



In the High Court for the States of Punjab and Haryana at Chandigarh

CRA-D-246-DB-2005 (O&M)
Date of Decision:- 18.07.2025

Satish Kumar and others Appellants

Versus

State of Haryana Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. R.S.Cheema, Senior Advocate with
Ms. Sumanjit Kaur, Advocate,
Mr. Satish Kumar Sharma, Advocate and
Mr. Mahi Pal Singh Bist, Advocate,
for the appellants.

Mr. Ranvir Singh Arya, Addl. A.G. Haryana.

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GURVINDER SINGH GILL, J.

1. Appellants-Satish Kumar, Pawan and Ravinder Kumar assail judgment dated 25.02.2005 passed by learned Additional Sessions Judge, Karnal vide which the learned trial Court, while holding them guilty of having committed offence punishable under Sections 302 read with Section 34 and 201 IPC, has sentenced them as under:



Section	Sentence
302/34 IPC	Imprisonment for life and a fine of Rs.5000/- each. In default of payment of fine they shall further undergo RI for three months each
201 IPC	Rigorous Imprisonment for a period of three years and a fine of Rs.2500/- each. In default of payment of fine they shall further undergo RI for three months each

2. The matter arises out of FIR No. 212 dated 15.10.2000, Police Station GRP Karnal, under Sections 302, 201 read with Section 34 IPC (Ex.PG/1), lodged on the statement of Multan Singh (Ex.PG). The facts, in nutshell, are that on 10.10.2000 a dead body of an unknown male was recovered on railway track between Bainsi Khurd and village Taraori in the area of village Shamgarh. Inquest proceedings (Ex.PL) were conducted by Head Constable Dharampal. The dead body was got subjected to post mortem examination and was handed over to 'Jan Seva Dal' Karnal, for cremation.
3. On 12.10.2000 Multan Singh (complainant) along with other co-villagers went to Police Station GRP Karnal and upon seeing the photographs of the dead body which had been recovered on 10.10.2000, he identified the same to be that of his nephew Gurjeet Singh. However, he went to his village to confirm about the said fact. It was on 15.10.2000 when a police party headed by SI/SHO Shiv Kumar (PW-15) went to the spot and also made inquiries from villagers that Multan Singh (complainant) got his statement (Ex.PG) recorded. The translated gist of his statement (Ex.PG) is reproduced herein under:

"I am resident of village Shamgarh. We are five brothers. The eldest is Daler Singh and I am younger to him and younger to me are



Gurbachan Singh, Balkar Singh and Jagir Singh. Gurbachan Singh has two sons and two daughters. His eldest son was named Gurjit Singh and younger to him is Sukhjit Singh, both of whom are unmarried. On 09.10.2000 in the evening, my nephew Gurjeet had gone out for answering the call of nature, but did not return back during the night. On 10.10.2000 we searched for him in the village and in the houses of other relatives. On 11.10.2000 we came across news in “*Dainik Bhaskar*” that the Karnal police had recovered a dead body of an unknown person from near the railway track of Shamgarh and that the word ‘Gurjeet’ was inscribed in Hindi on his right arm and that upon reading the said news item, I along with the other residents of village Shamgarh proceeded to Police Station GRP Karnal on 12.10.2000 and collected information about the dead body recovered on 10.10.2000. On seeing photographs of the dead body we were sure that the same is of my nephew Gurjeet Singh. Thereafter, we went to the village and made inquiries upon which Onkar Singh disclosed that on 09.10.2000 during night at about 9 pm Satish, Parveen and Dilraj had taken Gurjeet from village and had been seen going towards the fields situated by the side of the village near the railway track. We then proceeded towards the railway track. Upon reaching near the tubewell of Attar Singh, we saw blood clotted on the ground outside the ‘*kotha*’ of tubewell. Blood stains were also seen on the wall of the ‘*kotha*’ in large quantity. The tubewell is situated towards the western side of the village towards the railway track. A path exists near the railway track for ingress and outgress of the villagers. A dispute had taken place between my nephew Gurjeet Singh and Satish, a few days back and they had hurled abuses and grappled with each other. Satish had threatened to kill my nephew Gurjeet Singh in the presence of Jarnail Singh. He had also threatened him that he would kill him upon finding an opportunity or will get him killed through some other person. We had been making inquiries till today and have found that the dead body which was found lying near the railway track on 10.10.2000 was of my nephew Gurjeet Singh and that he had been killed by Satish on the night intervening 9/10.10.2000 with the help of



some weapons and in conspiracy with some other persons of the village and that his dead body had been thrown thereafter near the railway track to destroy evidence of his murder. The matter was investigated qua the accused persons named in the FIR as well as others. I have heard the statement and the same is correct.

Signed
Multan Singh”

4. It was pursuant to the aforesaid statement (Ex.PG) of Multan Singh that formal FIR (Ex.PG/1) was recorded. SI Shiv Kumar (PW-15) visited the spot i.e. the railway line from where the dead body was recovered and from where blood stained stones and pebbles were recovered and were taken into possession. SI Shiv Kumar (PW-15) also visited the tubewell of Attar Singh wherefrom also blood stained soil was recovered and taken into possession. It is further the case of prosecution that a blood stained pant of deceased-Gurjeet Singh was also found and taken into possession. Subsequently, the investigation was entrusted to Inspector Mangu Ram (PW-16) who also visited the place of occurrence and also the *kotha*/tubewell of Attar Singh on 17.10.2000 and made inquiries. It is the case of prosecution that accused Satish was produced before him by his father Shamsheer Singh and was arrested. Accused Ravinder Kumar and Pawan Kumar were also produced by Des Raj and Phool Singh and were arrested. All the three accused are stated to have been interrogated on 18.10.2000 in the presence of Multan Singh, Balkar Singh and Head Constable Randhir Singh. Accused Satish is stated to have made a disclosure statement (Ex.PN), pursuant to which he got recovered a blood stained sword, his blood stained clothes, a small torch and a bicycle.



5. Accused Ravinder, upon interrogation is stated to have made a disclosure statement (Ex.PO), pursuant to which he got recovered his blood stained clothes from his house and a sword which were taken into possession by the police.
6. Accused Pawan Kumar also suffered a disclosure statement (Ex.PP), pursuant to which he got recovered a wooden '*pawa*' (leg of cot) which was taken into possession. The accused are also alleged to have made an extra judicial confessions before one Mahinder Singh and whose statement was recorded by the police on 21.10.2000. Statements of other witnesses were also recorded in terms of Section 161 Cr.P.C.
7. Upon conclusion of investigation a challan was presented against the accused in the Court of learned Chief Judicial Magistrate, Karnal on 10.01.2001, who committed the case to the Court of Sessions vide order dated 16.02.2001. Learned Additional Sessions Judge, Karnal, to whom the matter was entrusted framed charges against all the accused for offences punishable under Sections 302 r.w. 34 and 201 IPC on 19.03.2001 to which the accused pleaded not guilty and claimed trial.
8. The prosecution in order to substantiate its case examined as many as 16 PWs. The gist of their testimonies is briefly referred to herein under:-

PW-1 Dr. R.M.Singh, Medical Officer, General Hospital, Karnal deposed that on 10.10.2000 he was posted as Medical Officer in Government Hospital, Karnal and had conducted post mortem on dead body of an unknown male and found that the dead body was smeared in grease and had



been cut into several pieces and all parts of the body were crushed. He proved the post mortem report as Ex.PA and opined that the cause of death was injuries to vital organs which were sufficient to cause death in normal course of nature.

PW-2 Dr. Rakesh Mittal, Medical Officer, General Hospital, Karnal deposed that on 18.10.2000 he was on emergency duty in the hospital and upon police request he had medico-legally examined Satish Kumar and had found one infected wound on his right hand. He proved the MLR as Ex.PB wherein the injuries has been described.

PW-3 Gurjit Singh stated that on 19.10.2000 he was present in his village Shamgarh and that at about 8/8.30 am a police jeep arrived in which all the three accused were sitting apart from the police officials. He stated that all the accused were interrogated in his presence and who all suffered separate disclosure statements pursuant to which the accused got recovered swords and blood stained clothes. He stated that the documents pertaining to the disclosure statements and the memos regarding recoveries were attested by him.

PW-4 ASI Ram Murti deposed that on 15.10.2000 he was posted as HC/MHC Police Station GRP, Karnal and that upon receipt of ruqa (Ex.PG) from SI/SHO Shiv Kumar, he had recorded formal FIR Ex.PG/1. He further stated that he had sent special reports to Illaqa Magistrate and to senior police officials through Constable Karan Singh and Constable Lala Ram.



PW-5 Constable Karan Singh tendered his affidavit as Ex.PH in evidence wherein he deposed with regard to delivery of special reports to the area Magistrate.

PW-6 Head Constable Ram Kumar tendered his affidavit Ex.PJ in evidence wherein he deposed that on 19.10.2000 he was posted as Head Constable in GRP Karnal and that on the said day L/MHC Ram Murti, GRP Karnal handed him three sealed parcels of blood stained soil, blood stained stones with the seal of S.K. and one parcel containing pant stained with blood for depositing the same in FSL Madhuban, which he accordingly deposed on the same day. He further stated that as long as the said parcels remained in his custody the same were not tampered with.

PW-7 Head Constable Dharam Pal stated that on 10.10.2000 he was posted at Police Station GRP, Karnal when he received a ruqa (Ex.PK) from Station Supervisor Bainsi Khurd intimating that a dead body was lying on the track between Bainsi Khurd and Taraori and that upon receipt of said intimation/ruqa, he went to the spot where the dead body was lying and conducted inquest proceedings. He stated that upon conclusion of inquest proceedings he sent the dead body to Civil Hospital, Karnal for post mortem examination.

PW-8 Sewa Singh stated that he knows all the three accused personally as they belong to his village Shamgarh and that his land is situated at a distance of one furlang away from village Shamgarh and the same is situated near the railway track. He stated that on the night intervening 9/10.10.2000 when he



was returning from his fields after irrigating his land around midnight, then he came across the three accused who were coming from the side of railway track towards the village. He stated that while Satish was having a bicycle and a torch, the other two accused were empty handed. He stated that accused were whispering and were saying that they had accomplished the job. He stated the next morning he went to the area of Faridabad for supervising harvesting of paddy through his combine and returned back on 16.10.2000 when he came to know that Gurjeet Singh son of Gurbachan had been murdered by Satish, Ravinder and Pawan. He stated that he disclosed about having seen the accused on the intervening night of 9/10.10.2000 to Multan Singh and thereafter he was summoned by the police and his statement was recorded.

PW-9 Jarnail Singh stated that about one month prior to the murder of Gurjeet Singh a quarrel had taken place between Gurjeet Singh and the three accused and blows were exchanged and Gurjeet Singh being stronger had beaten up all the accused whereupon Satish while leaving had issued threats to kill Gurjeet Singh or to get him killed. He deposed that he had disclosed about the said incident to Multan Singh and that his statement was also recorded by the police.

PW-10 Multan Singh stated that Gurjeet Singh (deceased) was his nephew and that on 09.10.2000 he had gone out to answer the call of nature, but did not return back and although they kept on looking for him in the morning, but could not get any clue. He deposed that on 11.10.2000, upon reading newspaper '*Dainik Bhaskar*', they came to know that an unclaimed dead



body had been found lying on the railway track near Shamgarh and that the name 'Gurjeet Singh' was tattooed on the left arm of the said body. He deposed that on the next day he reached the police station along with some other persons and was shown photographs of the dead body from which he identified the same to be of his nephew Gurjeet Singh. He deposed that although the dead body had already been cremated by the police, but he still made some inquiries from the village, upon which Onkar Singh told him that on the night intervening 9/10.10.2000 he had seen all the three accused going towards the railway track from the village at about 9 pm and that Gurjeet Singh was accompanying them. He further stated that upon getting this information they went towards the railway track and that they had found blood stains on the wall of 'kotha' of Attar Singh's tubewell and also on the passage leading to the said 'kotha' and upon seeing the said stains they are sure that Gurjeet Singh had been murdered on that spot. He stated that his statement (Ex.PG) was recorded by the police on 15.10.2000. He further stated that pursuant to his statement blood stained stones/soil were recovered from the railway track and also from the tubewell of Attar Singh were taken into possession by the police. He further stated that on 18.10.2000 when he along with his real brother Balkar Singh visited the police station to inquire about the present case, then it was in his presence that all the three accused were interrogated during the course of which they made disclosure statements.



PW-11 Constable Sanjay Pal who had prepared the scaled site plan of the place where the dead body was found and also of the tubewell of Attar Singh, proved the same as Ex.PM and Ex.PN.

PW-12 Raghbir Singh, Photographer proved the photographs of the dead body as Ex.P-2 to P-6 and the negatives as Ex.P-7 to P-11.

PW-13 Mahender Singh stated that he is Member Panchayat of village Shamgarh and that on 17.10.2000 when he was present in his house then at about 7 A.M. all the three accused namely Satish Kumar, Ravinder Kumar and Pawan Kumar came to his house and they all separately confessed their guilt while stating that they had murdered Gurjeet Singh with the help of swords and a wooden '*pawa*' (leg of cot) on the night intervening 9/10.10.2000 in front of '*kotha*' of tubewell belonging to Attar Singh and that after committing the murder they had thrown the dead body of Gurjeet Singh on the railway track. He stated that the accused requested him to produce them before the police, but since he had to go out on his four-wheeler '*Matador*', therefore, he could not produce them before the police and told them to present themselves before the police or to surrender before the police through somebody else. He further deposed that he returned back on 21.10.2000 and then made a statement to the police.

PW-14 Sarju stated that in the year 2000 he was posted as keyman at Bhaini Khurd railway station and while he was checking the railway track, he came across pieces of the dead body scattered in an area of about 10 meters on the track and he immediately informed Tek Ram, Gateman and that Om Parkash, Gangman also came there.



PW-15 SI Shiv Kumar who had conducted the initial investigation of the case upon recovery of dead body on 10.10.2000 and had conducted inquest proceedings deposed about the same. He stated with regard to his visit to the spot and as regards recovery of blood stained stones and pebbles from the spot and also from the '*kotha*' of tubewell of Attar Singh.

PW-16 Inspector Mangu Ram who had taken over investigation from SI Shiv Kumar (PW-15) stated in detail with regard to the entire investigation conducted by him. He specifically stated with regard to the arrest all the three accused on 17.10.2000 who were produced before the police by Shamsher Singh, Des Raj and Phool Singh. He further stated that all the three accused were interrogated on 18.10.2000, pursuant to which they got recovered swords, blood stained clothes, torch, wooden '*pawa*' and a bicycle.

9. Upon conclusion of prosecution evidence, the entire evidence was put to the accused in terms of Section 313 Cr.P.C. to enable them to explain the same, but the accused denied the entire prosecution case in toto and pleaded false implication. The accused took a stand that several members of the family of the complainant party were employed in the department of police and all the witnesses belong to one family and had falsely implicated them. Accused- Ravinder Kumar further pleaded that in fact Gurjeet Singh had several enemies and that on one occasion Gurjeet Singh had given beatings to his tenant Balwant Singh as he suspected that Balwant Singh had teased his sister. He further stated that Gurbachan Singh father of Gurjeet Singh used to drink heavily and did not give any money to the deceased and that there



had been a fight between them in which Gurjeet Singh was killed. The accused however, did not lead any evidence in their defence.

10. Learned trial Court upon considering the evidence on record found the appellants guilty of having committed offence punishable under Section 302 read with Section 34 and Section 201 IPC and sentenced them accordingly vide impugned judgment dated 25.02.2005 which is under challenge before this Court.
11. Learned counsel for the appellants submitted that it is a case based totally on circumstantial evidence wherein the medical evidence pertaining to cause of death itself belies the case of prosecution. It has been submitted that while the case built by the prosecution is that the accused had murdered the deceased with the help of swords at the tubewell of Attar Singh, but doctor who conducted post mortem examination categorically stated in his examination-in-chief that the injuries found on the dead body could not have been caused with a sword.
12. Learned counsel for the appellants further submitted that the prosecution has led evidence by recording statements of interested witnesses i.e. the relatives and residents of the same village, but their testimonies do not inspire confidence. It has been submitted that one Mahender Singh has been examined by prosecution who deposed that the accused had confessed their guilt before him on 17.10.2000 and had even requested him to produce them before the police, but despite such a big revelation having been made before him by the accused, he did not chose to report the matter to the police



immediately and it was only on 21.10.2000 that he disclosed about the same to the police which creates a serious doubt as regards his veracity.

13. Learned counsel for the appellants submitted that even the 'last seen' evidence in the shape of testimony of PW-8 Sewa Singh does not inspire confidence and has apparently been introduced as a witness being closely related to the complainant.
14. On the other hand learned State counsel submitted that although it is a case based on circumstantial evidence but having regard to the evidence produced by the prosecution in the shape of 'last seen' evidence, extra judicial confession and recovery of weapons of offence, the complicity of all the accused is clearly evident and all the links in the chain of circumstantial evidence being complete, the impugned judgment does not call for any interference.
15. This Court has considered rival submissions addressed before this Court and has also perused the record of the case.
16. It is not in dispute that it is a case of blind murder wherein there is no eye-witness to the occurrence and the prosecution mainly banks upon circumstantial evidence which may broadly be classified under the following heads:
 - i. Last seen evidence
 - ii. Recovery of weapons i.e. swords and a wooden '*pawa*' (leg of cot) from the accused



- iii. Extra judicial confession
 - iv. Recovery of blood stained stones and swabs from the place of occurrence.
17. Before proceeding to examine the quality and the significance of the aforesaid pieces of evidence, it is apposite to bear in mind the broad principles governing the circumstantial evidence. In a case, based on circumstantial evidence, the inference of guilt can be drawn only when all the incriminating facts and circumstances are found to be incompatible with the innocence of the accused. The law with regard to appreciation of circumstantial evidence has been clearly enunciated in the case of *Hanumant v. State of Madhya Pradesh, AIR 1952 Supreme Court 343*, wherein it was held as follows:
- "10. It is well to remember that in cases where the evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should in the first instance be fully established, and all the facts so established should be consistent only with the hypothesis of the guilt of the accused. Again, the circumstances should be of a conclusive nature and tendency and they should be such as to exclude every hypothesis but the one proposed to be proved. In other words, there must be a chain of evidence so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused and it must be such as to show that within all human probability the act must have been done by the accused."
18. The aforesaid principles have consistently been followed and have been affirmed in catena of authorities. Recently, a three Judges Bench of Hon'ble Apex Court reiterated the aforesaid position of law in *2025(1)*



RCR(Criminal) 12, Vishwajeet Kerba Masalkar v. State of Maharashtra, and while doing so also referred to the case of Sharad Birdhichand Sharda v. State of Maharashtra (1984) 4 SCC 116 1984 INSC 121, wherein it has been held that the following conditions must be fulfilled before a case against an accused can be said to be fully established:

- (1) the circumstances from which the conclusion of guilt is to be drawn should be fully established. It may be noted here that this Court indicated that the circumstances concerned "must or should" and not "may be" established.
- (2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty,
- (3) the circumstances should be of a conclusive nature and tendency,
- (4) they should exclude every possible hypothesis except the one to be proved, and
- (5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused

19. The above referred five conditions are the golden principles on which any case based on circumstantial evidence would rest. It can thus clearly be seen that it is necessary for the prosecution that the circumstances from which the conclusion of guilt is to be drawn should be fully established and the chain of evidence should be so complete that the facts so established should be consisted only with the guilt of the accused.

20. **Last seen evidence:**



While in the FIR, which was recorded pursuant to statement of complainant Multan Singh on 15.10.2000, there is reference to one Onkar Singh who is stated to have disclosed to the complainant that on the night of 09.10.2000 at about 9 pm, he had seen Satish, Parveen and Dilraj taking along Gurjeet with them who were all going towards the fields situated by the side of the village near the railway track, but for reasons best known to the prosecution, said Onkar Singh has not been examined. Still further while Satish has been prosecuted, but the other two persons stated to be named by Onkar Singh i.e. Parveen and Dilraj were not arrayed as accused and in their place Pawan and Ravinder have been arrayed as accused. In any case, in the absence of said Onkar Singh having been examined, the aforesaid reference to the disclosure of Onkar Singh in the FIR would not carry any significance.

21. The prosecution however, has examined one Sewa Singh as PW-8 who stated that he knew all the accused personally and had seen them on the night intervening 9/10.10.2000 when he was returning back to village after irrigating his fields and that the said three accused were coming from the side of railway track and were whispering with each other and were saying that they had accomplished the job. He further stated that while Satish was having a bicycle and a torch, the other two accused were empty handed. A perusal of his cross-examination shows that he had seen the accused at a distance from one or two *killas* and had identified them from their whispers. However, it remains unexplained as to how he could hear whispering even from a distance of one or two *killa*. It is only if somebody speaks reasonably loud that he would be audible at a distance of one or two *killa*. The said



listening of said whispers is rather doubtful. Still further, we find that although he had seen the accused on the night of 9.10.2000 whispering amongst each other, but he did not chose to get his statement recorded till 16.10.2000. Although, he has tried to explain his absence by saying that he had left the village on the morning of 10.10.2000 and returned back only on 16.10.2000 as he was supervising the harvesting work being done with his combine in Faridabad, but the said delay in recording his statement would also raise some doubt regarding the veracity of the statement. Still further as per his statement, none of the accused is stated to be carrying any weapon. As such, his statement would also not lend much strength to the case of the prosecution.

22. **Recovery of weapon:**

It is the case of the prosecution that Satish Kumar upon interrogation suffered a disclosure statement (Ex.PN), pursuant to which he got a sword recovered. Similarly, even Ravinder is stated to have made a disclosure statement (Ex.PO), pursuant to which he is also stated to have got a sword recovered. Similarly accused Pawan, pursuant to his disclosure statement (Ex.PP) is stated to have got recovered a wooden 'pawa' (leg of cot). However, interestingly PW-8 Sewa Singh who is alleged to have seen the accused on the night intervening 9/10.10.2000 around midnight coming from the side of railway track, stated that while Satish was carrying a bicycle and a torch, the remaining two co-accused were empty handed. The three weapons recovered pursuant to disclosure statements of accused were sent to FSL and while the sword recovered from Ravinder was found to be stained with



human blood, the sword recovered from Satish and the wooden '*pawa*' recovered from Pawan were not so found as the alleged blood stains were found to have disintegrated. Still further it is a case where the doctor who conducted the post mortem examination categorically stated that the injuries found on the dead body could not have been caused with a sword. Under these circumstances the factum of the recoveries of swords and wooden '*pawa*' would assume significance only if there is other convincing evidence on record pointing towards the guilt of the accused.

23. **Recovery of blood stained stones and blood stained soil:**

As per the case of prosecution blood stained stones and blood stained soil were recovered from near the '*kotha*' of Attar Singh and also from near the railway track. Upon examination of the said stone and the soil recovered from the spot, FSL reported that the same was stained with human blood. The aforesaid fact could at best be indicative of the fact that murder had taken place near the *kotha* of Attar Singh and nothing beyond that.

24. **Extra judicial confession:**

As per the case of prosecution all the three accused went to the house of PW-13 Mahender Singh on the morning of 17.10.2000 at about 7 am and confessed having murder Gurjeet with the help of swords and wooden '*pawa*' on the night intervening 9/10.10.2000 in front of *kotha* of tubewell belonging to Attar Singh and after committing the murder they had thrown the dead body on the railway track. It will not be out of place to mention that while it is the case of the prosecution that the accused were arrested on



17.10.2000 when they were produced before the police by Shamsher Singh, Des Raj and Phool Singh and that thereafter they were interrogated on 18.10.2000 by PW-16 Inspector Mangu Ram, during the course of which they suffered disclosure statements and got recovered swords, blood stained clothes, torch, wooden '*pawa*' and a bicycle, but PW-3 Gurjit Singh during the course of his cross-examination stated that the accused were arrested on the night intervening 16/17.10.2000. In case the accused had already been arrested on the night intervening 16/17.10.2000, then the accused having made extra judicial confession before PW-13 Mahender on the morning of 17.10.2000 would stand falsified.

Further, although PW-13 Mahender Singh stated that the accused had requested him to produce them before the police, but since he had to go out on his four wheeler '*Matador*', therefore, he could not produce them before the police and had advised them to surrender before the police through somebody else. The statement of said Mahender Singh, in terms of Section 161 Cr.P.C. came to be recorded on 21.10.2000. The factum of the accused having confessed their guilt regarding murder of a co-villager is not a trivial fact which anybody would be expected to keep to himself only for a good 3 or 4 days. It remains unexplained as to why PW-13 did not chose to even inform the family of the deceased regarding the aforesaid confession. During the course of cross-examination he has specifically stated that he did not tell about the information given to him by the accused to Gurbachan Singh father of the deceased or to his uncle Multan Singh or to any other brother of Gurcharan Singh or to anybody else. The conduct of Mohinder Singh in not



having shared the information with anybody else till 21.10.2000 would seriously affect his credibility and it would not be safe to rely upon his statement. In any case, the factum of arrest of the accused on the night intervening 16/17.2000 itself demolishes the case of the prosecution regarding the accused having made extra judicial confession on the morning of 17.10.2000 and as such, the said extra judicial confession cannot be relied upon.

25. When the aforesaid pieces of sketchy circumstantial evidence are examined in light of the fact that the medical evidence is also not absolutely consistent with the prosecution version inasmuch as there is nothing in the medical evidence that any injury had been caused with a sword, reliance upon the same becomes all the more difficult. The doctor having categorically stated that the injuries found on the dead body could not have been caused with a sword would also work to the disadvantage of the prosecution. While we are conscious of the fact that in case a person is inflicted injuries and thereafter his dead body is crushed under a train, there would be very little chances that the injuries caused with weapons would be reflected but the absence of any such medical evidence and there being no other convincing evidence to connect the accused with the occurrence, the case of the prosecution is found to be wanting of various counts. Under these circumstances, even the fact that Multan Singh in his statement made on 12.10.2000 had not stated anything against against the accused and it was only on 15.10.2000 that he had named three persons i.e. Satish, Parveen and Dilraj whereas in fact the



aforesaid Dilraj and Parveen were not arrayed as accused would work to disadvantage to the prosecution.

26. As a sequel of the discussion made above, we find that the pieces of circumstantial evidence collected in the instant case neither inspire confidence nor can be said to form a complete chain in the link of circumstantial evidence so as to lead to one and only one conclusion regarding guilt of the accused. Consequently, the findings of guilt as recorded by the learned trial Court cannot sustain and are hereby reversed. The appeal merits acceptance and is hereby accepted while setting aside the impugned judgment dated 25.02.2005. The appellants are acquitted of all the charges framed against them.
27. Case property be destroyed as per rules after expiry of limitation for filing appeal or revision as the case may be.

(GURVINDER SINGH GILL)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

18.07.2025

Mohan

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No