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

CRA-D-33-DB-2005 (O&M)

Reserved on: 13.08.2025

Date of Pronouncement:- 11.09.2025

Naresh Kumar

... Appellant

Versus

State of Haryana

... Respondent

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

Present:- Mr. Vivek Dahiya, Advocate (Amicus Curiae)
for the appellant.

Mr. Yuvraj Shandilya, AAG, Haryana.

H.S. Grewal, J.

1. The present appeal has been preferred against the judgment of conviction and order of sentence dated 22.12.2004 passed by the learned Additional Sessions Judge, Rohtak in case F.I.R. No.263 dated 23.05.2003, under Sections 498-A/304-B IPC, registered at Police Station, Civil Lines, Rohtak, whereby the appellant had been convicted and sentenced to undergo rigorous imprisonment for life, to pay a fine of Rs.10,000/- under Section 302 IPC and in default thereof, to undergo further RI for three years.

2. The case of the prosecution is that on 23.05.2003, at 06:30 a.m. Sunil s/o Hari Singh had come to Police Post Sector 2, 3, 4 Rohtak and lodged a DDR No.21 (Ex.PE) by stating that Naresh Kumar/appellant, who is son of his bua (father's sister), was lying tied with a cot by means of 'Niwar' and electric wire in his house No. 673, Housing Board, Sector 4, Rohtak and his



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wife Meena was lying dead on the floor, whereupon ASI Jagbir Singh, Incharge, Police Post Sector 2, 3 and 4 Rohtak along with some police officials reached there, untied the appellant and at about 08:00 a.m., he had recorded his statement (Ex.PR) to the effect that he is resident of that house. Earlier he was working in Haryana Police. Last night at about 12:15 AM, when he and his wife Meena were sleeping, somebody knocked at the door of his house. He got up and asked who was there. He then heard a voice of somebody from outside asking to immediately open the door. He thought that somebody had come from the house of his maternal uncle, so he opened the door. On just opening the door, two boys closed his mouth and caught hold of him. Meanwhile, three other boys also entered his house. When he tried to free himself and raised noise, his wife woke up. When she tried to get him released, she was also caught hold by one of them, who took her in the inner room. One of them picked up a knife from his house and put it on his neck and also took him in the inner room. They demanded the appellant to produce cash and ornaments, to which, he stated that he was not having any cash or ornaments in his house, whereupon three of them kept holding them, whereas other two started searching for his articles. From the almirah, they took out cash of Rs.3,600/- and two pairs of anklet (Painjab) of his wife, silver '*mangal suter and 'tagri'*' of his daughter, '*karres*' of hands and feet and '*Painjab*'. They tied him with Niwar and electric wire in the outer room and in the meantime, voice of his wife stopped coming from the inner room. Thereafter, they rubbed a piece of cloth on his mouth. He woke up in the morning and saw that his wife was lying dead on the floor. When he raised alarm, neighbours reached his house and untied him from the cot and informed the police. All the five boys were of young age.



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One of them was fat and was wearing a karra in his hand. He will identify them if they come before him.

3. ASI Jagbir Singh had forwarded the aforesaid report (Ex.PR) to the Police Station, with his own endorsement, Ex.PR/3 thereon through Constable Naresh Kumar and on its basis, formal FIR Ex.PR/1 was registered by SI Bimla Devi for offences punishable under Sections 458 & 460 IPC. Special report thereof reached Illaqa Magistrate at 10:25 a.m. the same day through Constable Ram Chander.

4. ASI Jagbir Singh requisitioned the services of a Dog Squad, Single Digit Clerk, Photographer and a team of Crime Branch Madhuban. The scene of crime was photographed by Photographer Vijay Pal, Ex.P6 to P9 are the positive photographs of the scene of crime including photograph of the dead body of Meena, with respective untouched negatives, Ex.P10 to Ex.P12. SDC Smt. Sudershna Kumari also lifted some chance finger prints from some glass/tumblers. ASI Jagbir Singh had prepared the visual site plan Ex.PS, inquest report, Ex.PC and lifted blood stained earth from the spot in a sealed parcel with seal 'JS'. He took the same in police possession vide recovery memo, Ex.PT, attested by Sunil s/o Hari Singh. Thereafter, the dead body of Meena was sent for postmortem examination. After post mortem examination Doctor had handed over a sealed parcel containing shirt Ex.P1, *Salwar* Ex.P2, bra, Ex.P3 and underwear, Ex.P4 of the deceased. The Doctor had also handed over another sealed parcel containing aforesaid steel knife blade, Ex.P5 taken out from the injury of dead body. The sealed parcels were duly taken in police possession vide recovery memo Ex. PU, attested by UGC Fateh Singh. In the same evening, dead body was cremated in presence of the accused and other



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relatives. Thereafter, the appellant-Naresh Kumar, who was having some injuries on his person, was sent to Civil Hospital, Rohtak, where he was medico-legally examined by Dr. R.K. Verma and a copy of the MLR is Ex.PV.

5. On 23.05.2003, PW6 Krishan, who is father of deceased-Meena, had given an application to ASI Jagbir Singh, suspecting the involvement of the appellant-Naresh Kumar for committing murder of Meena. He recorded his statement to the effect that his daughter Meena was married with Naresh Kumar in village Begga, who is now living in house No. 673, Housing Board, Sector 4, Rohtak. He suspected that she was killed by Naresh Kumar as he used to ask for money to pay the installments of a house purchased. He also used to harass her on account of dowry. A sum of Rs. 30,000/-was also given to him for the purchase of the house. On the basis thereof, ASI Jagbir Singh had tried to join Sunil in the investigation but he made himself not available and absconded.

6. On 29.05.2003, at about 7.30 to 08:00 a.m., appellant-Naresh Kumar made extra judicial confession before Chiranji Lal (who was examined as PW7) in village Dichhau, where he was sitting in his *Bathak*. Karan Singh was also present there. Chiranji Lal was a retired Head Constable from Delhi Police and was elder in the family of complainant-Krishan. The appellant-Naresh Kumar made an extra judicial confession before him that during the night intervening on 22/23.05.2003, he killed his wife Meena with a knife. Its blade remained in her abdomen and handle was thrown away by him behind the boxes in the room. In order to mislead the police, he scattered clothes and other household articles and tied himself with the cot. Thereafter, he got a false report lodged with the police alleging commission of dacoity and murder of his



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wife, whereas he had killed Meena (wife) on account of bringing insufficient dowry and for not fulfilling the demands of money from his parents. He begged pardon that he had made a mistake. Since Chiranji Lal was having good relations with Incharge of Police Post Sector 2,3 and 4 so, he be produced before him. Accordingly, Naresh Kumar was brought and produced by Chiranji Lal and Karan Singh before ASI Jagbir Singh at Shila By-pass Rohtak. Then, the appellant made his extra judicial confession, Ex.PH recorded to the same effect, attested by PW(s) Chiranji Lal and Karan Singh.

7. Thereafter, the handle of the knife, (Ex.P14) was recovered from the house of the appellant, which was kept in a sealed parcel with seal 'JS' and was taken into police possession vide recovery memo Ex.PQ/1 from the place of discovery shown in site plan Ex.PQ/2. This recovery was witnessed and attested by HC Satbir Singh and Ishwer s/o Hardwari Lal. The sealed parcels were sent to FSL Madhuban through HC Kulbir Singh and FSL Report Ex.PAA was received which found human blood on the said clothes of the deceased and also upon the blood stained earth picked up from the spot. Vide FSL report Ex.PAB, cut marks on shirt Ex.P1 of the deceased were found to have been caused by said knife blade Ex.P5 and the said knife blade Ex.P5 physically fitted in said knife handle Ex.P14 and so the handle was found as part and parcel of said knife blade.

8. On 02.06.2003, the wedding card of the marriage of the deceased with the appellant was taken into police possession vide recovery memo Ex.PX, attested by Constable Naresh Kumar. List of dowry articles was taken in police possession vide recovery memo Ex.PY attested by the

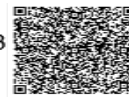


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complainant-Krishan. Regular scaled site plan Ex.PS was also got prepared on that day.

9. On 30.05.2003, mother of the deceased, PW8 Sunita had given a written report Ex.PJ to the police stating that her daughter was married with the appellant on 02.11.1998. At the time of marriage, sufficient dowry which was more than their capacity was given. At that time, Naresh Kumar was working as a Constable in Haryana Police, but about 2- 2 ½ years back, his services got terminated. He did not go back to his village Begga but started living with his maternal uncle Hari Singh in their House in Sector 4, Housing Board Colony, Rohtak. Meena also lived with them for about one month. But thereafter, Naresh(appellant) and Nirmala started harassing her. Nirmala asked that her husband-Naresh was unemployed and from where she can feed them. So, at her instance Meena was shunted out and she came to her parents. But on 15.06.2001, Nirmala came to them and on her asking, they started giving her a sum of Rs.2,000/- per month for keeping with them, as their maintenance. Meanwhile, father of Meena had tried to make their son-in-law (Naresh) understand to start living separately from his maternal aunt. Naresh did not agree to the same; he told his maternal aunt Nirmala about the same and she lost her temper. Thereafter, Nirmala and appellant Naresh started harassing Meena. Later on, Nirmala told them to separate with each other after purchasing the house, for which she demanded a sum of Rs. 30,000/-. Nirmala and Naresh purchased the house in Sector 4, Housing Board wherein Naresh and Meena lived happily for about six months. On 12.11.2002, Naresh and Nirmala came to them and asked for a sum of Rs. 20,000/- for repair of stair case. They were not having that much amount, so, they were sent back the next



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day after paying them a sum of Rs. 5,000/-. She and her husband were fed up due to their repeated demands. They begged pardon from them saying that they also have to look after their other five daughters. Nirmala took it lightly but thereafter started abusing them. On 22.03.2003, she also pressurized them for getting Naresh employed somewhere else. Since they were not in a position to get him employed, they turned out Meena from their house. Later on, Naresh brought her back to Rohtak. Since that day, Naresh and Nirmala continued to quarrel with and beat Meena, compelling to bring money from her parents to start some business, otherwise she would be killed. On 22.5.2003 at about 8 p.m., Meena apprised them on telephone that she was severely beaten by her husband and her maternal aunt Nirmala and her two sons namely Anil and Sunil. She asked her to send her father immediately to bring her back. At that time, her husband was away on his duty. But in the morning at about 05:00 a.m., she received a telephonic call from Nirmala asking to come with 2-4 persons immediately. She reached there at around 07:30 a.m. along with the family members but upon arrival, she came to know that Meena had already been killed. Sunita in her said report Ex.PJ also mentioned that her daughter had been murdered by her husband Naresh, his maternal aunt Nirmla Devi and her two sons-Anil and Sunil.

10. On the statement of the complainant PW8 Sunita, Nirmala along with her two sons were summoned under Section 319 Cr.P.C. but they have challenged the summoning order before this Court in CRR-2546-2003, which was allowed vide judgment dated 08.05.2006. Thereafter, the appellant-Naresh Kumar was the sole accused who had faced trial. After completion of necessary investigation, challan had been presented against appellant-Naresh Kumar who



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was charged for offences punishable under Sections 498-A and 304-B IPC and in the alternative under Section 302 IPC to which he did not plead guilty and claimed trial.

11. Learned counsel for the appellant submits that the trial Court had erred in convicting the appellant as there were contradictions in the statements of prosecution witnesses and the alleged motive attributed to the appellant had not been supported by any independent evidence. The subsequent statement given by PW6 Krishan (father of the deceased) alleging persistent demands of dowry and suspecting the appellant for murder of his daughter, was an afterthought and without any independent corroboration. It is submitted that the appellant himself was a victim of the incident as he was found tied to a cot and was injured. The medical evidence itself does not conclusively connect the appellant with the crime. The injuries on the appellant were opined to be caused by a sharp weapon, which shows that he too was attacked during the occurrence. He further submits that the recovery of the knife handle at the instance of the appellant cannot be relied upon as the house was already searched and examined by several police officials before the alleged recovery. In such a situation, planting of the handle cannot be ruled out. The alleged fitting of the blade and handle is a concocted story to falsely implicate the appellant. It is also submitted that the extra-judicial confession allegedly made by the appellant before PW7 Chiranji Lal is wholly unreliable on the ground that PW7 is a retired police official and was closely connected with the police. Learned counsel, therefore, prays for allowing the appeal, setting aside the impugned judgment and order of sentence and acquitting the appellant of all the charges.



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12. On the other hand, learned State counsel submits that the trial Court had rightly convicted the appellant under Section 302 IPC on the basis of cogent, reliable and trustworthy evidence. The prosecution has duly established that it was a cold blooded murder of a woman on the pretext of dowry. He further submits that the medical evidence completely rules out robbery as seven stab wounds were found on Meena(deceased) and a knife blade was recovered from her abdomen while the handle was later recovered on the appellant's disclosure. The FSL confirmed that both parts belonged to the same knife and matched with the cuts on the clothes. The appellant's extra-judicial confession before PW7 Chiranji Lal, admitting to the murder and staging of dacoity, stands corroborated by medical and forensic evidence. Learned State counsel also submits that the testimonies of PW6 and PW8 (parents of the deceased) clearly establish harassment and monetary demands by the appellant. The defence's own suggestion about "compounding for ₹3 lakh" further supports this. It is, therefore, submitted that the prosecution has fully established the guilt of the appellant beyond reasonable doubt and the appeal deserves to be dismissed.

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

14. In order to substantiate the charge against the appellant, the prosecution had examined as many as sixteen witnesses i.e. PW1 Dr. Ravi Kanta; PW2 Raghbir Singh, Estate Manager of Housing Board, Rohtak; PW3 Inspector SHO Ram Parkash; PW4 UGC Ranbir Singh; PW5 UGC Fateh Singh; PW6 complainant Shri Krishan; PW7 Chiranji Lal; PW8 Complainant Sunita; PW9 Constable Sumit Kumar; PW10 ASI Jag Ram; PW11 HC Kulbir



Singh; PW12 Constable Ram Chander; PW13 Constable Vijay Pal; PW14 HC Satbir Singh; PW15 SI Bimla Devi and PW16 ASI Jagbir Singh.

15. PW1 Dr. Ravi Kanta, who had conducted the portmortem of the deceased-Meena, had found the following injuries on the person of Meena:-

“1. An incised wound 1.2 x 0.5 cm in size, just below the umbilicus. On exploring the wound, it was communicating with the peritoneum cavity and was directed upwards and laterally towards the right side.

A steel coloured knife of size 13 x 1.75 recovered from abdominal cavity.

2. An incised wound 2 x 0.5 cm in size, 5.5 cm above umbilicus just in the mid line. On exploring, the wound was directed upwards and towards, right side and was communicating with peritoneum cavity.

3. Incised wound 1.5 x 1 cm was present, 5 cm above the umbilicus, 3 cm away from mid line on left side of abdomen. Subcutaneous fat was coming out of the wound and the wound was directing upwards superiorly and towards right side.

4. Incised wound 1.5 cm x 1 cm, 3cm left of umbilicus and 2.5 cm below injury no 3. Track of the wound was communicating with peritoneum cavity.

5. Incised wound 1.5 cm x 0.5 cm on left side of abdomen, 3.5 cm away from umbilicus.

6. Incised wound 1 x 0.5 cm, on left abdomen, 2 cm away from umbilicus and 2 cm away from mid line.

7. Incised wound 1.5 x 0.5 cm on right side of lower abdomen, 8 cm away from umbilicus 6.5 cm away from anterior-spiral iliac spine, directed medially superiorly.

8. Abnormal mobility of teeth on both the jaw.”

The post mortem report was proved on record as Ex.PB. The Doctor had opined that the cause of death was due to haemorrhage and shock



and due to injuries described above. All the injuries were *ante mortem* in nature and sufficient to cause death in normal course of nature. Time elapsed between injuries and death was between 1 to 2 hours. PW1 Dr. Ravi Kanta had also deposed that after post mortem examination, a sealed parcel containing shirt Ex.P1, Salwar Ex.P2, bra Ex.P3 and underwear Ex.P4 of the deceased were handed over to the police. Another sealed parcel containing aforesaid steel knife blade Ex.P5 taken out from the injury of dead body was also handed over to the police which were taken in police possession vide recovery memo Ex. PU, attested by UGC Fateh Singh.

16. PW6 Krishan and PW8 Sunita, who are father and mother of the deceased-Meena respectively had reiterated their versions as given to the police regarding suspicion of Naresh Kumar for the murder of their daughter on the pretext of demand of dowry.

17. PW7 Chiranji Lal had deposed that the appellant had made extra judicial confession before him and he had produced the appellant before the police.

18. Other prosecution witnesses had reiterated the link evidence.

19. After closing the prosecution evidence, the statement of the appellant under Section 313 Cr.P.C. was recorded wherein he had denied all the allegations and pleaded innocence. He had also deposed that he had been falsely implicated in this case. He had admitted his marriage with the deceased on 02.11.1998, when he was serving as Constable in Haryana Police and his services were terminated on 09.08.2001. He had also admitted that thereafter, he along with his wife Meena had started living with his maternal uncle in their house, who was working as Sub Inspector in Haryana Police.



20. In his defence, he had examined six witnesses, namely, DW1 Promila, DW2 Manager A.K. Sinha of Walson Services Private Limited, Gurgaon, DW3 ESI Official Pitamber Mehar, DW4 Om Parkash, DW5 Bijender Singh (Milk Vendor) and DW6 Dr. Ravi Kanta.

21. DW1 Promila Devi, who was an official of the Post Office, had brought a certificate Ex.DD showing that a sum of Rs. 23,000/- was withdrawn by appellant-Naresh on 08.10.2001 and a sum of Rs.2,000/- on 9.10.2001 from post office account No.502101, which was a transferred account from District Karnal.

22. DW2 A.K. Sinha, Manager, Personal Walson Services Pvt. Ltd. Gurgaon and DW3 Pitamber Mehar, UDC (official of ESI) had deposed that the appellant had worked as a Security Guard in Walson Services Private Limited, Gurgaon during the period from 07.01.2003 to 20.03.2003. He was subjected to ESI and PF deductions, wherein his wife Meena was his nominee. They had also placed on record the copies of relevant record(Ex.DE to Ex.DG).

23. DW4 Om Parkash, who was the original allottee of House No. 673, Housing Board, Sector 4, Rohtak had deposed that he had transferred the house in the name of the appellant after receiving a sum of Rs. 23,000/- on 08.10.2001 and Rs. 2,000/- on 09.10.2001 and had executed a computer generated receipt Ex.DH. At the time of allotment, there was only one room, but at the time of its transfer, construction of one bath room, one toilet and staircase was also there which was made by him. He had denied that receipt Ex.DH was prepared forged only to unduly help the appellant.

24. DW5 Bijender Singh, who was a milk vendor, had stated that on 23.06.2003 at around 06:00 to 06.15 a.m. when he had gone to the house of the



appellant to supply milk, he found that Naresh Kumar (Appellant) was tied with cot. Several persons were also there. They informed Sunil who reached the spot and brought the police.

25. DW6 Dr. Ravi Kanta had proved the injuries upon the person of the appellant vide MLR Ex.PV. Since Dr. R.K. Verma, who had conducted the MLR was not available, his handwriting and signature were got proved from Dr. Ravi Kanta, who had worked with him and was well conversant with his handwriting and signatures. Dr. Ravi Kanta had stated that the injuries on the person of Naresh could be caused by forcible tying with Niwar or electric wires, is not reliable as it is her individual opinion and not an opinion of any expert as she herself had not seen those injuries on the person of the appellant. A copy of the MLR (Ex.PV) shows the following injuries on the person of Naresh:-

- “1. Multiple linear abrasions, on the anterior right lateral and left lateral part of neck, of sizes varying from 2 cm to 5 cm, reddish brown in colour.*
- 2. Linear abrasions 4 cm in size, on the anterior aspect of right fore arm. Reddish brown in colour.*
- 3. Bruise of size 3 cm x 0.5 cm, on the wrist area of right hand anteriorly. Reddish brown in colour.*
- 4. Multiple linear abrasions 3 cm to 5 cm in size, placed horizontally on the anterior aspect of left fore arm.*
- 5. Bruise of size 2 x 1 cm, on the medial aspect of right knee joint. colour. Reddish brown in colour.”*

It was opined that all the injuries were simple in nature. Injuries No. 3 and 5 were caused by blunt weapon, whereas other injuries by sharp pointed weapon. Dr. R.K. Verma on 08.08.2003 on police application Ex.PZ



also gave opinion Ex.PZ/1 that although aforesaid injuries No. 1, 2 and 4 were caused by sharp pointed weapon, yet were only skin (epidermic) deep. These were caused horizontally on forearm and anteriorly, right lateral and left lateral part of the neck. These injuries can be described as hesitational cuts and thus, there is strong possibility of these injuries being caused by either friendly hand or being self inflicted.

26. After considering the statements of all the witnesses and taking into account the evidence led by both the sides, the trial Court had convicted the appellant and sentenced him to undergo rigorous imprisonment for life under Section 302 IPC.

27. Initially, the prosecution received information (DDR at 6:30 a.m. on 23.05.2003) from Sunil (maternal cousin of the accused) that some unknown boys had entered the house in the night, tied the accused Naresh Kumar to a cot, looted cash/ornaments, and that Meena was found dead. Later on the same day, PW6 Krishan, father of Meena, gave a written complaint (Ex.PG) to PW16 ASI Jagbir Singh. In his complaint, he suspected Naresh Kumar (appellant) of murdering his daughter and also mentioned his repeated demands for money/dowry, including an earlier payment of ₹30,000/- for the house. Thereafter, the matter was re-investigated.

28. PW1 Dr. Ravi Kanta proved the post-mortem report (Ex.PB) of Meena. He found several stab wounds on her abdomen and concluded that she had died due to heavy bleeding and shock. All the injuries were ante-mortem, and death occurred within 1–2 hours of receiving them. During the autopsy, a steel knife blade was recovered from her abdominal cavity (Ex.PU). Later, on the disclosure statement of the appellant/accused, the knife handle (Ex.P14)



was recovered from behind the iron boxes in his house room. FSL reports confirmed that there was human blood on seized exhibits, the cut marks on Meena's shirt matched with the recovered blade and the blade physically fitted the handle recovered on the accused's disclosure. This scientific evidence directly links the weapon with the house and its concealment was within the knowledge of the appellant.

29. The appellant's claim of a robbery in the house is hard to believe because, if committing theft was the only motive, Meena's gold earrings and nose pin would not have been left on her. Also, the description of the incident does not fit a usual house robbery, where intruders normally tie up both people and avoid unnecessary violence.

30. Dr. R.K. Verma, who had conducted the medico-legal examination of the appellant, had opined that although injuries No. 1, 2 and 4 were caused by sharp pointed weapon but it were only skin (epidermic) deep. These were caused horizontally on forearm and anteriorly, right lateral and left lateral part of the neck. These injuries can be described as hesitational cuts and thus, there is a strong possibility of these injuries being caused by either friendly hand or being self inflicted. This suggests that the injuries were staged and not the result of a real fight with strangers. His injuries, being superficial, further disprove the robbery story.

31. PW7 Chiranji Lal had deposed regarding the extra judicial confession made by the appellant-Naresh Kumar on 29.05.2003, at about 7:30/8:00 a.m. He had clearly stated that he was a retired Head Constable from Delhi Police and the appellant had confessed that he had murdered his wife and the blade of knife remained in her abdomen and the handle was thrown by him



behind the boxes in the room. In order to mislead the police, the appellant had scattered clothes and other household articles and tied himself with the cot. He begged pardon that he had made a mistake. Since Chiranji Lal was acquainted with the Incharge of Police Post Sector 2, 3 and 4, he had produced the appellant-Naresh Kumar before him. The Court does not treat the confession as the sole basis of conviction but it was strongly supported by the medical and forensic examination. PW1 Dr. Ravi Kanta, who had conducted the post mortem, had categorically noticed seven stab wounds and also a steel coloured knife of size 13 x 1.75 recovered from abdominal cavity of the deceased-Meena. Moreover, the defence argued that the recovery of the handle was planted because multiple teams had examined the room earlier. The Court rejects this plea as the handle was retrieved from behind the iron boxes in a corner and the appellant was in exclusive knowledge of this concealment. Physically fitting of blade (from the body) with the handle (from accused's room) and cut-mark correlation on clothing (FSL) negates any planting theory.

32. PW6 Krishan (father) and PW8 Sunita (mother) had consistently proved persistent demands for money, prior payments (including ₹30,000/- for house), monthly maintenance and harassment. Although the father gave his first statement (Ex.PG) while still in shock but it was followed by a detailed complaint (Ex.PJ). Moreover, the defence claim of a "settlement for ₹3 lakh" actually weakens their case and instead supports the parents' claim of continuous financial pressure.

33. The defence witnesses who talked about milk delivery, his job, and the house transfer do not really help the accused. At most, they only show that he once had a short job and bought the house. They do not weaken the strong



evidence against him. In fact, the proof that he worked for only about three months as a security guard, was removed from police service, and was under financial stress actually makes the motive for the crime stronger.

34. If there had really been any robbers, the natural thing would have been for them to first overpower and attack Naresh Kumar, since he was the male member present in the house. However, what is alleged to have happened is the opposite. Meena was brutally killed with multiple stab wounds, while Naresh Kumar was only found tied to a cot with a few minor injuries. This is not consistent with the usual behavior of robbers, since if their purpose was theft, they could have simply tied up Meena instead of murdering her. The fact that she was killed while the appellant remained alive creates serious doubt about his claim of dacoity.

35. It is also significant to note that the occurrence took place in the month of May, during peak summer. By the time the matter was reported to the police, it was dawn and many people from the neighbourhood had gathered at the spot. In such a situation, the scene of crime could easily have been disturbed or manipulated to fit the false version given by the appellant. This makes his defence even weaker and strongly suggests that the robbery story was made up to cover up the fact that he had murdered his wife.

36. Although the charge included 498-A/304-B IPC but the homicidal nature of death by repeated stabbing clearly establishes that it was a case of murder under Section 302 IPC and the trial Court had rightly recorded conviction of the appellant under Section 302 IPC.

37. In view of the above, we do not find any perversity or illegality in the well-reasoned judgment passed by the learned trial Court. Consequently,



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the appeal is hereby dismissed and the judgment of conviction and order of sentence dated 22.12.2004 passed by the Additional Sessions Judge, Rohtak, is upheld.

38. The Chief Judicial Magistrate, Rohtak is directed to take necessary steps to ensure that the appellant is taken into custody and made to undergo the remaining sentence.

39. Pending application, if any, shall stand disposed of accordingly.

(MANJARI NEHRU KAUL)
JUDGE

(H.S.GREWAL)
JUDGE

11.09.2025

A.Kaundal

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No