



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

**CRA-D-102-DB-2004  
Date of Decision: 07.07.2025**

**GURJIT SINGH & OTHERS**

**.. Appellants**

**Versus**

**STATE OF PUNJAB**

**...Respondent**

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

**HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Karambir Singh Kahlon, Advocate with  
Ms. Manveen Kahlon, Advocate  
for the appellants.

Mr. Siddharth Attri, Asstt. A.G. Punjab.

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**JASJIT SINGH BEDI, J.**

The present appeal has been filed against the judgment of conviction and order of sentence dated 20.12.2003 passed by the Addl. Sessions Judge, Gurdaspur.

2. The FIR was registered on 05.05.2001, the judgment of conviction and order of sentence passed by the Addl. Sessions Judge, Gurdaspur is dated 20.12.2003, the appeal was filed on 23.01.2004 and the matter is being taken up for hearing now i.e. after a period of more than 24 years from the date of registration of the FIR.

3. Briefly stated the case of the prosecution is that on 05.05.2001 at about 9:00 a.m. SI Swaran Singh (PW4), P.S. Ghoman alongwith SI Arbinder Singh, ASI Surjit Singh, H.C. Gurinder Kumar No.1611, H.C. Palwinder Singh No.2188, C. Davinder Singh No.2680, C. Rachhpal Singh No.3188 C.

Madan Lal No.2590 were present on the bridge of a minor in the area of village Pandori near Gurdwara Tapiala Sahib. SI Swaran Singh received secret information that a land dispute was pending between Gurjit Singh and Amarjit Singh sons of Sardara Singh jats residents of village Padde in the Court of Shri Sanjiv Joshi PCS, Judicial Magistrate Ist Class, Batala. Gurjit Singh S/o Sardar Singh, jat or village Padde now at Baba Bakala and Dalbir Singh son of Shangara Singh, Jat of village Padde alongwith 2/3 more unidentified persons were present on the bridge of a minor in the area of village Pandori having .12 bore gun and a scooter. Amarjit Singh, deceased son of Sardar Singh, jat of village Padde, who was a resident of village Ghuman was to appear in a Court at Batala and it was possible that Gurjit Singh accused and others would cause physical harm to Amarjit Singh, deceased. At this, SI Swaran Singh alongwith the police party reached on the bridge of a minor in the area of village Pandori and saw the dead body of Amarjit Singh lying on the left side of the bridge of the minor in a pool of blood. There were gun shot injuries on his right thigh, left eye and other parts of the body. On the right side of the bank of the minor, the dead body of his wife Jagir Kaur was lying in a pool of blood having gun shot injuries on her left ear and the jaw and also on the right side of her chest. The murder of Amarjit Singh and Jagir Kaur had been committed by the accused Gurjit Singh and Dalbir Singh alongwith 2/3 unidentified persons with their common intention. On the basis of the secret information, ruqa Ex. PL was sent to the Police Station, Ghoman for registration of the case on the basis of which the present case FIR was registered against the accused.

4. The case of the prosecution further is that PW2-Surjit Singh brother of Jagir Kaur, deceased had come to meet them at village Ghoman on

04.05.2001. The deceased Amarjit Singh told PW Surjit Singh that he was to appear in a court on the next day and Amarjit Singh, deceased also requested Surjit Singh to accompany him. On 05.05.2001 PW Surjit Singh was asked by Amarjit Singh to follow them on a bicycle. Jagir Kaur and Amarjit Singh went on a scooter to appear at Batala in a Court. PW Surjit Singh went on a bicycle and he left his bicycle at the bus stand of village Udhanwal from where he was to board a bus. When he reached on the canal bridge of village Attepur at 8:30 a.m. He had seen that accused Gurjit Singh and his companions were concealing behind a pipal tree. At that time Amarjit Singh and Jagir Kaur came thereon a scooter but were intercepted by the accused. Accused Gurjit Singh fired a gun shot at Amarjit Singh, who fell on the ground. Jagir Kaur tried to run away but was over-powered by the accused and accused Dalbir Singh caught hold of Jagir Kaur from her long hair and Gurjit Singh fired gun shots at her and she fell on the ground. P.W. Surjit Singh ran away to save himself. Amarjit Singh and Jagir Kaur died at the spot and the accused fled away on their scooter. PW Surjit Singh concealed himself in the Sarkanda (tall grass) for about 2/3 hours. There was a raula (noise) and the police reached at the spot. Blood stained earth was lifted from the spot from two places which were made into a parcel and were taken into possession vide memos Ex. PG and Ex. PH, attested by PW Surjit Singh. The scooter of Amarjit Singh was taken into possession vide memo Ex. PJ. RC of the scooter was taken into possession vide memo Ex.PJ/1.

5. The inquest reports on the dead bodies of Amarjit Singh and Jagir Kaur were prepared. The post mortem examination on the dead bodies of Amarjit Singh and Jagir Kaur were conducted by PW1/Dr. Sukhdip Singh, who found four gun shots injuries on the dead body of Jagir Kaur and three

gun shot wounds on the dead body of Amarjit Singh. In the opinion of the Medical Officer, the cause of death in this case was due to haemorrhage and shock as a result of fire-arm injuries. All the injuries were ante mortem in nature and were sufficient to cause death in the ordinary course of nature.

6. The wearing apparels from the dead body of Jagir Kaur were taken into possession vide memo Ex.PR, attested by PW Surjit Singh. On 16.05.2001 accused Gurjit Singh was interrogated by Inspector Balbir Singh and on interrogation, he disclosed that he has kept concealed one .12 bore Double barrel gun in the kitchen of his house and he only knew this fact and he could get the same recovered. He has also made a statement that he has kept concealed scooter No.08-T-5721 in the room opposite to the kitchen after locking it and he alone knew this fact. He could get the same recovered after pointing out the place. The disclosure statement of accused Gurjit Singh was reduced into writing which was signed by him and attested by ASI Kuldip Singh and HC Piara Singh, which is Ex. PS. The accused thereafter got recovered the gun and the scooter in consequence of the disclosure statement made by him. The parcel of the gun was prepared and sealed with the seal bearing impression "BS" and was taken into possession vide memo Ex.PS/1. The accused also got recovered the scooter which was taken into possession vide memo Ex. PS/2. Accused Gurjit Singh also got recovered two live cartridges of .12 bore gun which were taken into possession vide memo Ex.PS/4. Accused Dalbir Singh was interrogated and on interrogation, he disclosed that he had kept concealed one scooter No. PAO-6017 make Bajaj Chetak in the room meant for keeping the fodder near a wall underneath the gunny bags and he could get the same recovered. His statement Ex.PT was reduced into writing which was signed by him and

attested by ASI Kuldip Singh and HC Piara Singh. The accused thereafter got recovered the scooter which was taken into possession vide memo Ex. PT/1. The wearing apparels of Amarjit Singh and Jagir Kaur were sent for analysis to the Director, Forensic Science Laboratory, Punjab Chandigarh, who found human blood on the clothes vide his report Ex.PY. The gun of accused Gurjit Singh was sent for analysis to the Director, Forensic Science Laboratory, Punjab, Chandigarh alongwith five empty cartridges of .12 bore K.F. Special cartridges. The Director, Forensic Science Laboratory, Punjab, Chandigarh vide his report Ex.PZ opined that two .12 bore K.F. Special cartridges were fired from right barrel of .12 bore gun No.11071-97 and three .12 bore K-F. Special Cartridges were fired from the left barrel of .12 bore DBBL gun No. 11071-97.

7. Charge under section 302 IPC was framed against Gurjit Singh and a charge under section 302 read with section 34 IPC was framed against accused Balwinder Singh, Ranjit Singh and Dalbir Singh for committing the murder of Amarjit Singh as well as Jagir Kaur. The accused pleaded not guilty to the charge and claimed trial.

8. In order to prove its case, the prosecution examined PW1/Dr. Sukhdip Singh, PW2/Surjit Singh, PW3/Ajit Singh, PW4/S.I. Swaran Singh, PW5/Romesh Kumar, Patwari, PW6/Harbhajan Singh, Clerk, S.D.M. Office, Batala, PW7/C. Kulwant Singh, PW8/Dilprit Singh, PW9/C. Rajiv Kumar, PW10/Balbir Singh, DSP, PW11/H.C. Tarsem Singh, PW12/Lakhwinder Singh, Ahlmad and PW13/Baldev Singh, Inspector. The prosecution closed its evidence after tendering into evidence reports of the Director, Forensic Science Laboratory Ex. PY and Ex. PZ.

9. The gist of the statements of the relevant prosecution witnesses are as under:-

Dr. Sukhdip Singh, Medical Officer, Civil Hospital Batala was examined as PW1. He stated that on 05.05.2001 at 04.15 PM he conducted the postmortem examination on the dead body of Jagir Kaur W/o Amarjit Singh aged 45 years which was identified by Gurmej Singh and Baljit Singh. He found the following injuries on her person:-

- 1. Lacerated penetrating wound on the left side of the upper part of neck 3 x 2.5 cm, 2 cm below the left ear pinna blackening was present. Margins everted.*
- 2. Lacerated wound 10 cm x 5 cm on the right cheek, 3 cm below the right lower eye lid. Margins everted.*
- 3. L.P.W. 2.5 cm x 1.5 cm on the lateral aspect of left shoulder joint. Margins inverted. Blackening present.*
- 4. Lacerated wound 5 cm x 4 cm on the lateral side of the front of the right side of the chest in the right anterior axillary line, 20 cm below right axilla. Margins were everted, part of the omentum was coming out of the wound.*

Injury Nos.1 to 4 were entry and exit wounds respectively.

On the same day at 05.15 PM, he conducted the postmortem examination on the dead body of Amarjit Singh S/o Sardara Singh aged 50 years and found the following injuries on his person:-

- 1. Lacerated penetrating wound 3 cm x 2.5 cm on the right side of the occipital region, 2 cm above the posterior hair line and 10 cm behind the right ear pinna. Margins inverted. Blackening present.*
- 2. Lacerated wound 5 cm x 3 cm on the prominence of right cheek 1 cm below the right lower eye lid. Margins everted.*
- 3. Lacerated wound 19 cm x 6 cm on the medial side of right thigh, maximum width in the centre that on upper and lower ends making a groove like appearance. Margins inverted and blackened. Muscles, major vessels and nerves were lacerated. Right femur bone was*

*healthy and not fractured. Wound was 3 ½ cm above the right knee joint.*

Injury Nos.1 and 2 were entry and exit wounds.

Surjit Singh S/o Tara Singh was examined as PW2. He stated that Jagir Kaur, his sister was married with Amarjit Singh and they had two daughters. Gurjit Singh (accused) was the brother of Amarjit Singh. They both had strained relations and litigation was pending between them. On 04.05.2001. He had gone to meet his sister Jagir Kaur where her husband Amarjit Singh told him that he was to appear in the Court on the next day and requested him to accompany him (Amarjit Singh deceased). On 05.05.2001 he left to go to the Court on his bicycle whereas Amarjit Singh and Jagir Kaur were to follow on their scooter. At about 08.30 AM when he reached the Canal Bridge Attepur, he found that accused Gurjit Singh and other persons had concealed themselves behind a peepal tree. He recognized all of them being his relatives. In the meantime, he started drinking water from hand pump. In the meantime, Amarjit Singh and Jagir Kaur came on a scooter and were intercepted by the accused. Gurjit Singh fired a shot at Amarjit Singh who fell down. His sister Jagir Kaur tried to flee away but was over-powered by the accused. Dalbir Singh caught hold of her from a long hair and Gurjit Singh fired a shot at her. She also fell down. He (PW Surjit Singh) ran away from there on his bicycle in order to save himself. The accused fled away from the spot. Amarjit Singh and Jagir Kaur had died at the spot. He concealed himself in the fields for 2-3 hours. Later, there was a noise and police reached the spot after which he also came to the spot and narrated the occurrence to the police. The police prepared the inquest report and lifted bloodstained earth from the spot from two places. They also took

into possession the scooter of Amarjit Singh and the registration certification. In cross-examination, he stated that his village was at a distance of 8 Kms from village Ghoman (village of the deceased). The police reached at the spot prior to his arrival. He reached the spot after 2-3 hours of the deceased suffering injuries. There was a police post at Udhanwal but he did not lodge any report there. His statement was recorded at about 1.00 PM and some papers were prepared by the police near the bodies. He did not tell the police the place from where the gunshot was fired. He denied the suggestion that he was not present at the spot and had not seen the occurrence and that he had been called from his village and later cited as a witness. He stated that he did not know the name of the Court where the litigation was pending between Amarjit Singh (deceased) and Dalbir Singh (accused). He had earlier not accompanied Amarjit Singh to the Court except on the date of occurrence.

Ajit Singh S/o Inder Singh was examined as PW3. He did not support the prosecution case and was declared hostile.

SI Swaran Singh was examined as PW4. He stated that on 05.05.2001 he was posted as SI at P.S. Ghuman. On that day he along with SI Ravinder Singh and other police officials was present on the bridge of a water course in the area of village Pandori for patrolling. He received information at about 09.00 AM that Gurjit Singh and Amarjit Singh had a land dispute and they were to attend Court proceedings at Batala. Gurjit Singh, Dalbir Singh along with 2/3 persons were present at Canal Bridge Attepur and armed with .12 bore guns. They were likely to cause harm to Amarjit Singh. He reached the Canal Bridge Attepur and found the dead bodies of Amarjit Singh and Jagir Kaur lying at the spot having suffered firearm injuries. The bloodstained earth was lifted from near the bodies taken into

possession. The scooter of the deceased was taken into possession. Five empty cartridges vide memo Ex.PM lying on the spot were also taken into possession. In cross-examination, he stated that the place of occurrence was at a distance of 3 kms from the bridge of Pandori. They reached the spot within 15-20 minutes of receiving the secret information. He did not remember the time when the recovery memos were prepared. The inquest reports were prepared prior to the preparation of the recovery memos. He could not tell the time when the inquest reports were prepared. Surjit Singh (PW) was not there when the inquest reports prepared. Surjit (PW) had not met him on that day as long as he (this witness) remained at the spot.

Romesh Kumar Patwari was examined as PW5. He stated that he had prepared the scaled site-plan Ex.PN on the demarcation of Surjit Singh.

Harbhajan Singh, Clerk, SDM Office, Batala was examined as PW6. He stated that he had brought the record of scooter No.PAO-6017 in the name of Pritam Singh. In cross-examination, he stated that the scooter had not been transferred in the name of anyone else.

Constable Kulwant Singh was examined as PW7. He stated that he had deposited a parcel of the DBBL gun with the FSL.

Dilprit Singh was examined as PW8. He stated that on 05.05.2001 he was handed over 5 parcels sealed with the seal for depositing the same with the FSL. However, the samples were not deposited as objections had been raised. Later, on 14.05.2001 he re-deposited the said parcels.

Constable Rajiv Kumar was examined as PW9. He stated that on 05.05.2001 he had taken the special report and handed over one copy to the Illaqa Magistrate at 05-10 PM.

Balbir Singh, CIA Inspector was examined as PW10. He stated that on 05.05.2001 he took over the investigation of this case which was initially being conducted by SI Swaran Singh. He recorded the statement of Surjit Singh. He inspected the spot and lifted bloodstained earth which was taken into possession vide memo Ex.PG. Five empty cartridges lying at the spot were taken into possession along with the scooter and its RC. He recorded the statements of witnesses. On 15.05.2001 all the four accused were produced by him by Kabal Singh and he arrested them. Gurjit Singh got recovered his 12 bore gun (Ex.P3) two live cartridges (Ex.4 & Ex.P5) and a scooter. The gun and cartridges were taken into possession vide memo Ex.PS/1 and the scooter was taken into possession vide memo Ex.P.S/2. along with his RC Ex.P.S/3. Dalbir Singh also got recovered a scooter bearing No.PAO 6017 vide recovery memo Ex.P.T./1. In cross-examination he stated that when he reached the spot SI Swaran Singh was present there. Surjit Singh was also present at the spot. Surjit Singh belonged to Village Udho Nangal P.S. Mehta, District Amritsar which was at a distance of 30/35 Kms from the place of occurrence. He denied the suggestion that it was a case of blind murder and accused Surjit Singh was called from his village later to become a witness. The inquest reports had been prepared before he had reached the spot at the instance of DSP Baldev Singh and SI Swaran Singh. He admitted that no hand pump or peepal tree were shown in the site plan Ex.P.Q The place from where the accused allegedly fired was also not shown.

H.C. Tarsem Singh was examined as PW11 and furnished his affidavit as Ex.PV.

Lakhwinder Singh, Ahlmad was examined as PW12 and produced the record of Criminal Complaint No.190 dated 12.07.1999 decided on 14.08.2001 filed by Amarjit Singh against Surjit Singh. The case had been listed for hearing on 05.05.2001. In cross-examination he stated that Gurjit Singh, Dalbir Singh and Bachan Kaur had appeared in the Court.

Baldev Singh, DSP was examined as PW12. He stated that he was posted as DSP Qadian. He prepared the inquest report on both the deceased. The dead bodies were identified by Gurmej Singh and Baljit Singh. The investigation was handed over to Inspector Balbir Singh. In cross-examination, he stated that he had not collected or found any empty cartridge at the spot. Column No.23 in the inquest report with respect to articles found on the dead body had been left blank. Surjit Singh was not present at the spot amongst the persons who were joined in investigation. No such person by the name of Surjit Singh had met him so long as he remained at the place of occurrence. He had handed over the police file to Balbir Singh Inspector at about 12.30 PM.

The P.P. for the State tendered into evidence records of the FSL as Ex.PY and Ex.PZ and closed the evidence of the prosecution.

10. When examined under Section 313 Cr.PC, the accused denied the prosecution allegations and accused Gurjit Singh claimed that he was innocent. He had been arrested in this case by the police from the Court compound at Batala on 05.05.2001 and then in his absence the police had broken the lock of his house at Baba Bakala and had taken his gun and cartridges and then after locking the door they handed over the key to Lakha Singh. Accused Balwinder Singh, Ranjit Singh and Dalbir Singh alleged that

they had been falsely implicated. The accused did not lead any evidence in defence.

11. Based on the evidence led, while Balwinder Singh and Ranjit Singh were acquitted Gurjit Singh and Dalbir Singh came to be convicted and sentenced by the Court of Addl. Sessions Judge, Gurdaspur vide judgment and order of sentence dated 20.12.2003 as under:-

<b>Convicts</b>	<b>Offence under Section</b>	<b>Sentence RI/SI</b>	<b>Fine</b>	<b>RI/SI in default of payment of fine</b>
Gurjit Singh	302 IPC	Imprisonment for life	Rs.5000/-	RI for 01 year
Dalbir Singh	302 R/w 34 IPC	Imprisonment for life	Rs.2000/-	RI for 01 year

12. It is the aforementioned judgment, which is under challenge, in the present appeals.

13. The learned counsel for the appellants contends that the FIR had been registered on secret information. PW2-Surjit Singh a purported eye-witness of the occurrence is the brother of Jagir Kaur (deceased). As per his case, he had seen the occurrence taken place but did not interfere. He ran away from the spot on his bicycle and the accused had also fled away. He concealed himself for 2/3 hours and only came out when the police reached at the spot. The conduct of this witness in not interfering in the occurrence or getting the FIR registered shows that he has not witnessed the occurrence but has been set up as a prosecution witness later. Interestingly, this witness presence is not reflected in the site plan and nor does the site plan reveal as to from where the shots were fired. PW4-SI Swaran Singh stated that on receipt of secret information at about 09.00 AM, he had reached the place of occurrence within 15-20 minutes from the bridge of Pandori which was at a distance of 3 Kms from the place of occurrence. He had remained at the spot

till the evening. However, Surjit Singh (PW) had not met him on that day. Surjit Singh was not present when the inquest reports were prepared. On the other hand, it is the case of PW2-Surjit Singh that he was present at the spot, saw the occurrence and came out of his hiding place after 2-3 hours when the police party came to the spot. This discrepancy between PW2-SI Surjit Singh and PW4-Swaran Singh establishes beyond doubt that Surjit Singh (PW2) has been set up as an eye-witness of the occurrence. He further contends that the inquest proceedings (Ex.PF) took place around 9.30 AM and the inquest reports do not reflect the presence of empty cartridges at the spot. Similarly, the site plan (Ex.P.Q) does not show the point where the empty cartridges were lying at the spot. PW4-Swaran Singh has admitted that the inquest reports were prepared prior to the preparation of the recovery memos. Despite the said fact, the recovery of five empty cartridges had been shown from the spot which makes the said recoveries highly doubtful. Even otherwise, if PW2-SI Surjit Singh was to be disbelieved then merely because the FSL report shows that the weapon recovered from Gurjit Singh was used to fire shots on both the deceased is not sufficient to establish the culpability of the accused. He therefore, contends that the impugned judgment was liable to be set aside and the accused/appellants be acquitted of the charges framed against them.

14. The learned counsel for the State, on the other hand, contends that PW2-SI Surjit Singh is a most natural eye-witness of the occurrence. He stated that he had come to the village of his sister a night prior to the occurrence and was to accompany them for Court proceedings. On the next morning, he had left on a bicycle whereas the deceased were to follow on a scooter. He had seen accused persons armed and acting suspiciously. When

the deceased came to the spot on their scooter, he saw the accused firing shots at both the deceased. In fact, he, on account of fear had hid himself because of which the FIR had been registered on secret information. Later, on the same day, his statement had been recorded under Section 161 Cr.P.C. in which he had duly disclosed the manner in which the occurrence had taken place. Every witness behaves in a different manner and merely on account of the fact that the FIR was registered on secret information and not on the statement of this witness is not sufficient to demolish the prosecution case. He further contends that the FSL report clearly establishes that the weapon recovered from Gurjit Singh had been used to commit the murder of the deceased. He, therefore, contends that no fault could be found with the well-reasoned judgment of conviction passed by the Addl. Sessions Judge, Gurdaspur and the present appeals were liable to be dismissed.

15. We have heard the learned counsel for the parties and gone through the record.

16. As per the case of the prosecution, the FIR had been registered on secret information when the police received information that the deceased were likely to be assaulted by the accused on account of a prevailing civil litigation between themselves. On receipt of such information, when SI Swaran Singh reached the spot he found both the deceased lying dead with gunshot injuries on their person. Later, the statement of PW2-SI Surjit Singh was purportedly recorded under Section 161 Cr.P.C. wherein he has been shown to be an eye-witness of the occurrence.

17. The version of Surjit Singh that he had seen the accused persons concealing themselves behind a tree and subsequently firing upon the deceased cannot be believed. This witness stated that he had fled away from

the spot on a bicycle to save himself whereas the accused persons had fled away on a scooter. He had concealed himself for 2/3 hours and only came out when the police came to the spot before whom he had narrated the occurrence. It may be pertinent to note that the question of this witness hiding himself for 2/3 hours in the fields is highly unlikely when the accused persons themselves had fled away from the spot. If he had seen the occurrence, he would have duly informed the Investigating Agency. As per PW4-SI Swaran Singh they had received secret information at about 09.00 AM and had reached the spot within 15-20 minutes. At that time, Surjit Singh was not present there because of which his name is not reflected in the inquest reports. In fact, this witnesses has stated that Surjit Singh had not met him during the course of the day. In this situation, the question of recording of the statement of this witness under Section 161 Cr.P.C. on the date of occurrence itself i.e. 05.05.2001 becomes doubtful.

18. PW10-Balbir Singh, CIA Inspector Batala who is stated to have recorded the statement of PW2-Surjit Singh at the spot deposed that when he reached the spot to take over the investigation SI Swaran Singh was conducting the same and Surjit Singh was also present at the spot. If this be the case, then SI Swaran Singh would have duly recorded the statement of PW2-SI Surjit Singh under Section 161 Cr.P.C. and would have stated that so in his deposition that Surjit Singh was present at the spot. Further, the name of Surjit Singh would have been duly reflected in the inquest reports. Thus, as has already been stated above, it appears that Surjit Singh (PW2), the real brother of deceased Jagir Kaur did not witness the occurrence but was set up as an eye-witness later.

19. The medical evidence in the instant case seems to be contrary to the ocular account. When the statement of PW2-Surjit Singh was recorded under Section 161 Cr.P.C. at the time of the investigation, he stated that Gurjit Singh had fired one shot each on the deceased with a .12 bore DBBL gun. When his statement was recorded as PW2, Surjit Singh stated that Gurjit Singh (accused) had fired one shot each on the deceased with a gun but he did not state that the said gun was a .12 bore DBBL gun. The postmortem report would show two wounds of entry and exit on the person of Jagir Kaur (deceased), one wound of entry and exit on the person of Amarjit Singh (deceased) and he further received one other injury thereby totaling four gunshot injuries. Apparently, one injury each on the person of the deceased has remained unexplained despite PW2-Surjit Singh being an eye-witness of the occurrence.

20. There is yet another factor which creates a doubt in the prosecution case. As mentioned above, the secret information and the statement under Section 161 Cr.P.C. of PW2-Surjit Singh are to the effect that Gurjit Singh had fired from his licenced .12 bore DBBL gun. Dr. Sukhdip Singh (PW1) who conducted the postmortem examination on the deceased however did not state that the injuries on the person of the deceased could have been caused by a .12 bore DBBL shotgun. He has only referred to a bullet causing the entry and exit wounds. If shots had been fired from a .12 bore DBBL shotgun then there would have been wads or pellets present in the bodies which are not so in the instant case. In *Lyon's Medical Jurisprudence & Toxicology 11<sup>th</sup> Edition* at page 926 appearance of shotgun entry wounds have been described and the relevant extract is as under:-

***Appearance of shotgun entry wounds:***

1. *Shotgun contact wound-In cases where the muzzle is placed*

*against the skin in a soft part of the body such as the neck, chest, abdomen or an extremity, the wound will be single, circular and of a size close to the size of the bore of the weapon. The edges might show crenation. Where the skin is elastic, the size might be smaller than the bore diameter.*

*In a tight contact wound, the skin seal around the muzzle prevents escape outwards of the hot gases and soot. Therefore, soiling and burning is minimal. Where the muzzle is not pressed tightly, these may escape, usually in the direction in which the barrel is pointed and get deposited on the clothes. The cloth or skin might show local burning in such cases.*

*A muzzle impression might be created by a tight contact wound. It would be complete where the weapon is tightly held against the skin. It is created by the lifting up of the skin against the muzzle, as a result of the hot gases injected into the wound. The muzzle impression might be surrounded by an area of bruising, due to a deep contusion, produced by the same mechanism.*

*Gases such as carbon monoxide combine with haemoglobin and myoglobin to impart a pinkish discolouration to the wound and track at times. Where the contact wound is located over a bone, in areas such as the scalp, sternum etc, the large quantities of gases, which are otherwise dissipated into the depths of a wound, are reflected back by the bone. This may cause a deep muzzle impression or a stellate skin wound with ragged edges.*

*2. Close range wounds-Conventionally, close range shots include those where the muzzle is within 6 inches or 15 cms of the skin. The appearance of such a wound is affected by the presence of clothes. Hence forensic examination of clothing is of particular importance. Due to the effect of flame and gases, there may be singeing of hair around the wound, except in hairless areas. The hair might assume a clubbed appearance due to partial bundown of keratin. Skin burning might be visible as a narrow hyperaemic rim and at times a cherry pink colour due to CO and other gases.*

*In such wounds there might be soot or smoke staining of the skin over a wide area, as a result of carbon deposits. This might be absent in case of smokeless powders. This blackening can be washed off as against tattooing, which cannot be removed by water.*

*The wound appears circular where the weapon is held perpendicular to the skin, and elliptical where it is held at an angle. The margins are inverted, may be crenated and often show an annular bruising. Spots of bruising may be visible around the wound. The wad might be found within the wound. 3. Short to mid range wounds-Conventionally, wounds inflicted from a range of between 6 inches or 15 cms to 6 feet or 2 Mtr are described as short to mid-range wounds. The appearance of such a wound varies with the distance. Those produced at closer ranges show soot deposit, which generally disappears beyond about 30 cms or a foot. Tattooing as a result of powder may be visible a little beyond 11/2 ft or 45 cms.*

*Such wounds are often single, with crenated and scalloped margins, resembling rat bites or teeth impressions. Hair singeing usually occurs up to a range of about a foot or 30 cms, soot staining up to 1 1/2 ft or 45 cms and a single entry wound persists up to a distance of about a metre or 3 feet. Around about 2 mtrs satellite pellet wounds might start appearing. Wads might be occasionally found in the wound.*

*A correct assessment of the range can only be carried out by test firing.*

*4. Mid to distant range shotgun wounds-Wounds inflicted from a range of 2 metres or 6 feet and beyond might be characterised by the absence of burning, tattooing and except rarely, the absence of wads. At times especially in low trajectory weapons, the wad might be present up to a distance of 5 mtrs and might even produce a secondary lacerated wound.*

*In these wounds, there is a spread of pellets, which starts at about a metre. With increasing range the diameter of spread of pellets increases with a gradual diminution in the size of the central rat-hole like wound. Generally, it has been suggested that the diameter of the spread in inches roughly indicates the range in yards. In other words, one third of the spread in centimeters roughly indicates the range in metres.*

*Beyond about 6 metres the central wound may not be visible, and only pellet wounds may be present. It has been suggested that shots should in these cases be described as being beyond the range of*

*tattooing. Test fire alone is an accurate method of estimating range in such injuries.*

***Exit wound:*** *An exit wound produced by a shotgun pellet is rarely seen in the trunk. Such wounds might be seen in the head and neck region or in the limbs. At times in contact wound of the head, the exit wound might involve disruption of the head and expulsion of parts of the brain. The gaping skull defect and extruding brain matter are characteristic features of the so-called 'burst head'. At times, where the shot is close to the exit point in the skin, it might be felt on palpation as a hard subcutaneous mass.*

***Direction and track:*** *The track inside the body of shotgun pellets is fairly diffuse and not as well defined as it is in the case of rifled firearms. However, in case of contact or close wounds the entire mass of shots might travel together for some distance within the body. The mechanism of injury is by direct crushing of tissues that come into contact with the shots. There is no temporary cavitation and distant effects are generally not seen.*

*At times where the shots strike a bone, fragments of the bone might form secondary missiles that travel further causing injury in a direction that might be at a tangent to the direction of the primary track.*

*Wads and other components of a cartridge might produce wounds that are essentially lacerated in nature. Such injuries might result from the wad and gases in cases of blank cartridge fire.*

*The greatest difficulty in recognizing shotgun injuries arises in cases of tangential wounds. In glancing injuries, the outer periphery of the shots strike the skin tangentially. The main components including gases miss the skin. Such a wound might resemble incised or lacerated wounds. Multiple lacerations, extensive internal injuries and fracture of the skull might occur as a result of such tangential near passes of shotgun pellets.*

*X-Ray examination of a body is invaluable in locating shots. The editors are of the view that X-Ray examination should be a part of the normal autopsy protocol in all cases of firearm injuries. There have been numerous occasions when recovery of a bullet, pellet or its fragments has been possible after taking radiographs from two different views.*

21. A perusal of the aforementioned extract would reveal that where a shotgun has been fired from upto a distance of approximately 5 meters then, a wad might be present in the body. Further, if shots have been fired from a distance of more than about 1 meter then there would be pellet injuries on the body the diameter of which would increase once the distance from which the shot has been fired increases. Effectively what is said is that in virtually all cases where cartridges are fired from a shotgun then depending on the distance from which the shot has been fired either wads or pellets would be present in the body and the entry of pellets would also be reflected on the body. In the instant case, a perusal of the postmortem reports would not reveal any evidence whatsoever that shots have been fired from a .12 bore DBBL shotgun. On the other hand, it appears that some other weapon has been used which fires bullets and not cartridges.

22. As regards the recovery of empty cartridges from the spot which have been found to be matched with the .12 bore DBBL recovered from the accused Gurjit Singh, it would be significant to note that the bodies were discovered and inquest report prepared at about 09.30 AM on 05.05.2001. Column No.22 in each of the inquest reports which refers to the articles found near the dead body has been left blank which shows that at that point of time no empty cartridges were found at the spot. In fact, PW4-SI Swaran Singh has admitted that inquest reports were prepared prior to effecting the recoveries. Similarly, the site plan Ex.PQ does not refer to the presence of empty cartridges at the spot though the places from where bloodstained earth was lifted from near the dead bodies of deceased Amarjit Singh and Jagir Kaur have duly been marked. However, later vide recovery memo Ex.PM five cartridges have been found to be recovered from the spot. This clearly

shows that the cartridges have been planted and the recoveries shown thereafter. Be that as it may, we have already expressed our doubt about whether the deaths were in fact caused by shots fired from a .12 bore DBBL shot gun.

23. The cumulative effect of the aforementioned discussion is that the presence of eye-witness PW2-Surjit Singh at the place of occurrence is highly doubtful. Further, the FSL report does not cement the case of the prosecution in any manner.

24. Therefore, the instant appeal is accepted. The impugned judgment dated 20.12.2003 passed by the Addl. Sessions Judge, Gurdaspur is set aside and the accused/appellants are acquitted of the charges framed against them.

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

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

**07.07.2025**

JITESH

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