



CRA-D-66-DB-2005 (O&M)

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

(303)

CRA-D-66-DB-2005 (O&M)

Date of decision : 09.09.2025

Gurdeep Singh

... Appellant

Versus

State of Punjab

... Respondent

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

Present:- Mr. Kirat Singh Sidhu, Advocate (*Amicus Curiae*)
for the appellant.

Mr. Amit Rana, Senior DAG, Punjab.

H.S. Grewal, J.

1. This appeal has been preferred by the appellant against the judgment of conviction and order of sentence dated 03.09.2004 passed by the learned Additional Sessions Judge (Ad-hoc), Fast Track Court, Faridkot in case FIR No. 140 dated 31.07.2002, registered at Police Station Lambi, whereby the appellant had been convicted and sentenced to undergo imprisonment along with fine as under:-

Section	Sentenced to undergo	Fine	In default of payment of fine
302 IPC	Life imprisonment	Rs.1,000/-	02 months RI



2. The case of the prosecution is that on 30.07.2002, a wireless message was received from Police Station City, Malout by the Police Station, Lambi that Ikattar Singh s/o Hakam Singh, resident of village Mahni-khera was admitted to Civil Hospital, Malout on account of firearm injuries and he had been referred to C.M.C. Ludhiana. Thereafter, another wireless message was received at 05:20 A.M. that Ikattar Singh had died and as such, an investigation Officer should be deputed to take action. After the receipt of that message, SI/SHO Nazar Singh, PS Lambi alongwith ASI Gursewak Singh and other police officials went to Police Station City, Malout and after collecting medical records from there, he went to Civil Hospital, Malout. The dead body of Ikattar Singh was lying there and Hakam Singh was sitting by its side.

3. SHO Nazar Singh had recorded the statement of Hakam Singh who stated that he alongwith his son-Ikattar Singh, Davinder Singh s/o Surjit Singh and Harshpinder Singh s/o Puran Singh, residents of village Mahni-Khera, was sitting in the courtyard of the house of Davinder Singh on the cots and they were talking. At about 09:30 P.M., Gurdeep Singh alias Biani (appellant) came there and had picked up the licensed gun of Davinder Singh which was lying on the cot. It was .12 bore gun and was already loaded. Firstly, the appellant had abused Ikattar Singh and fired a shot with an intention to kill him which hit on his left jaw, neck and left side. Some pellets even hit the left shoulder of Ikattar Singh due to which he had fallen down. The complainant had raised alarm but the appellant had fled away with the gun. He arranged a conveyance and brought his son to Civil Hospital, Malout where the Doctor



had referred his son for treatment to a hospital at Ludhiana. Ikattar Singh had died on the way due to firearm injuries received by him. As such, he brought back his son to Civil Hospital, Malout.

4. It is further alleged that one day prior to the occurrence i.e. 30.07.2002, his son Ikattar Singh and Gurdeep Singh had gone together on the fair of Panch-Peers at Abohar and they had an altercation there with each other and the said matter was told by his son to him. He was still narrating the said occurrence, when the appellant came there and fired at his son and killed him. On the statement of Hakam Singh, SI/SHO Nazar Singh had made an endorsement, sent the same to Police Station for registration of the case and therefore, formal FIR was registered. Thereafter, SHO Nazar Singh had prepared the inquest report of the dead body of Ikattar Singh. The dead body was identified by Raghbir Singh and Sukhjot Singh. Then, he alongwith his request handed over the dead body of Ikattar Singh to HC Sukhmandar Singh for post mortem examination. The SHO went to the place of occurrence alongwith Hakam Singh and inspected the place of occurrence. He prepared the rough site plan of the place of occurrence with correct marginal notes on the identification of Hakam Singh. Empty cartridge and blood stained earth were lying at the spot. He prepared separate parcels of the same and took the same into possession. The strings of the cot were separated from the frame and taken into possession. After post mortem examination, HC Sukhmandar Singh produced the belongings of the dead body i.e. shirt and pant stained with blood before SI Nazar Singh and he took the same into possession after making the



same into parcel. A small box containing pellets was also produced and the same was also taken into possession. On return to the Police Station, the case property was deposited with the M.H.C.

5. On 09.08.2002, the appellant was arrested and he was interrogated on 11.08.2002. He made a disclosure statement upon which recovery of .12 bore gun which was lying under the cotton sticks near the bridge of the Semnala on the way leading from village Mahni-khera to village Jodhpur was effected. The gun was taken into possession after making the same into a parcel. The case property was deposited with the MHC.

6. After the completion of investigation, challan was presented against the appellant upon which charges had been framed under Section 302 IPC and Sections 25 and 27 of the Arms Act to which he pleaded not guilty and claimed trial.

7. Learned counsel for the appellant submits that the trial Court had erred in convicting the appellant on the ground that there were material contradictions in the prosecution versions and it was a case of blind murder with no motive on the part of the appellant. He submits that the prosecution witnesses, being close relatives of the deceased, were interested witnesses. The appellant had been falsely implicated due to political rivalry during the Assembly and Panchayat elections. Learned counsel has highlighted the delay in reporting the matter to the police as the deceased was taken to the hospital around 12:30 A.M. while the FIR was recorded only at 09:30 A.M. and reached the Magistrate by 06:00 P.M., pointing out the FIR version questionable. The



appellant had pleaded in his defence claiming that the absence of blackening or tattooing did not support the PWs' version of firing from 5–6 feet, but it was noted that villagers usually give approximate idea regarding the distance and the PWs consistently stated that the appellant had fired at the deceased, resulting in his death. Learned counsel, therefore, prays for allowing the appeal, setting aside the impugned judgment and order of sentence and acquitting the appellants from all the charges.

8. On the other hand, learned State counsel submits that the present case is one of a pre-planned and cold-blooded murder of Ikattar Singh. The affidavits of HC Major Singh (Ex.P12) and Sarwan Singh (Ex.P16) establish that the samples remained intact until it reached the Forensic Science Laboratory. Evidence on record also shows that an empty cartridge was recovered from the place of occurrence. The Forensic Science Laboratory reports (Ex.P17 and Ex.P18) further corroborate the prosecution version which confirms that .12 bore KF special cartridge case (C/1) contained in parcel A had been fired from the left barrel of .12 bore DBBL gun No.12278, which, as per the prosecution witnesses, was the licensed gun of Davinder Singh. The PWs have consistently deposed that the appellant picked up this gun and fired the fatal shot. Report Ex.P18 establishes that the soil and blood-stained strings (vaan) contained in parcels A and C, collected from the place of occurrence, tested positive for human blood. Further, PW2 Jagtar Singh, Arms Clerk, confirmed that Davinder Singh held a valid licence for gun No. 12278. PW5 Nazar Singh also deposed that on 11.08.2002, the accused made a disclosure



statement (Ex. P.9) admitting that he had concealed the .12 bore DBBL gun under cotton sticks near the bridge of a Semnala on the way from Mahni Khera to village Jodhpur. Pursuant to this statement, the gun was duly recovered vide recovery memo Ex.P10. It is, therefore, submitted that there is no illegality or perversity in the judgment of the trial Court which would require interference by this Court and the appeal deserves to be dismissed.

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

10. In order to substantiate the charge against the appellant(s), the prosecution had examined PW1 Dr. Malkiat Singh Kingra, PW2 Jagtar Singh Arms Clerk, PW3 Hakam Singh, PW4 Harshpinder Singh, PW5 SHO Nazar Singh, PW6 HC Major Singh, PW7 Dr. SS Malhi, PW8 SHO Gursewak Singh, PW9 HC Sukhmandar Singh, PW10 Om Parkash, Clerk and PW11 Constable Sarwan Singh. The report of the Forensic Science Laboratory was also proved on record as Ex. P17 and P.18.

11. PW1 Dr. Malkiat Singh Kingra had deposed that on 31.07.2002 at about 04:45 P.M., he conducted the post mortem examination on the dead body of Ikattar Singh. He pointed out that there was no mark of ligature around the neck but staining was present. He had observed the following injuries on the person of Ikattar Singh:-

“1. Lacerated wound 14 cm x 12 cm with abraded inverted margins over the left side of face and upper part of neck, extending 4 cm below left eye to 1 cm from left angle of mouth to the upper



part of left side of neck and backwards, 4 cm interior and below the tragus of the left ear. On dissection, underlying soft tissues, bones, muscles were badly crushed and lacerated with the wound extending to the buckle cavity and pharynx. The tongue and other tissues disfigured out of recognition. Metallic distorted pellets recovered from the tissues in the area were sealed and handed over to the police.

2. *Multiple lacerated punctured wounds 0.75 cm diameter with inverted abraded margins, scattered over the left side of neck and adjoining area of shoulder and super clavicular region. Few distorted metallic pellets recovered on dissection. Clotted blood was present. Corresponding holes and tears seen in the collar area of the shirt which was soiled with blood.”*

On dissection of the chest, multiple punctured wounds were seen in the pleural cavity and lungs on the upper part of left side. Left side pleural cavity contained dark coloured blood. He further deposed that the death was due to shock and haemorrhage as a result of injury No.1 which alone or in combination with injury No.2, was sufficient to cause death in the ordinary course of nature. All the injuries were *ante mortem* in nature and could be caused by a firearm. The probable time that elapsed between injuries and death was within few hours and between death and post mortem, within 24 hours.

12. PW2 Jagtar Singh Arms Clerk had brought the record regarding Arms Licence issued to Daviner Singh. As per entry No.13645 dated 29.06.2001, the arms licence was renewed upto 24.03.2004.



13. PW3 Hakam Singh (complainant) and PW4 Harshpinder Singh (eye-witness) had reiterated the version as stipulated in the FIR and they had fully supported the case of the prosecution.

14. PW5 SHO Nazar Singh, who had investigated the present case, had apprised about the investigation proceedings, recovery effected from the spot as well as the appellant and other link evidence.

15. PW7 Dr. S.S. Malli, SMO, Civil Hospital, Malout had deposed that on 30.07.2002, Ikattar Singh was brought to the Civil Hospital at 10:15 P.M. and was referred to CMC, Ludhiana as his condition was serious. The patient died on the way and as such, he was brought back to the Hospital. He had sent information (Ex.P14) to SHO, Police Station City, Malout.

16. Other prosecution witnesses, who had deposed about the link evidence and corroborated the statements of aforesaid prosecution witnesses, were formal in nature.

17. 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.

18. 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 RI for life under Section 302 IPC and acquitted him for an offence punishable under Sections 25 & 27 of the Arms Act.



19. Upon a careful and independent re-appraisal of the evidence on record and after hearing learned counsel(s) for the parties, we are of the considered view that the findings recorded by the learned trial Court are well-reasoned and duly supported by the evidence available on record.

20. The ocular version of the prosecution witnesses (PWs) is well supported by documentary and material evidence, such as the post-mortem report, FSL reports, site parcels, recovery memos, sanction order, and arms licence record. PW3 Hakam Singh (father of the deceased) and PW4 Harshpinder Singh (an eyewitness) had consistently deposed that on 30.07.2002 at about 09:15–09:30 P.M., they, along with Davinder Singh and the deceased Ikattar Singh, were sitting in the courtyard of Davinder Singh's house, where an electric bulb was glowing. At that time, the appellant Gurdeep Singh arrived, abused Ikattar Singh, picked up a loaded licensed shotgun lying on the cot, and fired at Ikattar Singh. The family immediately took the injured to Civil Hospital, Malout, from where he was referred to Ludhiana, but he succumbed to his injuries on the way.

21. PW1 Dr. Malkiat Singh Kingra, who had conducted the post-mortem, had recorded severe ante-mortem injuries including a large lacerated wound 14×12 cm with crushed underlying tissues and multiple lacerated punctured wounds 0.75 cm diameter with metallic/distorted pellets. On chest dissection, punctured wounds and dark coloured blood in pleural cavity were noted. He had opined the cause of death as shock and hemorrhage due to the grievous firearm injury (injury No.1 alone or combined with No.2). The



findings of the post-mortem report (Ex. P.1 and diagram Ex.P2) are fully consistent with a firearm attack and corroborate the ocular version of the complainant and the eyewitness, namely that pellets struck the jaw, neck, and shoulder of the deceased, resulting in his death.

22. Moreover, the identity of the appellant is not in dispute: the assailant was known to the witnesses as he was well known to the witnesses and belonged to the same village. The Court is, therefore, satisfied that there exists no reasonable doubt regarding the identity of the person who picked up the gun and fired the fatal shot. The defence plea of a “blind murder” or false implication is not supported by the evidence on record. The witnesses made no attempt to involve other family members, and they had valid reasons for identifying the appellant. The mere fact that the prosecution witnesses are related to the deceased does not, by itself, make their testimony unreliable.

23. In this case, the few hours’ delay in filing the FIR is not serious enough to make the prosecution story doubtful. Similarly, small mistakes or carelessness by the Investigating Officer are not enough to reject the trustworthy evidence given by the prosecution.

24. It had been rightly pointed out by the trial Court that the site material, including blood-stained earth, blood-stained strings of the cot and a small box containing pellets, was duly taken into possession and deposited with the police/MHC. The affidavits (Ex.P12 and Ex.P16) establish that the samples remained intact and untampered with until their dispatch to the FSL. The FSL



report (Ex.P17) confirms that the empty .12 bore cartridge (C/1) recovered from parcel 'A', had been fired from the left barrel of the .12 bore DBBL gun bearing license No.12278. The ocular testimony of the prosecution witnesses also establishes that the licensed gun of Davinder Singh was having the said number. The scientific evidence thus materially corroborates the ocular account, proving that a firearm was in fact discharged at the scene of occurrence, the weapon used was the licensed gun and human blood and metal pellets were recovered from the place of occurrence. This independent scientific corroboration lends strong support to the prosecution case and firmly establishes the core facts beyond reasonable doubt.

25. Although the defence had pleaded that the prosecution witnesses had political differences with the appellant but the trial Court had recorded that the elections were concluded without any incident of violence between them, the prosecution witnesses had not tried to involve other family members and there is no strong evidence showing that the witnesses falsely implicated the appellant because of political rivalry. Therefore, it is not enough to doubt the credibility of the witnesses.

26. In view of the above, we do not find any illegality or perversity in the well-reasoned judgment of the trial Court convicting the appellant. Consequently, the appeal is dismissed and the judgment of conviction and order of sentence passed by the learned Additional Sessions Judge (Ad-hoc), Fast Track Court, Faridkot dated 03.09.2004 in the aforesaid FIR are hereby upheld.



27. The Chief Judicial Magistrate, Faridkot is directed to take necessary steps to ensure that the appellant is 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

09.09.2025
A.Kaundal

(H.S.GREWAL)
JUDGE

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