



*CRA-D-42-DB-2004(O&M)*

#1#

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

**Date of Decision:- 18.03.2025**

**CRA-D-42-DB-2004(O&M)**

**Vikki & Ors.**

.....Appellants.

Vs.

**State of Haryana.**

.....Respondent.

2.

**CRR-316-2004(O&M)**

**Karam Chand.**

.....Petitioner.

Vs.

**State of Haryana & Ors.**

.....Respondents.

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

Present:- Mr. H.S. Jaswal, Advocate for  
the appellant nos.1 & 3 in CRA-D-42-DB-2004.

Mr. Ram Bilas Gupta, Advocate for  
the appellant no.5 in CRA-D-42-DB-2004.

Mr. Ashwani Bhardwaj, Advocate for  
the appellant no.6 in CRA-D-42-DB-2004.

Mr. Virat Rana, Advocate for  
Mr. Vikram Singh, Advocate  
for the Petitioner (in CRR-316-2004) &  
for the complainant in CRA-D-42-DB-2004.

Mr. R.S. Arya, Additional Advocate General, Haryana.

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**JASJIT SINGH BEDI, J.**



***CRA-D-42-DB-2004(O&M)***

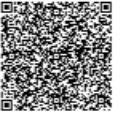
**#2#**

By this common order I shall dispose of both the aforementioned cases as the same have arisen out of one and the same FIR.

2. The aforementioned cases i.e. one criminal appeal and other revision petition have been preferred against the judgment dated 02/05.12.2003 passed by Additional Sessions Judge, Panipat, whereby the accused/appellants in CRA-D-42-DB-2004 were convicted of the charges framed against them and second revision petition bearing CRR-316-2004 has been filed by the complainant for enhancement of sentence awarded to the respondents/accused.

3. The FIR in the present case came to be registered on 06.01.2001. The judgment of conviction was passed on 02/05.12.2003 by the Additional Sessions Judge, Panipat. The instant appeal as well as revision petition were filed on 03.01.2004 and 21.01.2004 and have come up for final hearing now i.e. after a period of 24 years from the date of registration of the FIR.

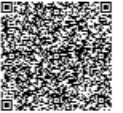
4. The brief facts of the prosecution case are that on 6.1.2001, on receipt of V.T.message about the admission of Surinder in an injured condition in General Hospital, Panipat, SI Suresh Kumar alongwith other police officials, reached there and after obtaining the opinion of the doctor regarding his fitness to make a statement, recorded the statement of Surinder Kumar son of Dharam Chand, Ex.PC, to the effect that he was resident of the above said address, aged about 40 yrs and was working as Watch-repairer. At about 4/5 months earlier, he had financed Rs.2500/- and had given Rs.3300/- in cash to Ashok son of Hans Rai, r/o Friends Colony, Panipat. He had demanded the said amount several times from him but he



***CRA-D-42-DB-2004(O&M)***

**#3#**

refused to pay the same. On that day at about 4.30 p.m. he and Ramesh Kumar alias Bhola, were standing in front of Mandir Attam Parkash, Assandh Road, Panipat. In the meanwhile Ashok Kumar son of Hans Raj R/o Friends Colony, Ashoki son of Des Raj R/o Batra Colony, Sonu son of Om Parkash, Vicky son of Gian Chand, residents of Diwan Hagar, Vijay son of Shri Bhagwan Singh, Kala son of Narain Bahadur, R/o Batra Colony, Panipat, came on motor-cycles. Ashok Kumar son of Hans Raj told him (complainant) that he (Ashok Kumar) was not to pay any amount to him (complainant) and asked as to why he was demanding the amounts. At this Bhola @ Ramesh Kumar asked as to why they were harassing the poor man. Upon this the accused persons started scuffling with them (complainant side) and some persons intervened and got them separated after which both the sides were sent to their respective houses. At about 10.00 pm he alongwith Bhola alias Ramesh Kumar was going to Satish son of Bhola, on their motor cycle to collect rent. When they reached near the shop of Kala tailor, all the above said six boys on two motor cycles came and got stopped their (complainant side) motor cycle and asked them that in the morning they were saved but they would finish them (complainant side). Saying this, all the six persons came down from their motor cycles and started causing injuries to Bhola with their knife and sword on his chest, abdomen and back. Thereafter Ashok son of Hans Raj, Ashoki son of Des Raj, Sonu s/o Om Parkash and Kala son of Narain Bahadur caused injuries to him (complainant) with their knives and Swords. Bhola died at the spot. He (complainant) while making noise "Bachao Bachao, started running and in the meanwhile many persons came at the spot and all the above six accused



***CRA-D-42-DB-2004(O&M)***

**#4#**

persons fled the spot alongwith their respective weapons on their motor cycle. Then SI Suresh Kumar, made his endorsement. Ex.PC/1 and sent the same to the Police Station, on the basis of which formal FIR EX.PC/2 was recorded. The SI then visited the spot, lifted blood stained earth and after making it into a sealed parcel took the same into possession vide memo Ex.PM. He also conducted inquest proceedings. Ex.PH/2 on the dead body of Ramesh alias Bhola and sent the dead body to the General Hospital, Panipat, for autopsy by moving application, Ex.PH/1, where Dr. Arun Sehgal alongwith Dr.Tajinder Kharbanda conducted postmortem examination on the dead body of Ramesh Kumar alias Bhola vide postmortem report. Ex.PH and found the following injuries:-

1. An Irregular abrasion measuring 3cm x 1.5cm on the front of right knee joint. It was red in colour.
2. An Irregular abrasion in the lower part of right knee Joint 2.0cm x 1cm. It was 3cm below injury no.1.
3. An abrasion 30m x 0.5cm was present on the upper part of riant leg and was red in colour.
4. An Irregular red abrasion 30m x 0.6cm present on front of right leg in its lower part.
5. Three Irregular red abrasions 1.0cm x 0.7cm, 0.5cm x 0.5cm and 6.5cm x 0.3cm present on the front of left knee.
6. An Incised wound 3cm x 0.5cm on the lateral aspect of left knee joint horizontally placed. Clotted blood was present.
7. An incised wound 3cm x 0.5cm obliquely placed on the upper part of left thigh.
8. An Incised wound 1.5cm x 0.5cm on the lateral aspect of left thigh in its upper part, 15cm from the knee joint. Clotted blood was present.
9. An Incised wound 1.5cm x 0.5cm on the back of left thigh 5cm from injury no.8. present. Clotted blood was present.



*CRA-D-42-DB-2004(O&M)*

#5#

10. An incised wound 2.5cm x 0.8cm on the back of right fore-arm near elbow Clotted blood was present and it was bone deep.
11. A red abrasion 3cm 0.5cm on the back of left hand near the wrist joint.
12. An Incised wound 1.2cm x 0.5cm on the right side of abdomen near mid line. It was 1 cm from the mid line and 1.5 cm above the umbilicus. Clotted blood was present and it was going deep in the abdomen.
13. An incised wound 2.2cm x 0.5cm vertically placed on the chest on the anterio lateral side. It was 9cm from the aid line, just above the lower costral margin. Clotted blood was present.
14. An incised wound 1.2cm x 0.5cm in the right side of abdomen. It was 5cm from the mid line and 3cm above injury No. 12. Clotted blood was present and was going deep in the abdomen.
15. Five Incised wound present on the left side of abdomen ranging from 1.2cm to 2.5cm and 0.5cm to 1 cm going deep in the abdomen between umbilicus and lower costral margin.
16. Incised wound 1.8cm x 0.7cm on the left side of chest. It was 9cm from the mid line, just above the costral margin. Clotted blood was present.
17. An incised wound 2cm x 0.5cm on the left side of chest. It was 5.5cm above injury No.16, muscle deep and clotted blood was present.
18. A lacerated wound 2.5cm x 1cm on the left side of fore-head, bone deep. It was just above the eye brow and clotted blood was present
19. An Incised wound 2.5cm 1cm on the right side of fore-head, 2cm above the eye brow and clotted blood was present,
20. An incised wound 3.5cm x 0.5cm on the right side of scalp in the frontal region, 1.5cm above injury no.19 and clotted blood was present.
21. A lacerated wound 2cm 0.5cm on the upper part of left pinna, clotted blood was present.
22. A red abrasion on the left side of abdomen, 2.6cm 0.5cm on its lower and lateral part.
23. A red abrasion 3.5cm x 0.4cm in the neck in the middle below the thyroid cartilage and it was more on the right side.



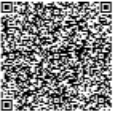
***CRA-D-42-DB-2004(O&M)***

**#6#**

24. A red abrasion 5cm x 0.2cm on the front of neck on the right side. It was starting from the sterno clavicular joint and going upward.
25. A red abrasion 0.5cm x 0.5cm on the left side of neck In lower part.
26. A red abrasion 0.5cm x 0.5cm on the left side of chest In its upper part below the calvical.
27. A red abrasion 1cm x 0.5cm on the tip of left shoulder joint.
28. Two Incised wounds 4.5cm x 1cm and 2.5cm x 0.5cm on the back of scalp on the left side in the occiptal region near mid line.
29. An incised wound 3.5cm x 0.5cm bone deep on the left side in the frontal region. Clotted blood was present and it was starting from the hair line.
30. An incised wound 4cm x 0.5cm bone deep on the left side. In the frontal region, just medial to Injury No.29. Clotted blood was present.
31. An Incised wound 3cm x 0.5cm bone deep on the left side near mid line near the posterior end of injury no.30. Clotted blood was present.
32. Three Incised wounds 1.5cm x 0.5cm each on the back of chest on the right side below the scapula. Clotted blood was present.
33. An abrasion linear on the back of right thigh in its upper part and was obliquely placed.

On opening of injuries of chest, sub-cutaneous haematoma was present. Under lying muscles were cut. Injuries on the back of chest were going deep in the pleural cavity which was full of blood. Three cuts were present in the left lung on the back. On opening the abdomen, abdominal cavity was full of blood. Two cuts were present in the right lobe of the liver, one cut was present in the spleen and two cuts were present in the small intestine.

Stomach was containing semi-digested food and large intestines were containing gas and faecal matter. Mouth, pharynx, oesophagus, kidneys, bladder etc. were healthy. There was blood on the right side of the heart.



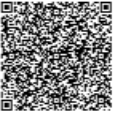
*CRA-D-42-DB-2004(O&M)*

#7#

He opined that the cause of death in their opinion was due to injuries to the vital organs i.e. lungs, liver, spleen and gut, leading to haemorrhage, shock and death and all the injuries were antemortem in nature. The doctor also opined that the probable time which elapsed in postmortem was 4 to 48 hours.

5. The Investigating Officer, prepared the rough-site plan, Ex PN of the spot and recorded statements of witnesses. He also took into possession the parcel containing the clothes of the deceased from HC Davinder Singh, so handed over to him by the doctor after postmortem examination, vide memo Ex.PQ. On 11.1.2001, S1 Suresh Kumar, when he was present at Kacha Camp, Panipat, and then Gian Chand produced accused Vickey and Vijay before him who were Interrogated.

Thereafter the Investigation was taken up by ASI Partap Singh. On 12.1.2001, on receipt of information about surrendering of Sonu and Ashok Kumar son of Des Raj before the Illaga Magistrate, Panipat, after obtaining permission of the court, they were interrogated and arrested by ASI Partap Singh. On Interrogation accused Sonu son of Om Parkash, made a disclosure statement, Ex.PF, about having kept concealed a knife in a pit near the old canal near Railway Lines, leading from Panipat to Jind and offered to get the same recovered. Then on 13.1.2001, on interrogation, accused Ashok Kumar son of Des Raj, made a disclosure statement Ex.PG about having kept concealed a sword in a pit near the old canal near the Railway Lines leading from Panipat to Jind and offered to get the same recovered. After obtaining their police remand, firstly accused Sonu, in pursuance of his disclosure statement, got recovered the knife Ex P-1,



***CRA-D-42-DB-2004(O&M)***

**#8#**

Sketch Ex.PF/1 of the same was prepared and it was taken into possession vide memo Ex.PF/2 after making it into a sealed parcel. Then accused Ashok Kumar son of Des Raj in pursuance of his disclosure statement, got recovered a sword, Ex.P-2, Sketch Ex.PG/1 of the same was prepared and it was taken into possession vide memo Ex PG/2 after making it into a sealed parcel. The Seal PS, after use was handed over to HC Davinder Kumar. He also prepared the rough site plans Ex.PF/2 and Ex.PG/3 of the places of said recovery, and also recorded statements of witnesses. On 5.9.2001 SI Naresh Kumar arrested accused Ashok alias Ashoki son of Hans Raj who was interrogated but no recovery was effected on the basis of the same. On 19.2.2002. SI Zile Singh arrested accused Kala alias Narain Bahadur who had also made disclosure statement verbally that he had thrown the knife, the weapon of offence in the canal and the same could not be recovered. Then on completion of investigations, report under Section 173 Cr.P.C. was initially filed only against accused Vickey, Vijay Kumar, Sonu and Ashok son of Hans Raj by the Station House Officer of Police Station Model Town, Panipat.

6. As the offence under Section 302 IPC was exclusively triable by the court of Sessions, therefore, the case came to be committed to the Court of Sessions. Vide order dated 9.8.2001 accused Vickey alias Manoj Kumar, 2) Vijay Kumar 3) Ashok Kumar alias Ashoki and 4) Sonu were charge-sheeted under Sections 148, 323/149, 324/149 and 302 IPC to which they pleaded not guilty and claimed trial.

7. Thereafter a supplementary challan against accused Ashok son of Hans Raj was presented before the Judicial Magistrate Ist Class, Panipat,



***CRA-D-42-DB-2004(O&M)***

**#9#**

who committed the same to the court of Session and this challan was also consolidated with the earlier case. The said four accused persons alongwith Ashok son of Hans Raj were re-charge-sheeted under sections 148, 323/149, 324/149 and 302 IPC to which they pleaded not guilty and claimed trial. Vide order dated 24.1.2002, accused Sonu and Ashok Kumar son of Des Raj were also charge-sheeted under Sections 25/54/59 Arms Act to which they also pleaded not guilty and claimed trial.

8. In order to prove its case, the prosecution examined Dr. Y.P. Singhmar, Medical Officer, G.H. Panipat, as PW-1, ASI Ranbir Singh as PW-2, HC Dalbir Singh as PW-3, Davinder Kumar HC as PW-4; Dr. Arun Sehgal, Medical Officer, Civil Hospital, Panipat, as PW-5; Constable Rajesh Kūmar as PW-6; SI Amar Nath as PW-7; HC Devi Ram as PW-8; and examination-in-chief of Karam Chand son of Inder Dass as PW-9 was also recorded. Affidavit of Constable Dilbagh Singh was also tendered in evidence. PWs Dr.Ajay, Harinder Singh and Darshan Pal were given up as unnecessary.

9. Thereafter an application U/S 319 Cr.P.C. was filed by the Public Prosecutor for summoning Sanjiv Kochhar and Jasmer Pandit to face trial alongwith other accused which was dismissed vide order dated 6.3.2002.

10. The supplementary challan against accused Kala allas Narain Bahadur was also presented before the Judicial Magistrate Ist Class, Panipat, who committed the same to the court of Sessions and this case was also consolidated with the earlier case. He was also charge-sheeted under Sections 148, 323/149, 324/149 and 302 IPC to which he also pleaded not



**CRA-D-42-DB-2004(O&M)**

**#10#**

guilty and claimed trial.

11. Thereafter in order to prove its case, the prosecution again examined the witnesses who had already appeared i.e. PW-1 to PW-9 and also examined ASI Partap Singh as PW-10, Surinder Kumar as PW11, Naresh Kumar SI as PW-12, SI Suresh Kumar as PW-13 and Zile Singh SI as PW-14. The Prosecution also tendered in evidence reports of FSL as Ex.PR, Ex.PR/1, Ex.PS and Ex.PS/1.

12. On the basis of the incriminating evidence having come on record, statements of all the six accused persons were recorded under Section 313 Cr.PC wherein they denied the prosecution version and pleaded that they had been falsely implicated by the complainant in this case and they had no dispute with any one nor were they present at the time of the alleged occurrence.

13. Based on the evidence led, the accused/appellants came to be convicted and sentenced by the Additional Sessions Judge, Panipat vide judgment and order of sentence dated 02/5.12.2003 as under:-

Offence Section	under	Sentence RI/SI	Fine	RI/SI in default of payment of fine
148 IPC		RI for 02 Years each	-	-
323/149 IPC		RI for 06 Months each	-	-
324/149 IPC		RI for 02 Years each	-	-
302 IPC		RI for Life each	Rs.50,000/- each	RI for 02 Months each
25 of Arms Act		RI for 03 Years each	Rs.5,000/- each	RI for 15 Days

All the aforesaid sentences were ordered to run concurrently.

14. The accused/appellants have filed the CRA-D-42-DB-2004 impugning the said judgment of conviction whereas the complainant has preferred CRR-316-2004 for enhancement of sentence to the accused/respondents and also enhancement of compensation.



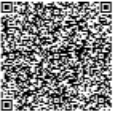
*CRA-D-42-DB-2004(O&M)*

#11#

15. During the pendency of the appeal, the sentence of the accused/appellant nos.2 & 4-Vijay and Sonu respectively was suspended vide order dated 07.09.2006; sentence of the accused/appellant no.5-Ashok was suspended vide order dated 09.02.2007, sentence of accused/appellant no.3-Ashok Kumar was suspended vide order dated 16.03.2007 and sentence of accused/appellant no.6-Kala was suspended vide order dated 19.03.2007.

16. Since the appellants no.2 & 4, namely, Vijay and Sonu have died during the pendency of the appeal, proceedings in the appeal bearing CRA-D-42-DB-2004 qua them stands abated vide order dated 11.03.2025.

17. The Counsel for the accused/appellants contends that there is delay in the registration of the FIR. The occurrence took place on 05.01.2001 at 10.00 pm. The statement alongwith copy of the special report reached the Illaqa Magistrate on 06.01.2001 at 5.15 am. This delay is fatal to the prosecution case. There is no evidence of any money transaction between the complainant party and the accused party. Therefore, there is no motive for the occurrence. PWs Surinder (complainant) and Karam Chand had not witnessed the occurrence and are procured witnesses. The medical evidence is contrary to the ocular account. In fact the real accused were Sanjeev Kochhar and Jasmer Pandit and not the appellants. The recovery of weapons had been effected from only two accused namely Sonu son of Om Parkash from whom a knife was recovered and Ashok son of Des Raj from whom a kirpan has been recovered. From the other accused no recovery has been effected. He therefore contends that the impugned judgment was liable to be set aside and the accused be acquitted of the charges framed against them.



*CRA-D-42-DB-2004(O&M)*

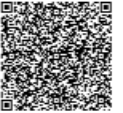
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18. The Counsel for the State on the other hand contends that there is no delay in the registration of the FIR. Complainant Surinder himself is an injured stamped witness and his presence at the spot cannot be doubted. Karam Chand the father of the deceased has also deposed consistently as to the manner in which the occurrence took place. The medical evidence is totally in consonance with the ocular account. 06 accused caused multiple injuries on the deceased. Merely, because the recovery of weapons was effected from two accused does not mean that the other accused had not committed the offence. In fact during the course of investigation it was revealed that the other accused had thrown their weapons in the canal. He, therefore, contends that there was no merit in the present appeal and the same was liable to be dismissed.

19. The Counsel for the revisionist/petitioner (complainant)-Karam Chand contends that the accused were liable for capital punishment and enhanced payment of compensation as the offence stands established beyond reasonable doubt.

20. We have heard Counsel for the parties and perused the record.

21. As far as the delay in registration of the FIR is concerned, as per the prosecution version, as stated by PW-11 Surinder Kumar, the injured-eye witness, the main occurrence took place at about 10.00 p.m. On receipt of medical ruqa Ex.PA/1, the Police received a V.T. message regarding admission of Surinder injured PW at General Hospital, Panipat, SI Suresh Kumar, PW-13, went there and obtained opinion of the doctor regarding fitness of Surinder injured vide Ex.PB/1 at 1.40 am and then recorded his statement Ex.PC and made endorsement Ex-PC/3 at 2.30 am. Thus there has



***CRA-D-42-DB-2004(O&M)***

**#13#**

been no delay in lodging the FIR. As regards delivery of the special report Ex.PC/2 to the Illaqa magistrate, it was received at 5.15 am at his residence about which PW-3, HC Dalbir Singh in his cross examination stated that he received the special report at 1.10 am, and as he did not know the residence of the then JMIC, Panipat he reached there at 5.15 a.m. Therefore, the delay if any was caused as he did not know the residence of the Illaqa Magistrate. In these circumstances it cannot be said that there was any delay in the registration of the FIR.

22. As regards money transactions between PW-11 Surinder Kumar and accused Ashok son of Hans Raj, the said PW-11 Surinder Kumar, when appeared in the witness box, categorically stated about the same that prior to 5.1.2001, he had given Rs.3300/- in cash and Rs 2500/- by way of finance to accused Ashok Kumar son of Hans Raj and that he demanded the same several times but he refused. He further stated that on the same day at about 4.30 p.m. he was standing near Attam Parkash Mandir on Assandh Road when the accused persons came on two motorcycles. Accused Ashok son of Hans Raj told him that he did not have to pay any amount to him and it was not to be demanded. Bhola alias Ramesh asked him (accused) as to why he was harassing him (complainant) upon which the accused persons started scuffling with them. Some persons intervened got them separated after which they all went away and later that night the murder took place. Though there is no documentary evidence to prove any monetary transactions but there are no reasons to disbelieve the version of PW-11. Be that as it may in case of a categoric eye version account, motive has little relevance.

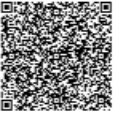
23. The prosecution version further hinges on the testimony of



*CRA-D-42-DB-2004(O&M)*

#14#

Karam Chand son of Inder Dass, who is father of the deceased himself. Karam Chand PW-9 categorically stated that on 5.1.2001 at about 10.00 pm. he was going to the house of Shadi Lal for his personal work and when he took a turn towards Kacha Camp and reached near Atam Nandir, his son Ramesh and Surinder came on motor cycle Ramesh had asked him as to where he was going. He stated his purpose after which they went passed him. When they had hardly covered some distance, six persons came on motor-cycles i.e. the accused persons and way laid Ramesh and Surinder. Ashok Kumar son of Hans Raj, Ashoki son of Des Raj and Narain Bahadur alias Kala were armed with swords whereas accused Vijay, Vickey and Sonu with knives. Both Ashok Kumar gave swords blows in the belly of Ramesh and Vijay accused gave a knife blow in his (deceased) belly; Narain Bahadur also gave knife blow on his chest whereas accused Vickey and Sonu also gave knife blows on the chest of Ramesh. They also caused injuries on other parts of his body i.e. hands, fore-head, back, head and leg as a result of which Ramesh fell down. Surinder PW was also given injuries by both Ashok, Sonu and Narain Bahadur alias Kala on his hands, knees, forehead and head with their respective weapons. Then he raised a raula. His son died at the spot. Surinder also raised a raula "Bachao Bachao" and the accused fled away alongwith their respective weapons. The police arrived at the spot at 3.00 am on 6.1.2001 and his statement and that of Darshan Kumar were recorded. He was confronted with his previous statement Ex.DA, so recorded by the police but nothing material could be brought on record. Therefore his statement is reliable, in consonance with the prosecution case as set up by the complainant and therefore, acceptable as

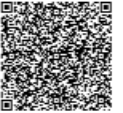


***CRA-D-42-DB-2004(O&M)***

**#15#**

correct.

24. Similarly, Surinder Kumar, PW-11 an injured eye-witness, endorsed the testimony of PW-9 Karam Chand in material particulars. He stated about the previous money transactions and the occurrence which took place at about 4.30 pm on that day itself. On the same day at about 10.00 pm he alongwith Bhola alias Ramesh was going to collect rent and when reached near temple on Assandh Road, Karam Chand PW was also found going. Bhola alias Ramesh asked his father as to where he was going who disclosed the purpose. They had covered some distance when all the six accused persons came on two motor cycles. Both Ashok and Vijay were on one motor cycle and the remaining on the second. They exhorted that they (complainant party) were saved in the morning and that they (accused party) would finish them. Both Ashok and Kala were armed with swords whereas Vijay, Vickey and Sonu were armed with knives. They attacked Bhola with their respective weapons hitting him on his belly, chest, back and head and other parts of his body. Both Ashok, Kala and Sonu also caused injuries to him. On account of injuries Ramesh fell down and Karam Chand PW raised a raula "Mar Dia Mar Dia" which attracted some persons Bhola @ Ramesh died at the spot. Thereafter he (PW-11) made a statement, Ex.PC, to the police which he thumb marked and then he was medically examined. In cross examination he denied the suggestion that he had not paid the amount of a committee so floated by him, to Vickey and his brother Naresh which they had been demanding and on that account he had falsely implicated accused Vickey in this case. He also stated that in the earlier occurrence they did not receive any injury at the hands of the accused and that incident was



***CRA-D-42-DB-2004(O&M)***

**#16#**

not reported to the police. He was also confronted with his previous statement Ex PC but nothing adverse could be brought on record. On a perusal of his testimony it is apparently worth believing inspires confidence. Even otherwise he is a stamped injured witness and his evidence is hard to discard.

25. The prosecution also examined Dr. Y.P. Singmar, as PW-1, who on 5.1.2001 at about 11.30 pm, medically examined Surinder son of Dharam Chand, PW-11, injured, and found the Following injuries on his person:-

1. An Incised wound 7.0cm x 0.5cm scalp deep on right front of parietal part of head, parallel to mid line. Bleeding was present, X-Ray was advised.
2. An incised wound 6.0cm x 0.5cm scalp deep on left parietal part of head, posteriorly, parallel to mid line and 6 cm left to mid line. X-Ray was advised.
3. An incised wound 2.5cm x 0.5cm skin deep on right side forehead and parallel to mid line. X-Ray was advised.
4. An incised wound 6.0cm x 0.5cm skin deep on right side head just above right frontal eminent, transversely placed. X-Ray was advised.
5. An Incised wound 5.0cm x .5cm scale deep on mid parietal line posteriorly on head. X-Ray was advised.
6. An incised wound 7.0cm x 0.50m scalp deep on head 2.0cm left to mid parietal line of head. X-Ray was advised.
7. An Abrasion 1.0cm x 1.0cm on front of left knee joint. X-Ray was advised.
8. Lacerated wound 1.5cm x 0.4cm skin deep on back of right forearm, lower half part.
9. Diffused swelling on back of right hand. X-Ray was advised.
10. Abrasion 1.0cm x 0.5cm of back of left hand. X-Ray was advised.



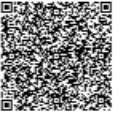
***CRA-D-42-DB-2004(O&M)***

**#17#**

26. He also stated that injuries No.1 to 7 and 9 and 10 were kept under observation while injury no.8 was simple in nature and duration of injuries was within 8 hours and injuries No 1 to 6 were by sharp weapon and injuries no.7 to 10 were by blunt weapon and the sharp injuries could be possible by knife and sword and proved Ex PA correct carbon copy of the MLR, who had brought the original. He also deposed about sending of ruqa Ex.PA/1 to the police station regarding admission of Surinder in the hospital. He opined that Surinder injured was fit to make statement on 6.1.2001 at 1.40 a.m. He also stated that he did not take blood and urine sample of Surinder and that injuries No.1 to 6 could also be with one weapon. He stated that injuries caused by a blunt weapon on skull may resemble one caused by a sharp edged weapon. He stated that injuries No.7 to 10 could also be caused by way of fall on a hard surface and that it was also possible that injuries could be sustained at 4.00 pm.

27. Dr. Arun Sehgal, PW.5, who conducted the postmortem examination on the dead body of Ramesh alias Bhola found as many as 33 injuries as enumerated earlier and proved his PMR as Ex.PH.

The said doctor also deposed about inquest proceedings Ex.PH/2 and that incised wounds mentioned in the postmortem report were possible with knife, Ex.P-1 and sword Ex P-2 and such like other weapons. He also further stated that the shirt and sweater as well as the inner and also pants bore corresponding marks of cuts and that injuries on the person of dead body could have been caused at about 10.00 pm. on 5.1.2001. He, however, also stated that possibility of said injuries having been caused at 4.00/5.00 p.m. was also not ruled out and that injuries No.1 to 5 and 21 to 27



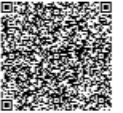
***CRA-D-42-DB-2004(O&M)***

**#18#**

and 33 were also possible with lathi. He then stated that if injury was caused with sword, Ex. P-2, then margins might or might not be everted and that the death in this case was spontaneous.

28. A perusal of the comparative testimony of these two doctors with the ocular testimony of PW-9 Karam Chand and Surinder Kumar PW-11 shows that there is no discrepancy between the ocular evidence and the medical evidence as sought to be suggested.

29. As regards the recovery of a sword from the possession of accused Ashok son of Hans Raj and knife from accused Sunu, vide recovery memo Ex PG/2 and Ex.PF/2 respectively on 13.1.2001, the said recoveries were effected by PW Partap Singh SI in presence of HC Davinder Singh PW-4, in pursuance of their respective disclosure statements, Ex.PG and Ex.PF. HC Davinder Singh, PW-4. categorically deposed about the said recovery when he stated that on 12.1.2001 he was associated in the investigation by ASI Partap Singh and that Sonu son of Om Parkash was in custody and that on interrogation, disclosed vide statement. Ex. PF about his having thrown the knife near the old canal and offered to get the same recovered. He then stated that on 13.1.2001 Sonu led the police party to the disclosed place and got recovered knife Ex P.1 which was turned into a sealed parcel and taken into possession vide memo Ex.PF/2. He then stated that accused Ashok son of Des Raj was also interrogated in his presence who also disclosed vide Ex.PG about having thrown the sword near the old canal into a ditch full of water and offered to get the same recovered and accordingly on his demarcation got recovered the sword Ex.P-2 which was sealed and then taken into possession vide memo Ex. PG/2. His testimony



***CRA-D-42-DB-2004(O&M)***

**#19#**

also finds full corroboration in view of the deposition made by ASI Partap Singh, PW-12. Thus in these circumstances the recovery of these 02 weapons from two accused stands established beyond doubt.

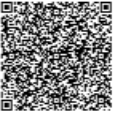
30. There is corroboration to the ocular and medical evidence with the reports of FSL as per which there were cuts in the clothes of the deceased which match the weapons recovered from the accused.

31. In the instant case, the eye version account is consistent and substantiated with the medical evidence which further stands corroborated with the FSL reports. Therefore, mere non recovery of weapons of offence from some of the accused would not create any doubt in the prosecution case qua their involvement particularly when during the course of investigation it transpired that some of the accused had thrown their respective weapons into the canal.

32. Thus in these circumstances, on a perusal of the evidence brought on record, it stands established beyond doubt that it were the accused persons who committed the murder of Ramesh alias Bhola on 5.1.2001 at 10.00 pm, by attacking him with swords and knives and also caused injuries to Surinder PW-11 in prosecution of their common object being members of an un-lawful assembly.

33. Keeping in view of the above discussion, we find no merit in the instant appeal and the same stands dismissed.

34. As regard revision bearing No.CRR-316-2024 seeking awarding of capital punishment and enhancement of compensation, a perusal of the impugned judgment would reveal that the fine amount of Rs.50,000/- has been imposed on each of the accused which has to be paid by way of



*CRA-D-42-DB-2004(O&M)*

#20#

compensation to the father of the deceased. We find that the said amount is adequate compensation. Further the offence in question is not so heinous so as to warrant capital punishment. Therefore, revision petition also stands dismissed.

**(JASJIT SINGH BEDI)**  
**JUDGE**

**(GURVINDER SINGH GILL)**  
**JUDGE**

**March 18, 2025**  
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>