



***CRA-D-307-DBA-2004 (O&M), CRA-S-1071-SB-2003 (O&M) & CRR-1952-2003***

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**In the High Court of Punjab and Haryana at Chandigarh**

1. **CRA-D-307-DBA-2004 (O&M)**  
**Reserved on: 12.8.2024**  
**Date of Decision: 23.8.2024**

State of Punjab

.....Appellant

Versus

Harbhajan Singh and others

.....Respondents

2. **CRA-S-1071-SB-2003 (O&M)**

Harbhajan Singh and others

.....Appellants

Versus

State of Punjab

.....Respondent

3. **CRR-1952-2003**

Karam Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR**  
**HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Maninderjit Singh Bedi, Addl. A.G., Punjab.

Mr. P.S. Ahluwalia, Advocate with  
 Mr. Akashdeep Singh, Advocate and  
 Mr. Geetinder Sodhi, Advocate  
 for the appellants No.1 and 2 in CRA-S-1071-SB-2003,  
 for respondents No.1 and 2 in CRA-D-307-DBA-2004 and  
 for respondents No.2 and 3 in CRR-1952-2003.

Mr. Bipan Ghai, Sr. Advocate assisted by  
 Mr. Nikhil Ghai, Advocate  
 for appellant No.3 in CRA-S-1071-SB-2003,  
 for respondent No.3 in CRA-D-307-DBA-2004 and  
 for respondent No.4 in CRR-1952-2003



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Mr. Anmol Pratap Singh Mann, Advocate  
for respondent-Gursewak Singh in CRA-D-307-DBA-2004  
and in CRR-1952-2003

Mr. Rajbir Singh, Advocate,  
Mr. K.S. Sekhon, Advocate and  
Ms. Arandeep Kaur Sidhu, Advocate  
for the petitioner in CRR-1952-2003 and  
for the complainant in CRA-D-307-DBA-2004.

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**SURESHWAR THAKUR, J.**

1. Since both the above appeals (supra) as well as the criminal revision (supra) arise from a common verdict, made by the learned trial Judge concerned, hence all the appeals/revision (supra) are amenable for a common verdict being made thereons.

2. All the appeals/revision (supra) are directed against the impugned verdict, as made on 24.5.2003, upon session case bearing No.25 of 28.11.1996, by the learned Additional Sessions Judge, Fast Track Court, Sangrur, wherethrough in respect of charges drawn against the accused qua offences punishable under Sections 302/325/323/324/34, 343 of the IPC, thus the learned trial Judge concerned, proceeded to record a finding of conviction against appellants-convicts, only for offences punishable under Sections 343 IPC, besides for offences punishable under Sections 325, 324, 323 read with Section 34 of the IPC. Importantly also therebys the learned trial Judge concerned, acquitted the accused namely Harbhajan Singh, Kirpal Singh and Jaswant Singh, for a charge drawn against them for an offence punishable under Section 302 read with Section 34 of the IPC. Moreover, the co-accused Gursewak Singh was acquitted from the charges (supra), as became drawn against him. In addition, through a separate sentencing order of even date, the learned trial Judge concerned, sentenced the appellants-



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convicts in the hereinafter extracted manner.

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*Accused Harbhajan Singh, Kirpal Singh and Jaswant Singh are sentenced to undergo RI for one year under Section 343 IPC. Accused Harbhajan Singh, Kirpal Singh and Jaswant Singh are also sentenced to undergo RI for three years and to pay a fine of Rs.2000/- each and in default of payment of fine they shall further undergo RI for nine months, under Section 325 read with Section 34 IPC. Accused Harbhajan Singh, Kirpal Singh and Jaswant Singh are also sentenced to undergo RI for two years under section 324 read with Section 34 IPC. Accused Harbhajan Singh, Kirpal Singh and Jaswant Singh are also sentenced to undergo RI for one year under Section 323 read with Section 34 IPC. All the sentences shall run concurrent.”*

3. Since the accused-convicts became aggrieved from the above drawn verdict of conviction, besides also, became aggrieved from the consequent thereto sentence(s) of imprisonment, and, of fine as became imposed, upon them, by the learned convicting Court concerned, thereupons they chose to institute thereagainst criminal appeal bearing No.CRA-S-1071-SB-2003.

4. The State of Punjab as well as the complainant have also respectively filed criminal appeal bearing No.CRA-D-307-DBA-2004 and criminal revision bearing No.CRR-1952-2003, wherebys they respectively, seek the recording of findings of conviction against the convicts-accuseds', thus for an offence punishable under Section 302 read with Section 34 of the IPC, hence in addition to the charge(s) (*supra*) *qua* which they are already convicted, besides also seek the conviction of the acquitted accused, for an offence punishable under Section 302 read with Section 34 of the IPC.



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**Factual Background**

5. The genesis of the prosecution case becomes embodied in the appeal FIR, to which Ex.PS is assigned. The narrations carried in Ex.PS are, that on 15.11.1995 Karam Singh brother-in-law of Gamdoor Singh deceased came to know that on 14.11.1995 at about 7.00 P.M. the Railway Police Sangrur abducted his brother-in-law Gamdoor Singh from village Bhai Ki Pishore and when he made inquiries, he came to know that SHO Harbhajan Singh ASI Kirpal Singh and other Police officials have abducted him from his house and at that time, Charanjit Kaur wife of Gamdoor Singh, Naranjan Singh and Bawa Singh were present in the house. Then they made inquiries from Sangrur and other places but could not find Gamdoor Singh. On the next day Karam Singh went to Railway police, Sangrur where Gamdoor Singh and his wife's sister's husband Baghel Singh were found in the custody of the Police with the intervention of respectables, SHO Harbhajan Singh released Gamdoor Singh deceased on 23/11/95 at about 11.00 P.M. in the presence of Kuldip Kaur wife of Karam Singh and Naranjan Singh Sarpanch and handed over Gamdoor Singh to them. At that time, the condition of Gamdoor Singh was very serious and he was unable to move. He was immediately admitted in PGI Chandigarh on 28.11.1995 Baghel Singh reached PGI Chandigarh and told Karam Singh that HC Kirpal Singh had given Danda blows in the head of Gamdoor Singh while HC Jaswant Singh had given injuries on the ribs of Gamdoor Singh and HC Kirpal Singh also drowned him in the water after tying his hands and feet. He further told Karam Singh that SHO Harbhajan Singh pulled legs of Gamdoor Singh apart. On 7.12.1995 at about 4.35 a.m. Gamdoor Singh died in PGI Chandigarh. SI Avtar Singh reached PGI Chandigarh before whom Karam



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Singh made statement, on the basis of which formal case was registered against the accused.

**Committal Proceedings**

6. Since the offences punishable under Section 302 of the IPC, were exclusively triable by the Court of Session, thus, the learned committal Court concerned, through a committal order made on 17.10.1996, hence proceeded to commit the accused to face trial before the Court of Session.

**Trial Proceedings**

7. The learned trial Judge concerned, after receiving the case for trial, made an objective analysis of the incriminatory material, adduced before him. Resultantly, he proceeded to draw a charge against accused, for the commission of offences punishable under Sections 302/325/323/324/34, 343 of the IPC. The afore drawn charges were put to the accused, to which they pleaded not guilty, and, claimed trial.

8. In proof of its case, the prosecution examined 25 witnesses, and, thereafter the learned Public Prosecutor concerned, closed the prosecution evidence. After the closure of prosecution evidence, the learned trial Judge concerned, drew proceedings, under Section 313 of the Cr.P.C., but therein, the accused pleaded innocence, and, claimed false implication. However, they choose to lead six witnesses in their defence evidence.

**Submissions of the learned counsel for the appellants-accused**

9. The learned counsel for the aggrieved convicts-appellants have argued before this Court, that both the impugned verdict of conviction, and, the consequent thereto order of sentence, thus require an interference. He supports the above submission on the ground, that it is based on a gross misappreciation, and, non-appreciation of evidence germane to the charge.



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**Submissions of the learned State counsel and complainant**

10. On the other hand, the learned State counsel as well as the learned counsel for the complainant have argued before this Court, that the verdict of conviction, and, consequent thereto sentence(s) (supra), as become imposed upon the convicts-appellants, are well merited, and, do not require any interference, being made by this Court in the exercise of its appellate jurisdiction. Therefore, they have argued that the appeal, as preferred by the convicts-appellants, be dismissed. Furthermore, they have also argued that the convicts-appellants be also convicted for an offence punishable under Section 302 read with Section 34 of the of the IPC, thus in addition to the offences for which they are already convicted, besides also seek the conviction of acquitted accused, for an offence punishable under Section 302 read with Section 34 of the IPC.

**Star Prosecution Witness**

11. One Baghel Singh stepped into the witness box as PW-3. In his testification comprised in his examination-in-chief, he has made echoings which are in complete alignment, with his previously recorded statement before the police officer concerned. Obviously therebys he has made inculpatory articulations against the accused. The initial statement of PW-3 was recorded on 13.06.1997. However, the witness (supra) was recalled for further re-examination and during the course of his making his testification on 28.04.1999, he thereins too, proceeded to make pervasive inculpatory speakings against the accused.

12. Be that as it may, when the witness (supra), was subjected to cross-examination by the learned defence counsel, he then resiled from the contents of affidavit Ex.PH, which became tendered by him on 28.04.1999,



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besides was made a part of his examination-in-chief. The reason which he assigned, for his resiling from his affidavit Ex.PK, became grooved in the factum, that it was made upon, tutorings and threats became meted to him by the investigating officer concerned. Significantly he did not deny the occurrence of his signatures on affidavit Ex.PK wherein he assigned an inculpatory role to the accused but only stated that the contents thereof rather were never read over nor became explained to him.

13. Obviously since Baghel Singh reneged from the contents of Ex.PK which became tendered by him in his examination-in-chief, on 28.04.1999 and also became a part of his testification, thereupon with the leave of the learned trial Judge concerned, the Public Prosecutor concerned, subjected him to cross-examination. During the course of his cross-examination he reiterated the contents of Ex.PK. Importantly therein he also he stated that the said contents were dictated by him. Moreover, he also stated that on 23.05.1997 he had filed an application for his being provided security, as he was apprehending danger to his life, as DSP Gursewak Singh was threatening him, besides was asking him to resile from his statement. The said application is Ex.PL.

14. Though on 19.05.1999 the witness (supra) on his being put to cross-examination by the learned defence counsel, reneged from Ex.PK, exhibit whereof is an affidavit which was tendered by him in his examination-in-chief, and, which also became a part of his examination-in-chief. Furthermore, the said denial was made on the ground(s) a) qua contents thereof being was neither read over to him nor became explained to him b) qua Ex.PK though becoming signed by him, but after contents thereof remaining uncomprehended by him, c) besides Ex.PK becoming



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authored by him under duress and compulsion becoming exerted upon him by the investigating officer concerned.

**However, for the reasons to be assigned hereinafter the said resiling is frail and is required to be rejected**

15. Firstly, on the ground that Baghel Singh, does not deny his authoring Ex.PK, therebys in terms of Section 91 and 92 of the Indian Evidence Act, thus barring and estopping him from leading oral evidence contrary to the recitals carried in Ex.PK, which admittedly became signaturred by him, but makes the said denial to be idly and perfunctorily made.

16. Secondly, for the reason that when Ex.PK was tendered into evidence by Baghel Singh before the learned trial Judge concerned, whereafters it was also made a part of his examination-in-chief. Moreover, when subsequently he appended his signatures on his testification recorded on 28.04.1999. Therefore, he was required to be adhering to the contents of the provenly authored by him affidavit Ex.PK, rather than his resiling from the contents thereof. Primarily for the reason that Ex.PK was an affidavit sworn by him, whereupon the said affidavit, but was not an unsigned statement recorded under Section 161 Cr.P.C., before the police officer concerned. Therefore, the validly signaturred statement on oath occurring in affidavit Ex.PK, especially when authorship thereof is not denied by him, did reiteratedly attract thereto the statutory bar envisaged in the provisions (supra), as carried in Sections 91 and 92 of the Indian Evidence Act, whereupons he became estopped from renegings from the contents of his affidavit Ex.PK, authorship whereof remains undenied by him.

17. Thirdly, for the reason that after his becoming declared hostile





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by the learned trial Judge concerned, thus the learned Public Prosecutor concerned, during the course of his making an exacting cross-examination upon him, rather securing from him speakings qua the said affidavit becoming dictated by him. If so, the earlier thereto denial, if any by Baghel Singh (PW-3) qua neither the contents thereof being explained to him nor his comprehending them, thus appears to be a flimsily made denial, rather only through pressure and exertion becoming exerted upon him by one DSP Gursewak Singh.

18. Fourthly, for the reason that when on 23.05.1997, he evidently filed an application Ex.PL, thus asking for security becoming provided to him, on account of his apprehending danger to his life from DSP Gursewak Singh, who was threatening him against his adhering to the contents of Ex.PK. Resultantly, when therebys it evidently appears that the DSP concerned, thus was exerting pressure upon him (i.e. PW-3), qua his resiling from the contents of affidavit Ex.PK, which became tendered into evidence and also became a part of his examination-in-chief, wherebys there was but a complete fortified estoppel against PW-3 qua his resiling from the contents thereof, as he had admitted that he had made his signatures thereons. Moreover, therebys the earlier resiling was generated from evident pressure (supra) becoming exerted upon him by accused DSP Gursewak Singh, wherebys he is deemed to be making an inculpatory participation in the crime event.

19. In the face of the above appreciation of evidence of Baghel Singh (PW-3) it can be safely concluded that the prosecution has proven to the hilt the charge drawn against the accused.

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20. In consequence, subject to the decision made in CRA-D-307-DBA-2004 and CRR-1952-2003, the impugned verdict of conviction, and, also the consequent therewith order of sentence, as becomes respectively recorded, and, imposed, upon the appellant-convict by the learned trial Judge concerned, does not suffer from any gross perversity, or absurdity of gross mis-appreciation, and, non-appreciation of the evidence on record. In consequence, there is no merit in the apposite appeal, and, the same is dismissed.

### **FINAL ORDER**

#### **CRA-D-307-DBA-2004 and CRR-1952-2003**

21. Reasons for allowing both the criminal appeal/revision respectively instituted by the State of Punjab and by the complainant whereby both seek the drawings of a verdict of conviction against the convicts for thus the offence punishable under Section 302 of the IPC, in addition to the offences for which they have been already convicted. Moreover, for the hereinafter reasons, both the criminal appeal/ revision (supra), thus seeking the drawing of a verdict of conviction against DSP Gursewak Singh, hence for an offence punishable under Section 302 of the IPC after reversing the finding of acquittal recorded qua him, besides against the acquitted accused (supra), thus are allowed.

22. Initially, the reason for allowing the appeal/revision directed against the verdict of acquittal passed vis-a-vis accused Harbhajan Singh, Kirpal Singh, and, Jaswant Singh, is firmly anchored in the unrebutted inculpatory statement made against them by the star prosecution witness (PW-3), especially when therein he has rendered an ocular account qua the



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incriminatory participation of accused Harbhajan Singh, Kirpal Singh and Jaswant Singh in the crime event.

**Appreciation of Medical Evidence (Post Mortem Report) whereby this Court concludes that all the accused are required to be convicted and consequently sentenced for an offence punishable under Section 302 read with Section 34 of the IPC**

23. The autopsy upon the body of deceased Gamdoor Singh was conducted on 10.12.1995 by PW-2 along with Dr. Jagjit Sharma. PW-2 has proven *qua* his, authoring Ex.PB, as relates to the autopsy as made upon the body of deceased.

24. Moreover, he has proven that the cause of death of deceased Gamdoor Singh, was precipitated by the systemic disturbances produced by the ante mortem injuries hence upon the preexisting cardiac and lung pathology. The injuries were declared to be ante mortem in nature and were declared to be sufficient to cause death in ordinary course of life. The relevant observations as noticed by PW-2 on the body of deceased are extracted hereinafter.

*“1. Lower lip was brushed*

*2. post mortem staining on the back of chest was mixed with patchy area of bruising*

*3. a stitched wound on left lateral chest 6 cms below axilla (wound of ICD)*

*4. three small dipigmented areas (without scabs) were present closed to each other on the dorsum of left hand against the left wrist joint (almost healed abrasion);*

*5. tow abraded small semi healed areas (with scabs present) on the dorsum of left hand one at extreme lateral part of lower and of ulna and the other at extreme medial portion of 2 cms above the left wrist joint,*

*6. bone section wound was present on the medial aspect of right upper arm*



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7. *1 ½ cm abrasion on the medial epicondyle of right elbow joint*

8. *2 ½ x 2 cms contused area present on the front of right forearm 10 cms below this elbow joint*

9. *4 x 3 cms contusion present on the right chest 5 cms below and lateral to the right nipple*

10. *three abraded areas with scabs of dark brown colour measuring 1 x ½ cm, 1 cm x ¾ cm, ¾ cm x ½ cms abraded area dark left knee joint*

11. *three small abraded areas with dark brown scabs present close to each other just against and medial to the tibial prominence*

12. *4 x 2 ½ cms abraded area dark brown in colour present on posterior aspect of left leg 10 cms above the heel 5 ½ cms x 4 cms contused area present just above injury No.12*

13. *12x6 cm contused area bluish black to brown in colour present on the front and adjoining lateral and medial aspects of right leg in the middle*

14. *two small abrasions with aspects of right leg in the middle*

15. *the front of right knee & other against the right tibial prominence and*

16. *2 ½ x 1 cm abrasion dark brown in colour present on medial aspect of right leg 3 cms above the medial malleolus.”*

25. The above assigned reason in the post mortem report vis-a-vis the cause of demise of the deceased is embodied in Ex.PG. (after perusing the report of the chemical examiner [which is Ex.PE]). The opinion formed by PW-2, is extracted hereinafter besides is underlined.

“Death is precipitated by the systemic disturbances produced by the injuries upon pre-existing cardiac and lung Pathology”.

26. The said opinion was made after a period of 3 months elapsing since the making of an autopsy on the body of the deceased. Therefore, the



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learned trial Judge concerned, thus in the wake of occurrence of delay (supra), since the drawing of the post mortem report and the making of Ex.PG, besides on the purported ground that the said opinion is vague, besides its omitting to display as to what systematic disturbances became produced by the ante mortem injuries. Moreover, since the medical board initially made opinion Ex.PA, wherein, an expression was made that the cause of demise of the deceased rather was natural i.e. respiratory failure followed by cardiac arrest. Resultantly cumulatively therebys, the learned trial Judge concerned, concluded that the demise of the deceased was not a result of the ante mortem injuries existing on the body of the deceased, especially when deceased Gamdoor Singh was afflicted with pre-existing cardiology and lung pathology. The said factum is also pronounced by Ex.PE and Ex.PF, contents whereof are extracted hereinafter.

“xxx **Ex.PE**

*The poisons I was led to examine for were:-*

*The result was as follows:- **No poison was detected in the contents of exhibits No.I, II, III, IV and No.V.***

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**Ex.PF**

xxx

**MICROSCOPIC DESCRIPTION**

**Lungs:-** *Sections were examined from Rt. Lung shows pulmonary haemorrhage, pulmonary oedema and chances of bronchopneumonia. Sections examined from left lung shows pulmonary oedema and localized abscess.*

**HEART:-** *Representive sections from different area examined show chances of chronic ischemic heart disease. Sections from coronaries and aerta show moderately severe theromatous lesions.*

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**However, for the reasons to be assigned hereinafter the said reason assigned by the learned trial Judge concerned, to conclude that the demise of the deceased was natural and not homicidal rather is completely infirm.**

27. Firstly for the reason that even if assumingly opinion Ex.PG was made after a period of three months elapsing, since the making of autopsy, on the body of the deceased, yet unless cogent evidence became adduced by the defence, suggestive that the said opinion was falsely made and/or was not based upon any concrete tangible material, thereupon, the said opinion was required to be reversed.

28. Secondly when no material (supra), on record became produced by the defence, thus to rebut the opinion Ex.PG, which however openly speaks qua the demise of the deceased becoming precipitated by systematic disturbances produced by the ante mortem injuries upon pre-existing cardiac and lung pathology. Resultantly, therebys the ante mortem injuries did prima facie precipitate the pre-existing cardiac and lung pathology which was besetting the deceased. Reiteratedly even if, given the factum of the deceased becoming beset with ailments to his heart and lungs, yet the speakings made in Ex.PA, rather could not overrule the opinion enclosed in Ex.PG, whereins, it is clearly stated that the ante mortem injuries existing on the body of the deceased, did have a fatal precipitative effect upon the pre-existing cardiac and lung pathology, inasmuch as, therebys systemic disturbances theretos becoming caused. Therefore, the demise of the deceased did hold a nexus with the ante mortem injuries, which became entailed upon the body of the deceased and which also became proven by ocular witness PW-3, to the crime event, besides also became corroborated by PW-2.



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29. Thirdly even if the team of doctors gave opinion Ex.PA, with declarations therein, that the demise of the deceased was natural, inasmuch as, it arose from respiratory failure or because of cardiac arrest, but unless the author of Ex.PG became confronted with Ex.PA, thereupon the opinion comprised in Ex.PG, which is but subsequent to Ex.PA, did require meteing of deference theretos, rather it becoming completely underwhelmed, as untenably done by the learned trial Judge concerned.

30. Fourthly since the learned trial Judge concerned, but underwhelmed the effect of Ex.PG rather merely on the basis of Ex.PA, and that too, without the doctors concerned, who respectively made them remaining unfronted with the said opinion(s) thus, for therebys the said opinion(s) becoming respectively declared to be holding the completest aura of truth or otherwise, thereupon the opinion expressed in Ex.PG, did acquire formidable evidentiary worth, than its untenably becoming completely underwhelmed.

31. Fifthly since neither the author of Ex.PA nor the author of Ex.PG, became ensured to be led into the witness box, for theirs on the basis of texts of medical jurisprudence, making articulations, thus for theirs respectively failing to vindicate Ex.PG or assuring the judicial conscience of the learned trial Judge concerned, that the opinion Ex.PA, rather was required to be declared to be holding evidentiary worth. Resultantly, the above omission, but leads to the conclusion that there was a complete dereliction of duty on the part of the learned trial Judge concerned, besides on the part of the defence counsel concerned. In sequel, omission (supra), also leads to a conclusion that Ex.PG was required to be declared to be holding the field on the ground that it became supported by tangible material



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i.e. it becoming based upon the report of the chemical examiner. Significantly also since there was consumption of time in the chemical examiner making his opinion comprised in Ex.PE and in Ex.PF, and which ultimately led PW-2 to draw a final opinion (Ex.PF), qua the cause of demise. Therefore, therebys the delay of three months which occurred since the making of an autopsy on the body of the deceased and the rendition of Ex.PG rather becomes completely inconsequential.

32. In sequel, since the demise of the deceased was homicidal, than natural, resultantly the appellants-accused are liable to be convicted for an offence punishable under Section 302 of the IPC apart from the offences, for which they are already convicted.

**Reasons for accepting the appeal/revision filed by the State of Punjab and by the complainant against the verdict of acquittal rendered qua DSP Gursewak Singh, who has been assigned an incriminatory role by PW-3**

33. Since DSP Gursewak Singh has been named by Baghel Singh (PW-3), thereupon even if the log book entries suggested that the said was not at the relevant time available at Sangrur yet the said log book entries did not hold any vigor nor therebys the unrebutted incriminatory speakings made against DSP Gursewak Singh by PW-3 became underwhelmed.

34. The reason is comprised in the factum, that Baghel Singh (PW-3) during the course of his cross-examination, as became conducted by the Public Prosecutor concerned, after his becoming declared hostile rather not only accepting that the contents thereof becoming authored by him, but also stating that his earlier thereto renegings from Ex.PK, were under pressure, besides upon exertion becoming exerted upon him, by DSP Gursewak Singh. Moreover, when he also stated that on account of the said pressure he





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had moved an application for security becoming provided to him. Resultantly, therebys when neither in his cross-examination, thus any suggestions became meted to him nor when any exculpatory speakings theretos emanated from PW-3, wherebys it may be inferred that speakings (supra), are contrived or false. Therefore, the conclusion therefrom, is naturally that, the reasons (supra) assigned for the making a finding of acquittal qua DSP Gursewak Singh, rather are extremely frail and/or are a sequel of gross misappreciation of evidence (supra), as existed on record. As such, DSP Gursewak Singh is also liable to be convicted for an offence punishable under Section 302 read with Section 34 of the IPC along with the other accused. Moreover, when the DSP concerned, has not denied the threatenings becoming extended qua PW-3, thereupon the same is manifestative of his guilt.

35. Accordingly, in view of the above, the instant appeal/revision are allowed. Consequently after allowing the instant appeal/revision respectively filed by the State of Punjab and the complainant, this Court quashes the impugned verdict of acquittal, as made by the learned trial Judge concerned, wherethrough, he made a finding of acquittal in respect a charge drawn for an offence punishable under Section 302 read with Section 34 of the IPC, and modifies the same to the extent that all the accused are held guilty for an offence punishable under Section 302 read with Section 34 of the IPC, in addition to the offence(s) for which respondents No.1 to 3 stand already convicted. The accused are directed to be produced in custody before this Court, on 03.09.2024 for theirs being heard on the quantum of sentence. If the accused concerned, are on bail, therebys they are ordered to be forthwith taken into custody through the learned trial Judge concerned,



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forthwith drawing committal warrants against the accused. Moreover, accused DSP Gursewak Singh, is also directed to be produced in Court, for his being heard on the quantum of sentence.

36. Case property, if any, be dealt with in accordance with law, but only after the expiry of the period of limitation for the filing of an appeal.

37. Records be sent down forthwith.

38. The miscellaneous application(s), if any, is/are, also disposed of.

**(SURESHWAR THAKUR)**  
**JUDGE**

**(SUDEEPTI SHARMA)**  
**JUDGE**

**August 23<sup>rd</sup>, 2024**  
Ithlesh

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