



CRA-D-434-DB-2004 (O&M)  
and other connected cases

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(1) CRA-D-434-DB-2004 (O&M)

Baljit Singh @ Bita

....Appellant

versus

State of Punjab

....Respondent

(2) CRA-D-538-DB-2004 (O&M)

Dalbir Singh and others

....Appellants

versus

State of Punjab

....Respondent

(3) CRA-D-606-DB-2004 (O&M)

Gurvinder Singh

....Appellant

versus

State of Punjab

....Respondent

Date of decision: 19.08.2025

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

Present: Mr. B.D. Sharma, Advocate  
for the appellant in CRA-D-434-DB-2004.

Mr. Deepak Arora, Advocate and  
Ms. Harkirat Kaur, Advocate  
for appellants No.1 & 3 in CRA-D-538-DB-2004.



**CRA-D-434-DB-2004 (O&M)  
and other connected cases**

-2-

Mr. G.S. Salara, Advocate for appellant No.2  
in CRA-D-538-DB-2004.

Mr. Iqbal S. Mann, Advocate,  
Mr. Mitul S. Rana, Advocate and  
Mr. Gurwinder Singh, Advocate  
for the appellant in CRA-D-606-DB-2004.

Mr. H.S. Deol, Senior DAG, Punjab.

\*\*\*\*\*

**H.S.GREWAL, J.**

1. This order shall dispose of CRA-D-434-DB-2004, CRA-D-538-DB-2004 and CRA-D-606-DB-2004 as these are arising out of same FIR as well as the judgment of conviction and order of sentence. For the sake of brevity, the facts are being taken from CRA-D-434-DB-2004.

2. The aforesaid appeals have been preferred by the appellants/accused against the judgment of conviction and order of sentence dated 12.04.2004 passed by the learned Additional Sessions Judge, Hoshiarpur in case F.I.R No.178 dated 02.08.2002, under Sections 302, 148/149 IPC, registered at Police Station Tanda, District Hoshiarpur whereby all the appellants had been convicted and sentenced to undergo imprisonment along with fine as under:-

<b>Section(s)</b>	<b>Sentenced to undergo</b>	<b>Fine (each)</b>	<b>In default of payment of fine</b>
302 IPC	Life imprisonment	Rs.1,000/-	04 months RI
148 IPC	03 years RI	-	-
It was ordered that both the sentences shall run concurrently.			

3. The case of the prosecution is based upon the statement (Ex.PA) of the complainant-Resham Singh s/o Mehar Singh, r/o Village Bainchan dated



**CRA-D-434-DB-2004 (O&M)  
and other connected cases**

-3-

02.08.2002 to the effect that he was working as a Peon in the Punjab National Bank, Branch, Adda Cholang. He had three sons and a daughter. Gurpeet Singh @ Gopi was the eldest son, who had obtained I.T.I. diploma as Carpenter. On 21.08.2002, the complainant, after returning home from the office, had found that his son-Gurpreet Singh was not present in the house. In the meantime, the wife of Ex-Sarpanch Baldev Singh came to their house and complained that Gopi had a quarrel with her sons and they were not going to spare Gopi. The complainant went out in search of his son with Kamaljit Kaur (his wife) along with Ex-Subedar Gurdev Singh and a neighbour. When they reached in front of the main gate of the Govt. High School, Dehriwal at about 07:00 P.M., they saw that the accused persons were attacking his son with their respective weapons. Gurvinder Singh s/o Charanjit was armed with a Sotta, Harjit Singh @ Mantu was armed with Gandasi, Dalbir Singh @ Rimpi (cousin of Mantu) was armed with Dang, Baljit Singh @ Bitu was armed with a Gandasi and Shan Singh s/o Jarnail Singh was armed with a danda (wooden stick). When the complainant and Gurdev Singh had tried to stop the accused persons, Gopi had fallen prostrate with the injuries received by him and when they raised alarm, accused persons fled therefrom with their respective weapons. Gopi was found having serious injuries on his head and on the face and died at the spot itself.

4. The complainant-Resham Singh left his wife and Gurdev Singh at the spot to watch over the dead body and proceeded to inform the police about the matter but Inspector Gian Singh, Police Station Tanda alongwith other police officials met him at the intersection of Village Dehriwal-Bainchan on the Tanda-Hoshiarpur Road. He recorded his statement Ex.PA and sent it to the



**CRA-D-434-DB-2004 (O&M)  
and other connected cases**

**-4-**

police station for recording the FIR vide his endorsement Ex.Pl. FIR (Ex.PJ) was registered. According to the complainant, the motive for the incident was that the accused persons had been teasing Chhindo daughter of Shangara Singh of Village Dehriwal. Since Chhindo was the God-sister of Gopi(deceased), he used to intervene and stop the accused from harassing her.

5. Thereafter, Inspector Gian Singh had reached the spot alongwith Resham Singh and found the dead body of Gurpreet Singh @ Gopi lying on the passage inside the School Complex and prepared the Inquest Report (Ex.PK) and sent the dead body for the post-mortem examination vide his application Ex.PF through Constable Gurcharan Singh and Constable Avtar Singh. He took into possession blood stained soil from the spot and prepared into a parcel by putting his seal bearing impression 'GS' vide memo Ex.PL. Rough site plan (Ex.PM) was also prepared. The blood stained clothes of the deceased were also kept in a parcel and sealed the clothes with seal bearing impression 'GS' and prepared memo Ex.PN in this regard.

6. The accused/appellants had surrendered before the Chief Judicial Magistrate, Hoshiarpur on 05.08.2002. They were arrested and interrogated on on 08.08.2002. All the accused had made disclosure statements in pursuance whereof the recovery of five weapons was made from the same place which was located in the fields on the right side of the Jalandhar-Pathankot main road. The weapons were concealed in the paddy crop in the fields. The site plan of this recovery Ex.PB was prepared. Out of these weapons, Dang allegedly recovered from accused-Gurvinder Singh and the Sotta allegedly recovered



**CRA-D-434-DB-2004 (O&M)  
and other connected cases**

-5-

from accused-Shan Singh which were stained with blood and the same were sent for examination to the Forensic Science Laboratory, Punjab, Chandigarh.

7. After completion of investigation, challan against the appellants was presented before the Area Magistrate, upon which charges were framed against them under Sections 148 and 302 of IPC to which they pleaded not guilty and claimed trial.

8. Learned counsel(s) for the appellants submit that the trial Court had erred in convicting the appellants while the prosecution had failed to prove its case beyond reasonable doubt and there are material inconsistencies in the prosecution case qua the involvement of the appellants. Learned counsel(s) submit that there is an unexplained delay in lodging the FIR because the incident had allegedly taken place around 7:00 P.M. but the statement of the complainant was recorded at 10:00 P.M. and the FIR was sent to the Magistrate only around 03:30 A.M., the next day. Moreover, the alleged motive regarding harassment of Jaswinder Kaur @ Shindo is unreliable. Shindo herself was not examined and the claim that she was the deceased's "God-sister" was vague. Learned counsel(s) further submit that the eyewitnesses are the deceased's parents, both of whom are highly interested witnesses. Their presence at the spot, away from their own village, appears to be doubtful. The recoveries of alleged weapons at the instance of the appellants are doubtful, as the articles were not connected to the crime beyond reasonable doubt. The defence argued that the police obtained signatures of the accused on blank papers and falsely planted weapons to strengthen its case. The defence suggested that it was a case of blind murder and the deceased, known for eve-teasing, might have been



**CRA-D-434-DB-2004 (O&M)  
and other connected cases**

**-6-**

killed by unknown persons. One accused, Shan Singh, even pleaded mistaken identity, stating that his actual name is Balkar Singh and he has been falsely implicated. They, therefore, pray for setting aside the judgment of conviction as the appellants are entitled for the benefit of doubt and they be acquitted from the charges.

9. On the other hand, learned State counsel submits that the trial Court had rightly appreciated the evidence and the judgment of conviction is well-reasoned and based on proper appreciation of facts and evidence. The contentions raised by the learned counsel for the appellant(s) are misplaced and do not require interference by this Court. He submits that although there was some delay in forwarding the FIR to the Magistrate but it did not cause prejudice to the appellants and it does not render the prosecution version doubtful. The prosecution had clearly established the motive with regard to a dispute between the deceased and the accused over Jaswinder Kaur @ Shindo and even the wife of Ex-Sarpanch Baldev Singh had complained earlier regarding a quarrel. This background sufficiently explains the motive for the attack. Moreover, the testimonies of PW1 Resham Singh and PW4 Kamaljit Kaur are natural, consistent, and trustworthy. They witnessed their son being attacked and immediately named all five accused in the FIR. He also submits that the post-mortem findings fully support the ocular version, showing multiple skull fractures and brain injuries consistent with the weapons allegedly used. He, therefore, prays for dismissal of the appeals and the conviction be affirmed.



**CRA-D-434-DB-2004 (O&M)  
and other connected cases**

-7-

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

11. In order to prove its case, the prosecution had examined PW1 Resham Singh (complainant), PW2 Surinder Kumar (Draftsman), PW3 Kulwinder Singh, PW4 Kamaljit Kaur (wife of the complainant), PW5 Dr. Shiv Raj Kumar, PW6 Constable Tara Singh, PW7 HC Prem Singh and PW8 Inspector Gian Singh while PWs Gurdev Singh and Shindo were given up as won over by the appellants and other witnesses as unnecessary.

12. PW1 Resham Singh (complainant) and PW4 Kamaljit Kaur (wife of the complainant) had reiterated the version as mentioned in the FIR and had fully supported the prosecution case.

13. PW6 Dr. Shiv Kumar Rekhi, Medical Officer, Civil Hospital, Dasuya had conducted the post-mortem examination on the dead body of Gurpreet Singh @ Gopi and had found the following injuries :-

*“1. Lacerated wound 7 cm x 1 cm x bone deep on right side of head, starts 6 cm above extends back and medially. On dissection underlying bones were fractured into multiple pieces which after piercing the meninges caused lacerations of the underlying brain tissue, semi clotted blood present between skull and meninges, between meninges and brain matter and in the brain matter itself.*

*2. Lacerated wound 4 cm x 1 cm x bone deep of left side of head on its back 3 cm above and behind left pinna obliquely placed, surrounded by diffuse swelling. On dissection underlying bone fractured into multiple pieces which after piercing the meninges caused lacerations of the underlying brain tissue, semi clotted blood present between skull bones and meninges and brain matter and into the brain matter itself.*



**CRA-D-434-DB-2004 (O&M)  
and other connected cases**

**-8-**

3. *Abrasion 1 cm x 1cm on the left side of fore-head 2cm above left eye brows. On dissection underlying bones fractured.*
4. *Reddish blue discolourtion of upper and lower eyelids (left).*
5. *Reddish blue discolouration of right upper and lower eyelids.*
6. *Abrasion 6cm x 1.5 cm on the left side of neck.*
7. *Abrasion 1 cm x 1 cm on left side of chin surrounded by diffuse swelling. On dissection underlying mandible fractured.*
8. *Reddish contusion 3 in number on the back of chest on its upper part of left side of sizes, 20 cm x 2 cm, 25 cm x 2 cm, 18 cm x 3 cm, 3 cm apart from each other obliquely placed.”*

In the opinion of the doctor, the cause of death was head injuries causing lacerations of the brain tissues, which was sufficient to cause death in the ordinary course of nature. All the injuries were ante mortem. Ex.PD is the copy of the Post-Mortem Report while Ex.PE and Ex.PE/1 are the pictorial diagrams showing the seat of injuries.

14. The other prosecution witnesses including PW8 Inspector Gian Singh had apprised about the investigation proceedings and link evidence.

15. After closing the prosecution evidence, the statement of the accused/appellants under Section 313 Cr.P.C. were recorded wherein they had denied all the prosecution allegations and also pleaded innocence and false implication in the case. They pleaded that it was a case of blind murder and they had been roped on the basis of suspicion. They deposed that Gurpreet Singh @ Gopi(deceased) used to indulge in eve-teasing and for that reason he had been killed by some unknown persons. The accused/appellants had denied that the recoveries of the weapons were allegedly effected at their instance and the police had obtained their signatures on blank papers under threat.



**CRA-D-434-DB-2004 (O&M)  
and other connected cases**

**-9-**

Accused/appellant(s)-Baljit Singh @ Bitra and Gurvinder Singh also pleaded that an enquiry was conducted by Superintendent of Police (Detective) and they were found innocent. Accused-Shan Singh pleaded that he had been falsely implicated and his name in fact is Balkar Singh s/o Iqbal Singh, resident of Village Dehriwal. He had been arraigned in the case in the assumed name of Shan Singh because of the police pressure. He had even signed the subsequent court proceedings as Shan Singh because Shan Singh is the name mentioned in the FIR otherwise no such person of the name of Shan Singh is known to him.

16. In defence, the appellants had examined DW-1 Rajinder Singh (a Shop-keeper near Govt. High School, Dehriwal), DW-2 Rachhpal Singh and DW-3 Raj Kumar Assistant, in the Regional Passport Office, Jalandhar for establishing the defence plea of Shan Singh that his name is Balkar Singh son of Iqbal Singh. However, Nirmal Singh, Sarpanch of the Village Dehriwal and Upinderjit Singh Ghuman, Superintendent of Police (D) were given up as won over and unnecessary.

17. After considering the testimonies of all the witnesses and taking into account the evidence led by both the sides, the appellants had been held guilty and were convicted under Sections 302 & 148 IPC and convicted to undergo RI for life.

18. Upon an independent and comprehensive appraisal of the evidence on record and the rival submissions advanced by learned counsel(s) for both the sides, this Court is of the considered view that the prosecution has succeeded in establishing its case beyond reasonable doubt.



19. Although the defence had pleaded delay in recording the FIR and its receipt by the Area Magistrate but the evidence shows that the complaint was recorded at 10:00 P.M., hardly three hours after the occurrence, when the complainant had to recover from the trauma of witnessing the brutal murder of his son. The FIR was promptly registered after the occurrence. Even if there was some delay in forwarding the copy to the Magistrate but the same does not demolish trustworthy evidence of the prosecution.

20. The alleged motive was that the accused persons used to harass Jaswinder Kaur @ Shindo, who was considered the God-sister of the deceased. The defence tried to weaken this point by highlighting gaps in the cross-examination of the parents of the deceased and by noting that Shindo herself was not produced as a witness. However, motive is only a corroborative circumstance where reliable ocular testimony is available, the lack of clear proof of motive does not matter.

21. The case primarily rests on the testimonies of PW1 Resham Singh (father) and PW4 Kamaljit Kaur (mother). The defence questioned their presence at the spot and termed them interested witnesses. However, the Court finds their evidence natural, consistent and trustworthy. They immediately named all five accused/appellants in the FIR. Their presence is corroborated by surrounding circumstances including their prompt reporting and the medical evidence. The suggestion that their presence was concocted is baseless, as there is no reason for grieving parents to falsely implicate specific individuals while sparing the real culprits.



**CRA-D-434-DB-2004 (O&M)  
and other connected cases**

**-11-**

22. The post-mortem report (Ex.PD) prepared by PW5 Dr. Shiv Raj Kumar confirms multiple lacerated wounds, skull fractures and brain injuries which are fully consistent with the eyewitness version of a group assault with blunt and sharp-edged weapons. The doctor clearly stated that the cause of death was head injuries, which were serious enough to cause death in the normal course of events.

23. In pursuance to the disclosure statements of the appellants, blood-stained Sotta and Dang were recovered, and the FSL report confirmed the presence of human blood on it which supports the eyewitness account and further links the appellants to the crime.

24. The defence plea of 'blind murder' and false implication does not inspire confidence. The suggestion that Gurpreet Singh @ Gopi was killed by unknown persons on account of eve-teasing remains unsubstantiated. The alternative identity plea by accused-Shan Singh as 'Balkar Singh' was not proved rather it appeared to be an afterthought to avoid liability. The testimony of defence witnesses is unconvincing and does not weak the prosecution case.

25. In view of the above, the prosecution story is found natural, supported by eyewitnesses, corroborated by medical evidence and further strengthened by the recovery of blood-stained weapons on disclosure by the accused. Therefore, we do not find any illegality or perversity in the judgment of the trial Court convicting the appellants under Sections 302 and 148 IPC.



**CRA-D-434-DB-2004 (O&M)  
and other connected cases**

**-12-**

26. Consequently, all the appeals are dismissed and the judgment of conviction and order of sentence passed by the learned Additional Sessions Judge, Hoshiarpur on 12.04.2004 in the aforesaid FIR is upheld.

27. The Chief Judicial Magistrate, Hoshiarpur is directed to take necessary steps to ensure that the appellants are taken into custody and made to undergo the remaining sentence.

28. Pending application(s), if any, shall stand disposed of accordingly.

**(MANJARI NEHRU KAUL)  
JUDGE**

**19.08.2025**  
A.Kaundal

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

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No