



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

1. CRA-D-774-DB-2004

Devinder Pal Singh & another

... Appellants

Versus

State of Punjab

... Respondent

2. CRR-2531-2004

Charandeep Singh Bedi @ Rinku

... Petitioner

Versus

Devinder Pal Singh & others

... Respondents

Date of decision: 30th July, 2025

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

Present: Mr. Premjit S. Hundal, Advocate
for the appellants in CRA-D-774-DB-2004; and
for the private respondents in CRR-2531-2004.

None for petitioner in CRR-2531-2004.

Mr. H.S. Deol, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. Since both these matters, detailed hereinabove, have arisen out of the same judgment of conviction and order of sentence, they are being taken up together for disposal by way of this common judgment.

CRA-D-774-DB-2004

2. The appellants/accused Jasbir Singh alias Jassa and Devinder Pal Singh have filed the instant appeal challenging the judgment of conviction and order of sentence dated 28.07.2004 passed

by the Court of learned Additional Sessions Judge, Ludhiana, whereby they were convicted and sentenced as under:

Convict Jasbir Singh alias Jassa

- U/s 302 IPC To undergo life imprisonment and to pay a fine of ₹ 5000/- and in default of payment of fine to undergo further R.I. for three months.
- U/s 392/511 IPC To undergo R.I. for 7 years and to pay a fine of ₹ 3000/- and in default of payment of fine to undergo further R.I. for three months.
- U/s 25 of the Arms Act To undergo R.I. for five years and to pay a fine of ₹ 2000/- and in default of payment of fine to undergo further R.I. for three months.

Convict Devinder Pal Singh

- U/s 302/34 IPC To undergo life imprisonment and to pay a fine of ₹ 5000/- and in default of payment of fine to undergo further R.I. for three months.
- U/s 392/511 IPC To undergo R.I. for 7 years and to pay a fine of ₹ 3000/- and in default of payment of fine to undergo further R.I. for three months.
- U/s 25 of the Arms Act To undergo R.I. for five years and to pay a fine of ₹ 2000/- and in default of payment of fine to undergo further R.I. for three months.

3. The conviction of both the appellants Devinder Pal Singh and Jasbir Singh @ Jassa pertains to the fatal shooting of Parminder Singh alias Tinku (hereinafter referred to as 'deceased'), brother of the complainant, PW-3 Charandeep Singh, allegedly in an attempt to rob the vehicle, which the deceased was driving.

4. The case of the prosecution is rooted in the statement of PW-3, Charandeep Singh (Ex.PQ) recorded on 17.05.2001, which led to the registration of FIR (Ex.PQ/2). The complainant, owner of a readymade garment shop "Walk-in-Style" in Ludhiana, stated that he

along with his brother i.e. the deceased, and friends Hitesh and Billu, was heading towards “*Youth Scene and Health Club*” near Mai Nand Kaur Gurdwara for physical training around 10:00 PM on the said date in a Maruti car driven by the deceased.

5. Upon reaching the Club, as they disembarked and deceased was closing the door of the car, two armed individuals approached. One of them, described as a “fat youth”, pointed a pistol at the head of the deceased. Deceased attempted to exit the car but was shot, and collapsed. Friends of the complainant, who were accompanying them, tried to apprehend the assailants – Billu attempting to grab the shooter of the deceased, and Hitesh trying to catch the second accused. The second accused was momentarily apprehended by one Puneet Sharma but escaped, leaving behind his shirt. The police, arriving in a Gypsy shortly thereafter, gave chase and apprehended both the accused.

6. Deceased was taken to DMC Hospital, Ludhiana but succumbed to his injuries. A .315 bore country made pistol with one live cartridge was recovered from appellant Mandeep Singh vide recovery memo (Ex.PE), and a .12 bore pistol with 2 cartridges was seized from appellant Devinder Pal Singh vide recovery memo (Ex.PK). These recoveries were made soon after the occurrence in question.

7. The prosecution, in support of its case, examined nine witnesses, including the complainant as well as PW-2 Dr. Jasbir Singh, who conducted the postmortem upon the deceased. (As per PW-2 Dr. Jasbir Singh a gunshot injury wound on the front of the chest of the deceased was noticed and an exit wound near the blade of the shoulder of the deceased. PW-2 Dr. Jasbir Singh opined that the injury was sufficient to cause death in the ordinary course of nature.)

8. In their statements recorded under Section 313 Cr.P.C., both appellants (hereinafter referred to as 'accused') denied the allegations, claimed false implication, and did not adduce any evidence in defense.

SUBMISSIONS ON BEHALF OF THE APPELLANTS

9. Learned counsel for the appellants has vehemently argued that the conviction of both the accused is unsustainable in law and facts due to several critical deficiencies and contradictions in the case of the prosecution, as elaborated below:

- (i) There exists a significant inconsistency between the eyewitness accounts and the medical evidence. While the FIR and the statements of the witnesses allege that the deceased sustained a gunshot wound to the head, the postmortem report (Ex.PD) conclusively establishes a firearm injury to the chest. This contradiction, as per the learned counsel, renders the narrative of the prosecution unreliable and clearly suggests fabrication;
- (ii) Of the weapons allegedly recovered from the possession of the accused, only one was sent for ballistic analysis. No bullet or cartridge was recovered from the scene of crime or from the body of the deceased for forensic matching. The lack of comprehensive forensic linkage severely undermines the probative value of the prosecution's evidence.
- (iii) The FIR fails to attribute the act of firing specifically to any of the accused. This omission creates ambiguity and raises doubts as to whether the complainant actually witnessed the assailant fire the weapon or was speculating post-event.

- (iv) The postmortem report makes no mention of blackening or charring typically observed in cases of close-range firearm injuries. This absence directly contradicts the claim of the prosecution that the shot was fired from close quarters and casts doubt on the alleged manner of assault.
- (v) Puneet Sharma, who is claimed to have apprehended an accused at the spot, was not examined by the prosecution. The failure to present this most critical witness suggests suppression of evidence, and seriously impairs the integrity of the investigation.
- (vi) Although Sub Inspector Ramandeep Singh was present during the recovery of alleged weapons, he was strangely not cited or examined as a witness to the process of recovery. This unexplained exclusion raises serious doubts about the authenticity and procedural validity of the recoveries.
- (vii) The case of the prosecution refers to a shirt being snatched from the accused during a scuffle. However, this item was neither seized nor presented in Court, thereby casting doubt on whether such a scuffle took place at all.
- (viii) Despite the occurrence taking place in a densely populated area, no independent witnesses were examined by the prosecution. The entire case rests on partisan and police witnesses, thereby reducing the evidentiary value of the testimonies.
- (ix) The inconsistency regarding the seat of injuries between the FIR and medical records raises legitimate questions as to

whether the complainant was present at the time of the incident and whether the FIR is actually based on direct eyewitness account.

- (x) The investigation was further marred by the failure to collect basic forensic materials from the scene of occurrence, such as blood-stained soil, bullet empties etc. This omission indicates a lack of due diligence and renders the prosecution story vulnerable to challenge.
- (xi) The prosecution has vaguely alluded to robbery being the motive behind the crime, but the FIR and the testimonies of the witnesses lack any substantive reference to an attempted or threatened theft. The alleged motive thus remains unsubstantiated and cannot form a credible basis for sustaining the conviction.

SUBMISSIONS ON BEHALF OF THE STATE

10. Learned State counsel, on the other hand, in response to the arguments of the counsel for the appellants, has contended that the case of the prosecution is built upon the consistent and credible testimony of an eyewitness, PW-3 Charandeep Singh, brother of the deceased. Further, the medical evidence on record confirms the death of the deceased by firearm and is not inherently inconsistent with the prosecution version. Furthermore, recoveries were made promptly and are duly recorded; minor lapses in the ballistic chain would not negate recovery itself.

11. Qua the absence of blackening or the tattooing on the body of the deceased, the learned State counsel has contended that it could be due to the clothing on the deceased or the firing distance, and would not

be decisive by itself. Furthermore, the non-examination of Puneet Sharma is not fatal, as the prosecution evidence otherwise remains cogent and sufficient. Lastly, the discrepancy about the seat of injury is not of such a magnitude as to demolish the entire case of the prosecution. Learned State counsel has therefore, submitted that keeping in view the sequence of events, the immediate apprehension of both the accused who were chased and thereafter, in the presence of the police, caught with the firearms, leave no manner of doubt about their involvement in the occurrence in question, coupled also with the fact that PW-3 Charandeep Singh stood his ground and clearly identified both the accused during trial.

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

13. The foundational testimony of PW-3 Charandeep Singh comes across as both credible and consistent. He is a natural witness, being the brother of the deceased and present at the scene of crime at the relevant time. His testimony has remained materially unshaken in cross-examination. It is settled law that the testimony of a related witness is not to be discarded merely on the ground of relationship, provided it withstands scrutiny.

14. The alleged discrepancy between the ocular account (referring to a head shot) and medical findings (showing chest injury) has been exaggerated by the defense. Given the suddenness and trauma of the incident, it is entirely plausible that the complainant may have perceived or recalled the seat of injury imprecisely. This does not, in our opinion, constitute a material contradiction capable of discrediting the entire version. Minor discrepancies, natural in the context of human

memory, and that too, when a person witnesses a sudden occurrence wherein his own brother is being fired at, must not be viewed in isolation, or allowed to derail an otherwise reliable account.

15. The recoveries of the firearms from the accused shortly after the occurrence, though partially lacking forensic linkage, cannot be said to be fabricated. The prompt recovery itself is a relevant circumstance supporting the prosecution. The non-seizure of the shirt or blood-stained earth at best, is a lapse on the part of the Investigating Agency but not one that fatally undermines the case, especially in light of reliable ocular testimony and medical evidence. Moreover, non-examination of certain witnesses or cryptic investigation do not necessarily vitiate a prosecution, unless they go to the root of the matter.

16. Furthermore, the failure to examine Puneet Sharma, does not create a void in the case of the prosecution. The testimony of PW-3 Charandeep Singh stands substantially corroborated by medical and circumstantial evidence. The settled principle is that quality of evidence prevails over quantity. In the present case, PW-3 Charandeep Singh is sufficient to sustain the prosecution.

17. The argument that the complainant may not have been present at the scene at the relevant time of occurrence is without merit. Significantly, no question was put to him during cross-examination challenging his presence at the time of the occurrence. The absence of such a suggestion in cross-examination weakens the credibility of the defense on this point.

18. The motive, while relevant, is not indispensable where there is a clear ocular evidence. The presence of the appellants, their flight, their subsequent apprehension with firearms, and the testimony of PW-3

Charandeep Singh cumulatively prove the guilt of both of them beyond reasonable doubt.

19. The trial Court, in our view, has rightly appreciated the evidence led by the prosecution and therefore, no interference is warranted in the findings recorded.

20. For the reasons aforesaid, we find no merit in the appeal. The discrepancies highlighted are peripheral, not substantive, and do not affect the core of the prosecution case. Accordingly, the appeal is dismissed and the conviction of the appellant is upheld.

CRR-2531-2004

21. Learned counsel for the revisionist has argued that the sentence awarded by the learned trial Court is grossly inadequate given the deliberate and brutal nature of the crime. It is submitted that the accused came armed, acted with a clear common intention, and killed the deceased in broad daylight in a public space. The case, it is urged, merits enhancement of sentence to capital punishment.

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

23. No doubt, the occurrence is serious and resulted in the loss of a young life. However, the trial Court has already awarded life imprisonment along with substantive sentences under other penal provisions. The judgment is well-reasoned and does not suffer from perversity.

24. In the considered view of this Court, the present case does not fall within the "rarest of rare" category so as to warrant the death penalty. The crime, while condemnable, was not marked by exceptional

depravity or cruelty beyond the act of murder itself. The convicts were apprehended from the spot, and no aggravating circumstances have been shown that would justify enhancement.

25. Sentencing lies within the discretion of the trial Court and is not to be interfered with unless wholly arbitrary or shockingly disproportionate. That threshold is not met here.

26. As a sequel to the above, no ground is made out for enhancement of sentence. The revision petition also stands dismissed.

**(MANJARI NEHRU KAUL)
JUDGE**

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

July 30, 2025

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No