



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

CRA-D-740-DB-2004 (O&M)

Reserved on: September 01, 2026

Date of Pronouncement: September 10, 2026

Uploaded on: September 10, 2026

Ajaib Singh

...Appellant

VERSUS

State of Punjab

...Respondent

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI
HON'BLE MS. JUSTICE MANDEEP PANNU**

Present: Mr.Vinod Ghai, Senior Advocate with
Mr.Arn timer Ghai, Ms.Kashish Sahni and
Mr.Manvir Singh Jaidka, Advocates for the appellant.

Ms.Jagriti Kalia, AAG, Punjab
for the respondent-State.

ARCHANA PURI, J.

Challenge in the present appeal is to the judgment dated 28.07.2004, whereby, appellant-Ajaib Singh was held guilty and convicted for commission of offences under Sections 302 and 307 IPC. Vide order of sentence dated 31.07.2024, the appellant was sentenced to undergo imprisonment for life and to pay a fine of Rs.2,000/-, in default whereof, to further undergo rigorous imprisonment for a period of one month, for the commission of offence under Section 302 IPC, vis-a-vis, murders of Massa Singh and Kamaljit Singh. The appellant was also sentenced to undergo rigorous imprisonment for a period of five years and to pay a fine of

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Rs.1000/-, in default whereof, to undergo rigorous imprisonment for a period of one month, for the offence punishable under Section 307 IPC, for causing injuries dangerous to life, on the person of Amrik Singh.

The essential facts, to be noticed, are as follows:-

That, on 15.10.2002, which was a Dusshera day, at about 7.30 p.m., complainant Balwinder Singh, his friends Karnail Singh and Mukhtiar Singh, residents of village Bhabhlana, had gone to the liquor vend of Jagjitpur, for the purposes of consuming liquor. Kuldip Singh s/o Gurnam Singh, Sukhwinder Singh s/o Lehmbar Singh, r/o Jagjitpur and Narinder Kumar alias Pappu s/o Sohan Lal, r/o Prempur, who were known to Balwinder Singh earlier, were already consuming liquor at the liquor vend. Balwinder Singh, Karnail Singh and Mukhtiar Singh had gone to the tavern and demanded water, upon which, Narinder Kumar alias Pappu handed over empty jug. When Balwinder Singh stated about the jug to be empty, Narinder Kumar abused him and thereupon, scuffle had taken place.

Kamaljit Singh, Massa Singh and Amrik Singh, had also come and they had intervened and separated them. Thereafter, Kamaljit Singh, Massa Singh and Amrik Singh stood on the side of the road and they asked Balwinder Singh and others, to go to the village. Narinder Kumar alias Pappu, under the influence of liquor, had started Swaraj tractor bearing registration No.PB-36A-3656 and run over Kamaljit Singh, Massa Singh and Amrik Singh. Narinder Kumar @ Pappu was given calls loudly for stopping the tractor, but he fled away from the spot. Kamaljit Singh, Massa Singh and Amrik Singh, who had sustained injuries, were taken to Civil Hospital, Phagwara, wherein, Kamaljit Singh had died and Massa Singh and Amrik Singh were referred to Dayanand Medical College & Hospital,

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Ludhiana. Balwinder Singh, being under shock, had gone to his village to narrate the occurrence. On the next day i.e. 16.10.2002, Balwinder Singh had got recorded his statement to ASI Narain Dass, whereupon, the FIR was got registered.

Thereafter, ASI Narain Dass had reached Civil Hospital, Phagwara, where the dead body of Kamaljit Singh was lying. Inquest report was prepared and the officials were deputed for the purpose of conducting of the post-mortem examination. A wireless message was also received from the police station in the hospital, whereby, ASI Narain Dass was informed that Massa Singh had died in Civil Hospital, Jalandhar. Then, officials were deputed to bring the dead body of Massa Singh therefrom. Even, inquest report of dead body of Massa Singh was prepared and post-mortem examination was also got conducted.

Then, ASI Narain Dass had gone to the place of occurrence and prepared the site plan of spot of the occurrence. The clothes of both deceased Kamaljit Singh and Massa Singh were produced, which were converted into parcels and taken into possession vide separate memos.

On 17.10.2002, Narinder Kumar was produced before ASI Narain Dass by Sagil Ram. The tractor trolley was also taken into possession vide separate memo.

On 13.12.2002, an application was moved by Sohan Lal, father of Narinder Kumar, upon which, DSP Chamal Lal had conducted enquiry. As per the enquiry, the allegations levelled in the application were found to be correct. It was held during the course of enquiry that at the time of occurrence, the tractor was driven by Ajaib Singh. It was also held in the enquiry by DSP Chaman Lal that Narinder Kumar was sitting on the



mudguard of the tractor. He submitted the report, whereupon, in pursuance of order of the SSP, further investigation was handed over to SI Sarabjit Rai., who on 01.01.2003 had recorded the supplementary statement of Balwinder Singh complainant and made entry in the DDR, qua offence under Section 304 read with Section 34 IPC. During the course of investigation, statements of various other persons were recorded. He also concluded about Ajaib Singh to be driving the said tractor, whereas, Narinder Kumar was sitting on the mudguard of the same.

On completion of the investigation, challan was presented.

In pursuance of the commitment proceedings. Accused Narinder Kumar and Ajaib Singh were charge-sheeted. However, they pleaded not guilty and claimed trial.

To substantiate its claim, the prosecution examined as many as thirteen witnesses. PW-1 Amrik Singh is injured. PW-2 Karnail Singh and PW-3 Balwinder Singh are the eye witnesses to the occurrence in question. PW-4 Dr. Baldev Raj, Senior Medical Officer, had conducted post-mortem examination on the dead bodies of Kamaljit Singh and Massa Singh. Besides deposing the details of the injuries found, he deposed that all the injuries were ante-mortem in nature and the cause of death on both Kamaljit Singh and Massa Singh, was haemorrhage and shock, which was sufficient to cause death, in the ordinary course of nature.

PW-5 Dr. Sanjiv Babuta, Senior Medical Officer, had proved the bed head ticket of Amrik Singh Ex.PS and stated that he was brought to the hospital on 16.10.2002 and on that very day, without getting further investigations done, the patient got himself discharged and referred to Guru Nanak Dev Medical College and Hospital, Amritsar. PW-12 Dr. Amarjit



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Singh, Junior Resident, Guru Nanak Dev Hospital, had brought the bed head ticket of Amrik Singh, Ex.PCC and stated about injured Amrik Singh to have got admitted in their hospital on 16.10.2002 and was discharged on 27.10.2002. The patient was operated upon and splenectomy was done and further stated that fracture of pelvis was got detected.

PW-7 Constable Harbhajan Singh, PW-8 Jagjit Singh, Patwari, PW-9 Sarabjit Kumar, Clerk and PW-10 Head Constable Balwinder Singh have deposed about conducting of other proceedings, during the course of investigation.

PW-11 ASI Narain Dass is the Investigating Officer. PW-6 DSP Chaman Lal had conducted the enquiry and concluded about Ajaib Singh to have crushed Kamaljit Singh and Massa Singh, whereas, Narinder Kumar was sitting on the mudguard of the tractor. PW-13 is SI Sarabjit Rai, who conducted the subsequent investigation.

Thereafter, the prosecution evidence was closed.

On closure of the prosecution evidence, all the incriminating circumstances appearing against the appellant, were put to him, to which he pleaded false implication. He took the plea that he was not present on 15.10.2002, at the alleged place of occurrence. He has been falsely implicated, after the lapse of 2½ months of taking place of the occurrence. He was not named in the FIR, nor he was named in the first statement of Balwinder Singh, which was got recorded on 16.10.2002. In fact, he had taken the plea that the enquiry report of DSP Chaman Lal, on the application of Sohan Lal, father of Narinder Kumar, was totally false and baseless, as having made, at the instance and in collusion with Narinder Kumar and his father, who were inimical towards him. He also stated about there being



professional jealousy, as they used to cultivate the land with their tractor on hire basis. Also, he had stated that Narinder Kumar and complainant party had compromised the matter. Further, he took the plea that at the time of alleged occurrence, he was working in his fields and sowing the wheat crop therein.

In defence, accused examined DW-1 Avtar Singh and DW-2 Harbhajan Singh.

Various points of determination were formulated by learned trial Court. After hearing learned Public Prosecutor as well as learned defence counsel and on appraisal of the evidence, brought on record, learned trial Court had acquitted Narinder Kumar, whereas, Ajaib Singh was held guilty, convicted and sentenced, as detailed in the earlier portion of the judgment.

Being aggrieved, appellant-Ajaib Singh has filed the present appeal.

We have heard learned counsel for the appellant as well as learned State counsel and with their able assistance, scrutinized the trial Court record.

At the very outset, learned counsel for the appellant, has emphatically submitted that the prosecution has miserably failed to lead any cogent and convincing evidence, to rope in Ajaib Singh, at a later stage of the investigation. In fact, he submits that the evidence, vis-a-vis, '**fit-in**' of Ajaib Singh, in lieu of Narinder Kumar, who was earlier arraigned to be driving the tractor in question and caused the occurrence, as such, has not been appraised in correct perspective. Counsel for the appellant further submitted that it was only after a period of 2½ months of taking place of the



occurrence, that on an application of Sohan Lal, father of Narinder Kumar, an enquiry was conducted. What led to the filing of an application for further enquiry, after a period of 2½ months, is a big question mark. In fact, the complainant had changed the entire version and implicated the appellant.

Learned counsel submits that without any substantial evidence brought on record, the initial version set up by Balwinder Singh, soon after the occurrence and also coming forth in the facts recorded in the inquest report, as such, has been changed, for no good reason. Rather, counsel submits that three material witnesses examined by the prosecution, are injured Amrik Singh and also complainant Balwinder Singh and Karnail Singh, who are the eye witnesses to the occurrence in question. However, all the three aforesaid witnesses are not at all trustworthy and reliable. In fact, they had changed their stand, with regard to the role earlier assigned to Narinder Kumar, at the time of registration of the FIR and they roped in Ajaib Singh, at a later stage, on the pretext of enquiry, fallaciously conducted at the instance of Sohan Lal, father of Narinder Kumar. Even, the enquiry report is not above board and it reflects about the police authorities to be all out to render assistance to Narinder Kumar, to wriggle him out of the criminal liability and ‘**fit-in**’ the role of Ajaib Singh, in causing the occurrence, while driving the tractor in question. He further submits that it is case of shoddy investigation.

Learned counsel for the appellant submits that in view of the material witnesses, while deposing in the Court, having changed their stand completely qua Narinder Kumar, despite the role assigned to him in the enquiry report and took a somersault qua the statements earlier recorded and introduced Ajaib Singh as main accused, the prosecution case, as such,



cannot be termed to be free from doubt. Thus, he makes prayer for acceptance of the appeal and to set aside the judgment of conviction.

On the other hand, learned State counsel refutes the claim of the appellant. In fact, she submits that ASI Narain Dass, Investigating Officer, at first instance, did not conduct proper investigation and he had intentionally protected Ajaib Singh, by not mentioning his presence, even at the spot of occurrence. So far as, Narinder Kumar is concerned, he has been acquitted as the witnesses did not support the prosecution version, qua his role. The enquiry was conducted in due course. No doubt, Ajaib Singh was not named in the FIR, but the statement of Balwinder Singh was never recorded, as his signatures were obtained on blank papers. Therefore, it has been correctly discarded by the trial Court. It was only in pursuance of enquiry report, which indicted Ajaib Singh, supplementary statement of Balwinder Singh was recorded, upon which, Ajaib Singh was arrested. In fact, while making reference to the testimonies of the eye witnesses as well as the injured and the investigating officer, she submits that the culpable role of Ajaib Singh stands amply established and he has been correctly convicted and sentenced by learned trial Court.

Thus, learned State counsel makes prayer for dismissal of the appeal.

It is a case of direct evidence. The occurrence in question took place on 15.10.2002. Since, there is variation allegedly falling in the narration of the incident, more particularly, as between the various statements of the same witnesses, the judicial scrutiny to arrive at the truth, is onerous duty for the Court to be performed.

Before advertng to the scrutiny of the evidence, it has to be considered that in assessing the value of evidence of the eye-witnesses, two



principal considerations are whether, in the circumstances of the case, it is possible to believe their presence, at the scene of occurrence or in such situations, as would make it possible for them to witness the facts deposed to by them and secondly, whether there is anything inherently improbable or unreliable in their evidence. In respect of both these considerations, the circumstances, either elicited from those witnesses themselves or established by other evidence, tending to improbabilise their presence or to discredit the veracity of their statements, will have a bearing, upon the value which a Court would attach to their evidence. Although, in cases where the plea of the accused is a mere denial, yet the evidence of the prosecution witnesses has to be examined on its own merits, where the accused raise a definite plea or puts forward a positive case which is inconsistent with that of the prosecution, the nature of such plea or case and the probabilities, in respect of it, will have to be taken into account while assessing the value of the prosecution evidence.

It is necessary to remember that a Judge does not preside over a criminal trial, merely to see that no innocent man is punished. A Judge also presides to see that a guilty man does not escape. One is as important, as the other. It is the duty of the Court to cull out the snippets of truth, from the evidence, unless there is reason to believe that the inconsistencies or falsehood, are so glaring, as utterly to destroy the confidence in the witnesses examined.

The basic principle of criminal jurisprudence is that accused is presumed to be innocent, until his guilt is proved beyond reasonable doubt. Yes of course, the witnesses cannot be expected to have photogenic memory and they cannot be expected to depose only in one manner, vis-a-vis, taking



place of the occurrence and that too, without any flaw. However, simultaneously, it has to be kept in mind that such flaws do create serious doubt in the mind of the Court, about the truthfulness of the witnesses and if it appears so and the impression is carried that there is clear improvement and the wrongful conduct of the investigating agency is evident, then it is not safe to rely upon such evidence.

Adverting to the case in hand, the testimony of the eye witnesses is only consistent, on the aspect of inflicting of the injuries upon Kamaljit Singh, Massa Singh and Amrik Singh and consequential deaths of Kamaljit Singh and Massa Singh. However, on all other factors, vis-a-vis, the role of Ajaib Singh (and for that matter, even of Narinder Kumar, since acquitted), as such, there is evident transposition of role of Narinder Kumar with Ajaib Singh, who was never named, at first instance.

The FIR in question was registered, on the basis of the statement of Balwinder Singh got recorded to ASI Narain Dass on 16.10.2002. Said Balwinder Singh was examined, during the course of the trial as PW-3. Therein, he stated about the occurrence having taken place on 15.10.2002, when he along with Karnail Singh and Mukhtiar Singh had gone to liquor vend of village Jagjitpur for intake of the liquor, at about 7.00 p.m. on Dusshera day. He also deposed that Massa Singh, Karamjit Singh, Amrik Singh, Ajaib Singh and other persons were present there and Ajaib Singh asked him to get some water. He handed over the empty jug to Ajaib Singh. Thereupon, Ajaib Singh abused him and there was altercation, which led to grappling between them. Further, he stated that Massa Singh, Karamjit Singh and Amrik Singh intervened and separated them. He further deposed that Ajaib Singh, in order to kill them, had run over the tractor upon these



persons, as a result whereof, they sustained injuries. Massa Singh and Karamjit Singh died later on due to the crush injuries and Amrik Singh was shifted to Guru Nanak Dev Hospital. It was on the following day that his signatures were obtained by the police on the blank papers.

Also, the said witness deposed that Narinder Kumar was not driving the tractor, nor he was involved in the occurrence. The said witness was declared hostile, with regard to role of Narinder Kumar. Cross-examination was conducted by the Public Prosecutor. He was confronted with his statement Ex.PC, which is a supplementary statement and therein, he stated about having asked Narinder Kumar to provide water to them and he had given an empty jug, which led to the scuffle. Furthermore, he was also confronted about Narinder Kumar having given the keys of the tractor to Ajaib Singh and that Narinder Kumar also sat on the tractor, but he denied to have made such statement. Further, the said witness was also confronted with his statement Ex.PD, on the basis whereof, FIR was got registered, wherein, he had stated about Narinder Kumar to have started the tractor in question and passed over Massa Singh, Karamjit Singh and Amrik Singh, but however, the said witness denied to have made the statement. This witness stated that though Ex.PD bears his signatures, but he had signed the blank papers.

In his further cross-examination, he had admitted that his statement was got recorded by ASI Narain Dass and he also stated that he did not move any application to the police on 16.10.2002. ASI Narain Dass had obtained his signatures on the blank papers and he had not dictated the statement to him. Further, he had also stated about his statement having recorded by the police, several times and further also, that his statement was



recorded by the police, to their own choice, not according to the facts, as narrated by him. He identified his signatures on the statement Ex.PD.

Further also, the said witness stated that he did not make the statement to the police on 01.01.2003. He also admitted a suggestion to be correct that police had recorded the alleged statement Ex.PC as wrong. This statement is dated 01.01.2003. When a suggestion was given to the said witness, with regard to the arrival of the compromise with Narinder Kumar, he did not specifically deny about the same. He had taken the plea that he does not know about arrival of the compromise.

From the testimony of the said witness, while taking into consideration his initial statement Ex.PD, on the basis whereof, FIR was registered and his supplementary statement got recorded on 01.01.2003, which is Ex.PC, got recorded in pursuance of the enquiry conducted, thereby indicting appellant-Ajaib Singh, the said witness has changed his version. He has stated that the police of its own had added about the role of Narinder Kumar, in the subsequent statement. With regard to the first statement, he had made total denial, while stating about his signatures taken on blank papers. However, no immediate steps to question about the manner of obtaining of the signatures on blank paper, was ever made. No application of any kind was given to the police or to any other authority.

Now, let us consider the statement of PW-2 Karnail Singh. This witness also deposed about having accompanied Balwinder Singh complainant to the liquor vend for intake of liquor on 15.10.2002. He also stated that Mukhtiar Singh demanded water from Ajaib Singh and he abused him. Thereafter, they had grappled. This witness also deposed about presence of Amrik Singh, Massa Singh and Kamaljit Singh and further also



stated that on account of the scuffle, they had intervened, but however, Ajaib Singh, while in a drunkard condition, had started the tractor and ran over the same upon Kamaljit Singh, Massa Singh and Amrik Singh and then Ajaib Singh, ran away with the tractor.

So far as, role assigned to Narinder Kumar is concerned, this witness had taken a somersault and stated that he does not know Narinder Kumar. He changed the version entirely, with the role assigned to Narinder Kumar by Balwinder Singh in the FIR. However, the said witness also turned hostile and therefore, was cross-examined by the Public Prosecutor. He was confronted with his statement Ex.PB made on 01.01.2003, which was got recorded, after conducting of the enquiry and he was confronted with the presence of Narinder Kumar and he being asked by Balwinder Singh for the demand of jug of water, upon which, he gave empty jug, as a result whereof, altercation had taken place. However, he denied to have made any such statement.

Furthermore, he also had stated about Ajaib Singh to have crushed Amrik Singh, Massa Singh and Kamaljit Singh, while driving tractor bearing registration No.PB-36A-3656 and further was confronted with the statement that Narinder Kumar having started the tractor and Ajaib Singh having sat on the mudguard of the tractor. He denied about so stating in his statement Ex.PB. Further, the said witness in the cross-examination stated about police having recorded his statement twice and he also admitted to be correct that his statement was recorded by the police on 16.10.2002, copy whereof is Ex.DA. He was confronted with the said statement, vis-a-vis, the role assigned to Narinder Kumar and he denied about having so stated. He was also confronted with the recitals of the statement qua Narinder Kumar



having started the tractor.

Furthermore, the prosecution has examined PW-1 Amrik Singh, who had sustained injuries in the occurrence in question. In his examination-in-chief, the said witness also asserted about Ajaib Singh to be present and altercation having taken place between Ajaib Singh and Mukhtiar Singh and that the tractor was driven by Ajaib Singh, who struck the tractor against him, Massa Singh and Kamaljit Singh, as a result whereof, they had sustained injuries, which proved fatal for Kamaljit Singh and Massa Singh. This witness also stated that he was taken to Civil Hospital, Jalandhar, wherefrom, he was referred to Guru Nanak Dev Hospital and he remained admitted in the hospital for 12 days. This witness has also changed the version, with regard to the presence of Narinder Kumar and stated that he was not present at the liquor vend. In fact, he had not seen Narinder Kumar, at the liquor vend.

As he turned hostile, qua the role of Narinder Kumar, he was cross-examined at length and was confronted with his statement Ex.PA, which is dated 01.01.2003, but he denied to have made the statement. Furthermore, in cross-examination, he stated that he remained conscious throughout, after the receipt of the injuries, till discharge from the hospital. He also stated that police had not come to him on 16.10.2002 and his statement was recorded in November 2002. He also admitted to be correct that the police recorded his statement, which was read over and explained to him and he had admitted the same to be correct. The only statement coming forth is Ex.PA. Qua the same, he denied the suggestion that he resiled from his statement, at the instigation of Narinder Kumar. The police had not met him in the civil hospital.



In further part of the cross-examination, he also stated that he narrated, not the name of Narinder Kumar but he had named Ajaib Singh as assailant. He admits about recording of his statement, but stated that the name of Narinder Kumar has been added by the police, of its own. However, he remained silent relating to any addition allegedly made by the police, in his statement.

Such are the testimonies of material witnesses, who changed their version respectively, with regard to statements got recorded earlier in time, where role was assigned to Narinder Kumar about his driving the tractor. Not only this, now adverting to the enquiry conducted by PW-6 DSP Chaman Lal. The said enquiry was conducted, on the basis of the application Ex.PT, filed at the instance of Sohan Lal, who is father of Narinder Kumar, who has since been acquitted by the trial Court.

From the contents of the said application, it is evident that Sohan Lal had earlier moved an application on 30.10.2002, requesting therein, to enquire the facts of the FIR of the present case and that enquiry was marked to DSP Phagwara. Therein, he also stated that the matter was enquired into and Ajaib Singh was arrested, but the investigating officer gave twist to the facts. Thereafter, he had again filed an application on 02.12.2002, stating the actual facts, which was marked to DSP Daljit Singh, but till date i.e. upto 13.12.2002, no further action was taken and then, he moved this application.

Close to the same also, it is important to make reference to the testimony of PW-6 DSP Chaman Lal. He had admitted a suggestion to be correct that the FIR, which was initially registered, the name of Ajaib Singh did not figure and further also stated that before the application moved by Sohan Lal, which was marked to him, another application was moved by



Sohan Lal, in which enquiry was conducted by DSP Phagwara and name of Ajaib Singh figured for the first time in that enquiry. He further stated that he does not know, in which month, for the first time, name of Ajaib Singh, figured in that case.

Considering the recitals of Ex.PT and testimony of PW-6 DSP Chaman Lal, it is evident that prior to the application Ex.PT, there were two earlier applications filed by Sohan Lal, father of Narinder Kumar. However, the said applications have not seen the light of the day. What was the necessity to file the third application for enquiry is a wild guess. Even, what was the fate of two earlier applications, as such, nothing is coming forth. Even, in the enquiry report, which is prepared by PW-6 DSP Chaman Lal, which is Ex.PU, he had stated about having recorded statements of Sohan Lal as well as joint statement of Shamli Ram, Lambardar, Malkiat Singh, Kashmiri Lal and Charanjeet and further also of rival party having examined Balwinder Singh, Amrik Singh and Bhajna Ram.

In the findings, it was concluded that Ajaib Singh was driving the tractor in question and Narinder Kumar was sitting on the mudguard. However, no detail, as such, has been given, with regard to the statements of the persons, so recorded. Therein also, there is no mention made of having associated ASI Narain Dass and also Narinder Kumar. PW-11 ASI Narain Dass had stated that he was not joined in the enquiry. Without association of ASI Narain Dass, how it was concluded about the investigation conducted in a wrongful manner, as such, is also not spelt out from this enquiry report.

Furthermore, in the enquiry report, there is also presence of Narinder Kumar concluded at the relevant time, as he was stated to be sitting on the mudguard. However, when in the witness box, the material witnesses



Karnail Singh and Balwinder Singh, who are eye witnesses, outrightly denied about the presence of Narinder Kumar, at the spot, what to talk about the role further assigned to him, at first instance.

PW-1 Amrik Singh, is the person, who had sustained injuries. However, his statement was recorded on 01.01.2003. It is evident from the medical record that he remained admitted in hospital from 16.10.2002 to 27.10.2002 and also it is evident that this witness also stated that throughout the period of his admission, he remained conscious, but his statement, as such, was not recorded at earlier time. It was only in pursuance of the enquiry, his statement was recorded. Even, PW-6 DSP Chaman Lal and PW-13 SI Sarabjit Rai, while in the witness box, stated about Narinder Kumar to be sitting on the mudguard.

Considering the totality of the evidence, even though, the enquiry report furnished, as such, is found to be cryptic and is not established to have been prepared in the appropriate manner and that too without association of persons concerned i.e. Narinder Kumar as well as the then investigating officer, but anyhow, even if the same is taken into consideration, then also, it is pertinent to mention that three material witnesses examined, during the course of trial, as detailed aforesaid, changed their version, with regard to the role, which was earlier assigned to Narinder Kumar and also his presence, at the spot, which was otherwise concluded in the enquiry and also stated by them in their subsequent statements, got recorded after the furnishing of the enquiry report. This also shows about their anxiety to depose for the favourable conclusion of innocence of Narinder Kumar. Even, the judgment of acquittal, has not been further challenged. The inconsistencies coming in their testimonies, with regard to



the role of Ajaib Singh, is writ large, which in itself undermines the credibility of said witnesses. It demonstrates about the twisting of the facts, in a planned manner, by way of filing of the applications for conducting further enquiry, which was in fact not conducted in appropriate manner. Earlier two applications, filed by Sohan Lal, have not seen the light of the day and what was the conclusion drawn therein, has also not been put forth.

Thus, it creates an impression of these witnesses having sided with Narinder Kumar and probability of arrival of compromise, which has not been specifically denied by Balwinder Singh, as such, cannot be ruled out. Thus, these witnesses are neither trustworthy nor reliable. Precisely, on this account, it is not safe to rely upon their testimonies.

Being so, considering the fact of name of Ajaib Singh having never been figured in FIR and that there was total silence for a period of 2½ months and the cryptic manner of conducting of the enquiry as well as considering the manner of somersault taken by three material witnesses and non-recording of statement of Amrik Singh, at the earliest, all these are the doubtful circumstances spelt out. Precisely, taking the same into consideration, with the changing of the version by the prosecution witnesses as detailed aforesaid, the prosecution case, as such, cannot be said to be free from doubt, vis-a-vis, role of Ajaib Singh, as projected.

Thus, in the ultimate analysis, we reach to the conclusion that prosecution version, in the manner put forth, is not free from doubt and the benefit of the same, ought to be extended to appellant-Ajaib Singh. Resultantly, the appeal is hereby accepted and the judgment of conviction and order of sentence are set aside.

The bail bonds, if any, furnished by the appellant, shall stand



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discharged.

The pending misc. applications, if any, shall stand disposed of.

(ARCHANA PURI)
JUDGE

(MANDEEP PANNU)
JUDGE

September 10, 2026
Vgulati

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