Singh Nagar, Bathinda. On 31.07.2002, both Balkar Singh and Jit Singh came to Bathinda from Ferozepur at about 8.00 p.m. At that point of time, they were under the influence of liquor. Balkar Singh had a habit of consuming liquor and Rani used to prevent him from doing so. Due to this, there used to be a brawl between both of them. One night, there was a quarrel between Rani and Balkar Singh. Balkar Singh alongwith his brother Jit Singh went to the roof of the house and they both slept there. Rani alongwith her children slept in the room of the house. At about 2.00 A.M., Balkar Singh came in the room where Rani was sleeping and started beating her. On hearing the noise, his sons namely Raju aged 9 years and Mirza aged 8 years, who were also sleeping in the room, also woke up. Balkar Singh rebuked them and made them quiet. Balkar Singh put a string around the neck of Rani and throttled her to death by pulling the string from both sides. At that time, Jit Singh was standing on the roof and was remarking that the daily dispute be finished today. Thereafter, Balkar Singh put a head-gear (Dupatta) around the neck of Rani. One end of the same was tied with the neck of Rani and the other end was tied with the rod of roof and hanged the dead body of Rani. Thereafter, Balkar Singh and his brother Jit Singh fled away from the scene of occurrence. In the

morning, the complainant and his son Dalip Singh went to the house of Rani where Raju narrated the occurrence to them. He and his son Dalip Singh untied the dead body of Rani and made the same lie on the floor and they found that Rani had already expired. Thereafter, the complainant, Puran Singh approached the police to report the matter. His statement was recorded as Ex.PF. Amritpal Singh S.I. made his endorsement Ex.PF/1 and sent the same for registration of F.I.R., whereupon formal FIR Ex.PF/2 was registered and the investigation swung into motion. The Investigating Officer visited the spot and conducted the formal investigation including photography of the dead body, preparation of inquest proceedings and then sent the dead body of Rani for postmortem. Statement of witnesses were also recorded. Upon conclusion of the investigation, the challan under Section 173 of the Cr.P.C. was prepared against accused-appellant Balkar Singh only and presented before the Court for commencement of trial.

3. During the course of trial, accused Jit Singh was also summoned under Section 319 of the Cr.P.C. to face the trial, however, despite best efforts, the prosecution could not arrest and produce him before the Court and as such, vide order dated 04.10.2004, he was ordered to be separated from the instant case and the prosecution was directed to file a separate challan against accused Jit Singh.

4. Upon finding *prima facie* case against the accused-appellant, he was charge sheeted for commission of offence punishable under Sections 302 and 201 of IPC, to which, he pleaded not guilty and claimed trial. In order to prove its case, the prosecution examined as many as seven witnesses.

5. The prosecution examined Dr. Satish Jindal as PW1, who had conducted the postmortem on the dead body of deceased Rani. He had observed as under:

“Reddish brown dry hard parched groove measuring 27 cms. X .8 to 2 cms in breadth, more in front of neck above the level of thyroid cartilage running obliquely upwards 3 cms. Behind the left ear and one cm. behind right ear, upto posterior hair line. On dissection, while glistening fascia subcutaneous tissue echymosis was present. Tongue was brownish and was beaten by teeth and was protruding out. Dribbled dry saliva was present on the chin. Post-mortem stainings were also present on both forearms, both legs upto knee and fixed rigor mortis was present. No other external mark of injury was seen.”

6. PW3 Raju @ Sandeep Singh son of deceased Rani appeared as an eye witness of the occurrence and this witness had deposed that he was sleeping in the house. At about 2.00 A.M., his father Balkar Singh and his uncle Jit Singh were also present in their house. His uncle and his father were sleeping on the roof of the house. He woke up on hearing the cries of his mother. His father and his uncle were giving slaps to his mother. They both picked up a rope and put the same around the neck of his mother and throttled her neck, as a result whereof, his mother died. He further deposed that his father and uncle put a *Chunni* around the neck of her mother and hanged the dead body with the ceiling rod of the fan. Thereafter, his father and uncle fled away from the spot. He further deposed that his father had threatened him that in case he would dare to come close to them, he would be done to death. The occurrence in question had been witnessed by him and his brother Mirza. In the morning, his grandfather Puran Singh had come to their house alongwith his maternal uncle

Dalip Singh and he had narrated the entire episode to them as well as to the police.

7. PW4 Puran Singh appeared into the witness box and reiterated the version recorded in the FIR in question.

8. PW6 Mirza, the second son of deceased Rani has also deposed on similar lines of his brother i.e. PW3 Raju @ Sandeep Singh.

9. PW7 Sub Inspector Amritpal Singh had deposed regarding the investigation conducted by him and also proved the necessary material produced on record.

10. All others were formal witnesses and had deposed in consonance with the prosecution version. After closing of the evidence, statement of accused Balkar Singh under Section 313 of the Cr.P.C. was recorded, wherein he pleaded his innocence and false implication as Puran Singh wanted to grab his house. He further pleaded that his wife Rani had committed suicide as she had given Rs.40,000/- to Puran Singh for expenses of the marriage of unmarried children and due to this depression, she ended her life.

11. Learned counsel for the appellant submits that the trial Court has erred in passing the aforesaid judgment inasmuch as there were material inconsistencies and discrepancies in the prosecution case qua the involvement of the appellant. He further submits that it was a clear-cut case of suicide and there was no involvement of the appellant in the said occurrence. It is further submitted that the prosecution has miserably failed to bring home the guilt of the appellant beyond all shadows of reasonable doubt and as such he is liable to be acquitted.

12. Learned counsel for the respondent-State, on the other hand, has vehemently contended that the offence committed by the appellant is heinous and serious in nature because he had murdered his wife in all his senses and consciousness and the incident had been duly witnessed by his own sons namely Raju and Mirza who had supported the case of prosecution and have specifically deposed against the appellant-accused. The direct involvement of the appellant has been well established and all other link evidence and materials have also been produced and proved on record. Furthermore, the appellant has utterly failed to substantiate his contention/defence that his wife was depressed and thus committed suicide. Not an iota of evidence has been brought on record by the appellant in his defence. He further submitted that the Trial Court has rightly held the appellant guilty and appropriately convicted and sentenced him in accordance with law. The instant appeal thus deserves to be dismissed.

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

14. Firstly, the description of injuries as narrated by PW1 Dr. Satish Jindal does not show that the death of deceased had taken place due to hanging as the thyroid cartilage is not broken and which generally takes place in case of hanging. The injuries on the body of deceased Rani rather indicate that the death has taken place due to strangulation and later on the deceased Rani had been hanged with the ceiling rod. Moreover, the death has taken place in the own house of the deceased. The depositions of the children PW3 Raju @ Sandeep and PW6 Mirza are not refutable. Both the child witnesses have described the incident as witnessed by them and as such, the depositions made by the child eye-witnesses are unshakable. The charges levelled against the

accused-appellant have been substantially proved and the prosecution has been able to bring home the guilt of the accused-appellant beyond all shadows of reasonable doubts. Hence, we find no infirmity, perversity or illegality in the impugned judgment and order of conviction dated 19.01.2005 and the same is hereby upheld and the instant appeal is, therefore, dismissed.

15. The Chief Judicial Magistrate, Bathinda is directed to take necessary steps to ensure that the appellant Balkar Singh is taken into custody and made to undergo the remaining sentence in accordance with law.

16. All other misc. application(s), if any, also stand(s) disposed of accordingly.

(MANJARI NEHRU KAUL)
JUDGE

(H.S. GREWAL)
JUDGE

AUGUST 08, 2025.

Rajender

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No