

2025:PHHC:091063



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

109

**(1) CRA-D-675-DB-2004**

VIKRAM SINGH

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

**(2) CRA-D-683-DB-2004**

RAJBIR

...Petitioner

Versus

STATE OF HARYANA

...Respondent

**Reserved on: July 22, 2025  
Pronounced on: July 25, 2025**

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

Argued by: Mr. Siddharth, Advocate and  
Mr. Suraj, Advocate  
for the appellant(s).

Mr. Yuvraj Shandilya, AAG, Haryana.

**MANJARI NEHRU KAUL, J.**

1. The present appeal challenges the judgment dated 08.07.2004 passed by learned Additional Sessions Judge, Jagadhri, convicting the appellants Vikram Singh and Rajbir Singh @ Jangi under Section 302 read with Section 34 of Indian Penal Code, 1860, and sentencing them to rigorous imprisonment for life. The conviction of both the appellants is based exclusively on circumstantial evidence.



2. The prosecution's narrative, as unfolded during trial, may be briefly recounted – Surjit Singh (hereinafter referred to as the 'deceased'), employed as a Driver by PW6-Kusum Lata, left Naraingarh on 03.09.2001 with her car (bearing No. HR04A-1640), informing her that he was taking two relatives to Yamuna Nagar. The deceased spoke to her later that evening and informed her that he would return the next morning. However, he did not return.

3. A missing report (Ex.PE) was filed by PW7-Ravinder Kumar, husband of PW6-Kusum Lata on 07.09.2001. On 11.09.2001, a dead body in an advanced state of decomposition was recovered from a sugarcane field in Village Kansapur. Except for underwear and a knotted cloth (*parna*), no clothes were on the body. Clothes – specifically a T-shirt (Ex.P1), trousers (Ex.P2), and a *baniyan* – were recovered from nearby. As the deceased was unidentified, the body was sent to PGIMS Rohtak for post mortem, which could not ascertain cause of death. Time of death was estimated to be four to six weeks prior to autopsy as per the post mortem report (Ex.PS).

4. On 07.02.2003, the accused-appellants were arrested in another criminal case by PW16-SI Surjit Kumar of CIA Staff, Panchkula. During interrogation, they allegedly confessed to killing a driver and throwing his body in sugarcane fields on 04.09.2001, before selling the car to a farm owner in Pehowa. No recovery followed. Later, on 12.02.2003, they disclosed having sold the car to PW18-Randhir Singh of Village Bedthala.



Accused-Vikram Singh led the police to the house of PW18-Randhir Singh, where the car (bearing fake number plate HR02-5660) was recovered.

5. Subsequently, PW9-Jai Singh (father of the deceased) was shown the clothes recovered near the body, and claimed to identify them as belonging to his son.

6. The accused were challaned, and thereafter, sent up to face trial. They were charged for offences under Section 302 IPC read with Section 34 IPC. In support, the prosecution examined 18 witnesses – PW1-Charanjit Singh, on whose instance the dead body was recovered, PW5-Trilok Singh Patwari, who prepared scaled plan Ex.PD of the place, from where the body was recovered, PW6-Kusum Lata, who was the owner of the car, and with whom the deceased Surjit Singh was employed, PW7-Ravinder Kumar, who recorded the missing report Ex.PE to the police, PW8-Kehar Singh, who had seen the deceased in the company of the accused persons on 03.09.2001, PW9-Jai Singh, father of the deceased-Surjit Singh, PW16- Sub-Inspector Surjit Kumar, C.I.A Staff, Panchkula, who had recorded the disclosure statement of the accused persons, PW18-Randhir Singh, from whom the car was recovered (bearing fake number plate HR-02-5660), besides some other witnesses. After the conclusion of prosecution evidence, all incriminating material was put to the accused under Section 313 Cr.P.C. The accused denied the allegations and pleaded false implication. They did not lead any defence evidence.



7. The learned trial Court, on appreciation of the evidence, held that the prosecution had succeeded in proving the charges beyond reasonable doubt and convicted both the accused under Section 302 read with Section 34 IPC.

8. Learned counsel for the appellants advanced the following arguments:

- I. The conviction of the appellants is based on uncorroborated, conjectural and inconsistent circumstantial evidence.
- II. There was a significant and unexplained delay of nearly 18 months in the arrest of the appellants and recording of the statements of some of the key witnesses under Section 161 Cr.P.C., particularly by PW8-Kehar Singh (witness of last seen).
- III. Identification of the body made 1½ years later, solely on clothes without distinctive features, is inherently doubtful. The clothes allegedly belonging to the deceased were unsealed and potentially tampered with.
- IV. The body was highly decomposed, unrecognizable and the post mortem report (Ex.PS) did not reveal any injuries or cause of death. The estimated time of death of the deceased, as per the post mortem report i.e. three to six weeks prior, is inconsistent with the alleged date of incident i.e. 04.09.2001, and therefore, clearly contradicts the timeline given by the prosecution.



- V. The ‘*last seen*’ statement under Section 161 of PW8-Kehar Singh was recorded 18 months later, without any plausible explanation and no Test Identification Parade (TIP) was conducted, and his in-Court identification of the accused-appellants lacks credibility.
- VI. Disclosure statements, pursuant to which the recovery of the car was allegedly effected, are vague and non-specific, rather shrouded in ambiguity – no clear attribution to either appellants and PW18-Randhir Singh, from whom the car was recovered, turned hostile.
- VII. The above chain of circumstances is fractured, speculative, and therefore, incapable of sustaining a conviction.
9. *Per contra*, learned State counsel argued that:
- i. The deceased was last seen with the appellants by PW8-Kehar Singh, who had no reason to falsely implicate them as a matter of record, the appellants were not known to him.
  - ii. The car belonging to the deceased was recovered from PW18-Randhir Singh pursuant to disclosure statements made by the appellants.
  - iii. Despite PW18-Randhir Singh turning hostile, recovery of the car from his possession corroborates the prosecution case.



iv. It was asserted that the learned trial Court rightly found the chain of events complete and indicative of the guilt of the appellants.

10. We have carefully considered the material on record and the rival submissions made by the parties. We find that the prosecution has failed to establish a complete and credible chain of circumstances to sustain the conviction, for the reasons to follow.

11. In cases resting solely on circumstantial evidence, the law mandates a high threshold of proof. The prosecution must establish a complete and coherent chain of circumstances that is firmly proven by reliable evidence; is consistent solely with the guilt of the accused; excludes every possible hypothesis consistent with innocence; and leads unerringly to the conclusion that the offence was committed by the accused and no one else. Importantly, each circumstance must be independently established, and the cumulative effect must be so conclusive that no other reasonable inference is possible.

12. Further, as a corollary of the presumption of innocence, if the circumstances are capable of two interpretations – one pointing to guilt and the other to innocence – the benefit must go to the accused. Suspicion, however strong, cannot substitute proof.



13. Adverting to the present case, the version put forth by the prosecution rests heavily on the identification of a decomposed and unrecognizable body found on 11.09.2001. The post mortem, conducted two days later, stated the estimate time of death as between three to six weeks prior. This directly contradicts the theory of the prosecution that the deceased was done to death on 04.09.2001.

14. Crucially, the body could not be identified at the time. Identification was made only 18 months later, based on clothes allegedly recovered near the body and recognized by the father of the deceased (PW9-Jai Singh). These clothes bore no distinguishing features and had remained unsealed in the *malkhana*, as admitted by PW10-Mihan Singh – casting serious doubt not only about their integrity but also whether the body recovered was that of Surjit Singh.

15. Further, the testimony of PW8-Kehar Singh, who claimed to have last seen the deceased with the accused on 03.09.2001 was recorded only on 07.03.2003 – after a delay of 18 months. No plausible explanation has been provided for this delay. No Test Identification Parade (TIP) was conducted, and in-Court identification after such a long gap carries little probative value. In fact, the learned trial Court itself in the impugned judgment expressed reservations about this witness.

16. Furthermore, the initial disclosures (Ex.PO and PQ) made by the appellants on 07.02.2003, regarding the car allegedly being sold to an



unidentified farm owner in Pehowa, yielded no result. Further interrogation of the appellants on 12.02.2003 led to the recovery of car from PW18-Randhir Singh, but PW16-SI Surjit Kumar, before whom the alleged disclosure statement was made, failed to attribute the same to any specific accused. PW18-Randhir Singh was declared hostile and denied buying the car from the accused. Recovery of the car in such circumstances cannot be said to be conclusive proof of guilt of the appellants.

17. The prosecution also failed to establish any motive for the accused to commit the alleged crime. Absence of motive in a case resting on circumstantial evidence adds to the doubt, particularly when other links are weak.

18. Therefore, the chain of circumstances in the instant case is broken at several material points:

- A. Identity of the deceased is unproven.
- B. Cause and time of death are uncertain.
- C. '*Last seen*' testimony of PW8-Kehar Singh is unreliable due to inordinate and unexplained delay.
- D. No direct evidence was adduced to connect the appellants to the death of the deceased.
- E. Recovery of the car is tainted by vagueness and a hostile witness.
- F. No motive has been proven.



19. Taken together, the prosecution has miserably failed to construct a complete and reliable chain of circumstances pointing exclusively to the guilt of the appellants. The evidence is riddled with gaps, inconsistencies and delayed disclosures, that raise more questions than answers.

20. The settled legal standard for conviction of an accused based on circumstantial evidence is not met. The appellants are, therefore, entitled to the benefit of doubt.

21. In view of the foregoing, this Court deems it fit to allow the present appeals, and acquit the appellants of the charges framed against them. They shall be released forthwith unless required in any other case.

22. Photocopy of this order be placed on the file of the connected case.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**July 25, 2025**

*Jaspreet Kaur*

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

*Whether speaking/reasoned* : *Yes/No*

*Whether reportable* : *Yes/No*