

CRA-D-830-DB-2004 (O&M)
and other connected cases

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

(1)

CRA-D-830-DB-2004 (O&M)

Sinder Kaur

... Appellant

Versus

State of Punjab

... Respondent

(2)

CRA-D-866-DB-2004 (O&M)

Kesar Singh

... Appellant

Versus

State of Punjab

... Respondent

(3)

CRR-422-2005 (O&M)

Mann Singh

... Petitioner

Versus

State of Punjab and others

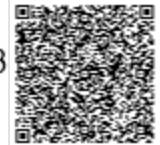
... Respondents

Date of decision : 28.08.2025

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

Present:- Mr. H.S. Randhawa, Advocate (*Amicus Curiae*)
for the appellants in both the appeals.

Mr. Pragbir Singh Dhindsa, Advocate
for the petitioner/complainant in CRR-422-2005.



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Mr. H.S. Deol, Senior DAG, Punjab.

H.S. Grewal, J.

1. This order shall dispose of CRA-D-830-DB-2004, CRA-D-866-DB-2004 and CRR-422-2005 as these are arising out of identical FIR as well as against the judgment of conviction and order of sentence. For the sake of brevity, the facts are being taken from CRA-D-830-DB-2004.
2. CRA-D-830-DB-2004 and CRA-D-866-DB-2004 have been preferred by the appellants-Sinder Kaur and Kesar Singh against the judgment of conviction and order of sentence dated 20.08.2004 passed by the learned Additional Sessions Judge, Patiala in case FIR No.64 dated 31.01.2003, registered at Police Station Saddar Patiala, whereby the appellants had been convicted and sentenced to undergo as under:-

Section(s)	Sentenced to undergo	Fine (each)	In default of payment of fine (each)
302/34 IPC	Life imprisonment	Rs.1,000/-	06 months RI
201 IPC	05 years RI	-	-
364 IPC	-	-	-
It was ordered that all the sentences shall run concurrently.			

3. CRR-422-2005 has been preferred by the complainant against the aforesaid judgment qua the acquittal of Manjit Singh.
4. The prosecution case is based upon the complaint given by Mann Singh s/o Ganda Singh, r/o village Lakheywal on 31.01.2003 to the police party headed by ASI Ajit Singh, who was present at the bus stand of village Kalyan in connection with patrol duty. Mann Singh (complainant) had stated



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that he had two sons, namely, Camdoor Singh and Satguru and two daughters Rajinder Kaur and Amandeep Kaur. About five years ago, the marriage of Amandeep Kaur was solemnized with Kuldip Singh son of Karnail Singh r/o village Kheri Gorian. On 22.01.2003, the complainant had gone to village Kheri Gorian to meet his daughter Amandeep Kaur, when Kesar Singh driver s/o Sukhdev Singh r/o village Kapial had come to the house of in-law's of her daughter. He took Kuldip Singh in his presence from village Kheri Gorian with him at about 09:00 A.M. but had not returned. The complainant went to Thuhi road Khatra Rice Mill, Nabha road, in order to meet Kesar Singh and had enquired about Kuldip Singh who told that Kuldip Singh went back to his home in the evening itself. Thereafter, Sinder Kaur mother of Kuldip Singh lodged a missing report of her son at Police Station Saddar, Patiala which was recorded vide DDR No.12 dated 27.01.2003. The complainant continued to make search for his son-in-law (Kuldip Singh) and came to know that he(Kuldip Singh) had been abducted after entering into conspiracy by accused Kesar Singh, Manjit Singh and Sinder Kaur with an intention to kill him.

5. On the basis of the aforesaid statement of the complainant, ruqa was sent to the Police Station for registration of the case on the basis of which formal FIR was recorded on 31.01.2003 at 08:25 P.M. The Investigating Officer had visited village Kheri Gorian and recorded the statements of witnesses under Section 161 Cr.P.C. and the police had come to the conclusion that accused-Sinder Kaur had illicit relations with accused-Kesar Singh and she was considering Kuldip Singh as a hurdle in the said matter and after entering into conspiracy with Manjit Singh and Jagsir Singh, she got abducted Kuldip



Singh on 02.02.2003. The body of Kuldip Singh was recovered from the canal near village Thuhi. The Investigating Officer had taken the body into custody after taking the photographs of the same and prepared inquest report. Thereafter, the dead body was sent for post mortem to Rajindra Hospital, Patiala where the post mortem on the dead body of the deceased was conducted and thereafter the same was cremated. The clothes of the deceased were also taken into possession vide separate recovery memo.

6. On 03.02.2003, Gulab Singh s/o Prem Singh, r/o village Phumanwala had met with the Investigating Officer near bridge constructed on the Bhakra canal and made a statement that accused-Kesar Singh and his son Jagsir Singh had suffered extra judicial confession before him that they had firstly abducted Kuldip Singh, then had taken him to their house at village Thuhi road, Nabha and killed him. The body thereafter was thrown in Rohti Nadampur canal. The accused had also requested Gulab Singh to manage their safe surrender before the police.

7. On 15.02.2003, Sukhwinder Singh, Sarpanch and Shamsher Singh, Panch of village Lakheywal, had produced the accused/appellants before the Investigating Officer and on 06.02.2003, scooter bearing registration No. PB-11-M-9030 registered in the name of Kuldip Singh got recovered and on 07.02.2003 during investigation, Manjit Singh(accused) had made disclosure statement and got recovered golden ring of Kuldip Singh on which words KS were embossed and cash received by him as consideration for murder of Kuldip Singh.



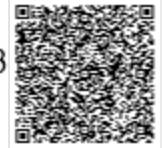
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8. After completion of the investigation, challan was presented in the trial Court and charges under Sections 364/302/201/34 IPC were framed against the accused/appellants to which they pleaded not guilty and claimed trial.

9. Learned counsel for the appellants submits that the trial Court had erred in convicting the appellants as there were material contradictions in the prosecution versions which strike at the root of the case. The alleged motive attributed to the appellants is also not proved beyond doubt as there was no independent or convincing evidence to suggest any conspiracy. Learned counsel further submits that the testimonies of the prosecution witnesses regarding extra-judicial confessions are not trustworthy as such confessions are inherently weak pieces of evidence and cannot be made the sole basis for conviction. He also submits that the recoveries shown to have been effected at the instance of the accused/appellants were planted to create false evidence. He, therefore, prays for setting aside the judgment of conviction and order of sentence imposed upon the appellants by giving them the benefit of doubt.

10. On the other hand, learned State counsel submits that it is a case of pre-planned and cold blooded murder. The prosecution had successfully established the motive for having illicit relationship between accused Sinder Kaur and Kesar Singh, to which the deceased had been objecting and had demanded separation of his share of land. Learned counsel further submits that both the extra-judicial confessions made before independent witnesses, coupled with the recoveries effected pursuant to disclosure statements, form a complete chain of circumstances pointing towards the guilt of the appellants. The



medical evidence also corroborates the prosecution version. Learned State counsel thus submits that the prosecution had proved its case beyond reasonable doubt and there is no illegality or perversity in the judgment of the trial Court warranting interference by this Court.

11. Learned counsel for the petitioner/complainant submits that the trial Court had rightly convicted the appellants but had erred in acquitting co-accused Manjit Singh despite having recovery of incriminating article at his instance. Learned counsel further submits that accused-Manjit Singh was an active participant in the conspiracy and his acquittal is unsustainable. It is further submitted that the complainant, being the father-in-law of the deceased, has been consistently supporting the prosecution version and his testimony cannot be discarded. It is thus prayed that the revision petition be allowed, and Manjit Singh also be convicted for the offences charged.

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

13. In order to substantiate the charge against the appellant(s), the prosecution had examined 17 prosecution witnesses i.e. PW1 Sukhwinder Kumar Patwari, PW2 Nasib Chand, PW3 Head Constable Darshan Singh, PW4 Sukhwinder Singh s/o Nachhatar Singh, PW5 Dr. Harjinder Singh, Medical Officer, PW6 Naresh Kumar, PW7 Sukhdev Singh, PW8 Gulab Singh, PW9 Mann Singh(Complainant), PW10 Amandeep Kaur (wife of the deceased), PW11 Head Constable Sudh Singh, PW12 Head Constable Chet Ram, PW13 Constable Kulwant Singh, PW14 Harainder Kumar Halqa Patwari, PW15 Piara Singh, PW16 Inspector Rajwinder Singh and PW17 ASI Ajit Singh.



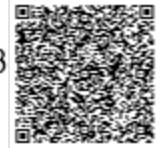
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14. PW1 Sukhwinder Kumar Patwari had prepared the scaled site plan and had proved the same as Ex.PA. PW2 Nasib Chand Clerk, D.T.O office, Patiala had deposed that as per the record of registration of vehicles, scooter No.PB-11-M-9030 was registered in the name of Kuldip Singh s/o Karnail Singh r/o village Kheri Gorian, Distt. Patiala.

15. PW3 Head Constable Darshan Singh had deposed that on 02.02.2003, Inspector Rajwinder Singh had handed over the dead body along with other documents and inquest report to him. He had been instructed to get the post mortem conducted from Rajindra Hospital, Patiala. As per the direction of Inspector Rajwinder Singh, he had gone to Rajindra Hospital, Patiala and got conducted the post mortem on the dead body and after the post mortem, the Doctor had handed over to him the parcel of clothes and copy of the post mortem report which he had handed over to Inspector/SHO Rajwinder Singh which was taken into possession vide memo Ex.PB.

16. PW4 Sukhwinder Singh had deposed that he knew Mann Singh of village Lakhowal and his daughter was married to Kuldip Singh of village Kheri Gorian. He came to know that Kuldip Singh is missing since 22.01.2003 and his dead body was recovered after one week from the river i.e. from Rohti Nadampur canal in the area of village Mehs which was taken into possession vide recovery memo Ex.PB. He further deposed that on 05.02.2003, when he along with Shamsher Singh (Panch) was present in his house at about 10:30 A.M. accused-Kesar Singh and Jagsir Singh had come in his house and told him that he had committed a sin and on inquiry, he told that they had killed Kuldip Singh and they should be produced before the police. He further



deposed that Kesar Singh further disclosed that Jagsir Singh and Sonu had caught hold of Kuldip Singh from his legs and he had given a Sota blow on the person of Kuldip Singh. Accused-Jagsir Singh had also made a confession that his father had given a Sota blow on the person of Kuldip Singh and the second blow of Sota was given by accused-Sonu. He further disclosed that 2/3 blows of Sota were also given on the person of Kuldip Singh and his dead body was thrown in the river. It was also disclosed that Kesar Singh had illicit relations with Sinder Kaur (mother of Kuldip Singh) and Kuldip Singh was raising a quarrel on that account and Kuldip Singh was also demanding his share of land. Thereafter, he (PW4) had produced Kesar Singh and Jagsir Singh before the police at Police Station Saddar, Patiala and grounds of arrest Ex.PC and Ex.PD were disclosed to Kesar Singh and Jagsir Singh who thumb marked/signed the same.

17. PW5 Dr. Harjinder Singh had deposed that on 02.02.2003, he had conducted the post mortem examination on the dead body of Kuldip Singh, aged about 25 years, which was brought by PW3 HC Darshan Singh and was identified by Nachhatar Singh s/o Gurdial Singh (uncle of the deceased) and Ranjit Singh s/o Arjan Singh (brother of the deceased). The Doctor had deposed that the dead body was well built and well nourished wearing pant, underwear, shirt and jersey. Body was in the moderate state of decomposition. Face was swollen, tongue was protruded, abdomen was distended, genitals were swollen, scalp hair were easily taken out, body was emitting foul smell, washer woman's hands and feet and peeling of skin was present. The Doctor had found following injuries on the dead body of Kuldip Singh :-



“Lacerated wound 3 x 1 cm obliquely was present on the upper part of the forehead in its centre with underneath bone fractured and lacerating the corresponding part of brain. Fractured ends of the bone showing infiltration of blood. Diffused subdural haematoma was present over both the cerebral hemispheres. Clothes and body were wet and smeared with mud and all the other organs were decomposed.”

The Doctor had opined that the cause of death was due to head injury which was *ante mortem* in nature and was sufficient to cause death in routine course of nature. After the post mortem, he had handed over the stitched body, copy of the post mortem report, police papers duly signed and sealed packet containing jersey, pant, shirt and underwear with one seal and sample seal and proved his reports Ex.PE and Ex.PE/1.

18. PW6 Naresh Kumar, photographer had proved the photographs of the dead body Ex.P1 to Ex.P21 and the negatives thereof were Ex.P.22 to Ex.P.42.

19. PW7 Sukhdev Singh, who was doing the business of goldsmith, had deposed that he had prepared the ornaments at the instance of Mann Singh of Lakhewal in connection with the marriage of his daughter. He had deposed that the ring (Ex.P43) had been prepared by him which bore the letters 'KS' and the bill regarding the same is Ex.P43.

20. PW8 Gulab Singh, Vice President of Co-operative Bank of village Kala Jhar had deposed that on 02.02.2003 at about 10/11 A.M. he was present at his house. Accused Sinder Kaur and his son Manjit Singh came at his residence on a scooter. They disclosed that they are being chased by the police



and they had committed a crime. First of all, accused Sinder Kaur had made an extra judicial confession before him that they had murdered Kuldip Singh (her son) with the help of Kesar Singh, Manjit Singh and Jagsir Singh. He further deposed that Kesar Singh had illegal relations with Sinder Kaur and Kuldip Singh was also asking her to give his share of land. The accused persons had conspired with each other i.e. Kesar Singh, Manjit Singh and Jagsir Singh to eliminate Kuldip Singh, who was raising objection as to why Kesar Singh came to their house. He further deposed that on 22.01.2003, Mann Singh (father in-law of Kuldip Singh) had come to the house of Kuldip Singh where Kesar Singh, Manjit Singh and Sinder Kaur were also present. Kuldip Singh, Sinder Kaur and Manjit Singh had quarrelled for distribution of the land and Kesar Singh was also present there. Kuldip Singh was sent with Kesar Singh on his scooter but he did not return back. Manjit Singh also went to the house of Kesar Singh. On the next day, Manjit Singh informed Sinder Kaur that Kuldip Singh had been finished and the land of Sinder Kaur had been given permanently to him and she requested him to save her from the clutches of the police. He also deposed that Manjit Singh had also disclosed the same facts and he also requested to save him from the police. Manjit Singh further disclosed that at the house of Kesar Singh, Jagsir Singh and Manjit Singh along with Kuldip Singh were present and at about 02:00 A.M. Kuldip Singh was sleeping in the shelter. Accused-Manjit Singh and Jagsir Singh had pressed Kuldip Singh and accused-Kesar Singh had given a Ghotna (sota) blow two times on the head of Kuldip Singh. Manjit Singh had caught Ghotna from Kesar Singh and had given 2-3 blows on the head of Kuldip Singh upon which Kuldip



Singh died. He further disclosed that Kesar Singh, Jagsir Singh and Manjit Singh had himself caught hold of the dead body of Kuldip Singh and thrown the dead body in the nearby canal. He (PW6) had also deposed that on the next day at about 04:00 P.M. he came at Bus Stand Patiala, but the accused/appellants did not reach there and when he was returning therefrom, they had met him and both the accused were produced before ASI Ajit Singh.

21. PW9 Mann Singh, who is the complainant in this case, had reiterated the version as mentioned in the FIR and had fully supported the case of the prosecution.

22. PW13 Amandeep Kaur (daughter of the complainant and wife of deceased-Kuldip Singh) had deposed that about 5 ½ years back, she was married with Kuldip Singh s/o Karnail Singh and a son was born out of their wedlock. She further deposed that her mother-in-law Sinder Kaur and brother-in-law Manjit Singh were also residing with them. The entire land of her in-laws was distributed among Manjit Singh, Kuldip Singh and Sinder Kaur. She further deposed that 10 bighas of land each were given to Manjit Singh and Kuldip Singh and 14 bighas of land was in the name of her mother-in-law Sinder Kaur, who was the head of the family. She had given the entire land on lease. She also deposed that accused-Kesar Singh, who was a Tantrik, used to come to their house for the last about 3 years. Kesar Singh had illicit relations with her mother-in-law Sinder Kaur and she had disclosed the said fact to her mother-Gurdev Kaur. She further deposed that her husband (Kuldip Singh) did not like Kesar Singh visiting their house and he wanted to take his share from Sinder Kaur i.e. 14 bighas of land and he wanted to be separated from the



family. However, Sinder Kaur was not agreeing with her husband and she was threatening to kill him and there was a dispute in the family. She further deposed that on 22.01.2003, the entire family was in the house and her father Mann Singh came to their house and Kesar Singh accused was also present there. The entire matter was solved and a compromise was arrived at. She further deposed that Kesar Singh took her husband Kuldip Singh on his scooter and thereafter, her husband did not return to their house. Her mother-in-law Sinder Kaur made a report to the police regarding her son being missing. She further deposed that she suspects that Kesar Singh, Sinder Kaur, Manjit Singh and Jagsir Singh kidnapped her husband with an intention to murder him.

23. PW15 Piara Singh had deposed that on 07.02.2003 at 11 A.M. he went to police station, Saddar, Patiala. Accused-Manjit Singh @ Sonu s/o Karnail Singh was interrogated by Inspector Rajwinder Singh in his presence and he made a disclosure statement that he has kept concealed one golden ring in the clothes in the almirah at his residence which can be recovered. His disclosure statement Ex.PM was recorded which was signed by him and accused as well as by ASI Ajit Singh. He further deposed that thereafter, Kesar Singh was taken out from the lock-up and he was interrogated and during interrogation, he made a disclosure statement that he had kept concealed one Ghotna and currency notes in his household articles at his residence and he can get the same recovered as he only knew about it. Disclosure statement of Kesar Singh (Ex.PN) was also recorded which was signed by him, accused-Kesar Singh and ASI Ajit Singh. In pursuance to their disclosure statements, they firstly went to the house of accused-Manjit Singh and Kesar Singh and got



recovered one golden ring from the almirah on which words KS were inscribed and the same was taken into possession. One Ghotna which was concealed in the household articles of accused-Kesar Singh along with currency notes of Rs.2,500/- of the denomination of Rs.50/- each was also got recovered. The said Ghotna was stained with blood and the said Ghotna was prepared into a parcel and sealed with the seal of Rajwinder Singh. The currency notes were also put into a parcel and sealed with the seal of Rajwinder Singh and both the parcels were taken into possession vide recovery memo Ex.PN/1. This witness had also proved the Ghotna Ex.P.45 and currency notes which were in packet Ex.P.46.

24. PW16 Inspector Rajwinder Singh and PW17 ASI Ajit Singh had proved the investigation and apprised about the police proceedings and link evidence.

25. Other prosecution witnesses were formal in nature and apprised about the link evidence.

26. After closing the prosecution evidence, the statements of the appellants under Section 313 Cr.P.C. were recorded wherein they had denied all the allegations and pleaded innocence. Accused Kesar Singh had pleaded that he never made any extra judicial confession and stated that he had no relations with the other accused and he had been falsely implicated in this case. Accused-Manjit Singh had also pleaded that a false case had been planted by Mann Singh (father of Amandeep Kaur), however, his mother-Sinder Kaur had lodged a report with police station Saddar Patiala regarding missing of Kuldip Singh. He further pleaded that the complainant-Mann Singh wanted to grab

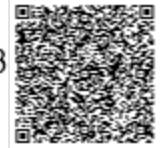


their entire land and that of his brother-Kuldip Singh, he had been pressuring to transfer the said land in the name of his daughter. Accused Sinder Kaur and Manjit Singh had also taken the same plea and they did not produce any evidence in defence.

27. After considering the statements of all the witnesses and taking into account the evidence led by both the sides, the trial Court had convicted the appellants-Sinder Kaur and Kesar Singh under Sections 302/34, 201 & 364 IPC and had sentenced them to undergo RI for life. However, co-accused Manjit Singh was acquitted of the charges.

28. Having heard the rival submissions made by learned counsel for the parties, after perusing the evidence on record including the testimonies of the prosecution witnesses and the circumstances of the case, this Court is of the view that the trial Court had rightly convicted the appellants-Sinder Kaur and Kesar Singh.

29. The primary contention of the appellants is that there are material contradictions in the prosecution case and that the alleged motive has not been proved. However, we find no merit in this submission. The prosecution case stands corroborated on all material particulars. The testimonies of PW4 Sukhwinder Singh and PW8 Gulab Singh, before whom extra judicial confessions were made, are consistent, natural and inspire confidence. Both these witnesses were not inimical towards the accused and their depositions regarding the extra-judicial confessions made before them are cogent and trustworthy. The law is well settled that extra-judicial confession, if voluntary, truthful and made before a person, who has no reason to falsely implicate the



accused, can form the basis of conviction. In the present case, both confessions made before PW4 and PW8 stand corroborated by independent circumstances and the recoveries effected pursuant to disclosure statements of the accused/appellants.

30. The prosecution had duly established its case with regard to motive. The evidence of PW10 Amandeep Kaur (wife of the deceased) clearly shows that accused-Sinder Kaur (mother of the deceased) was having illicit relations with co-accused Kesar Singh. The deceased Kuldip Singh was objecting to the said relationship and was also pressing for separation of his share of land. This had created strong enmity between the parties, thereby furnishing a strong motive for elimination of the deceased.

31. The medical evidence fully supports the prosecution version. PW5 Dr. Harjinder Singh, who conducted the post mortem, found a lacerated wound on the forehead of the deceased with corresponding fracture of skull and brain injury, which was sufficient in the ordinary course of nature to cause death. The opinion of the Doctor fully corroborates the ocular and circumstantial evidence.

32. The recoveries effected during investigation further lend assurance to the prosecution case. In pursuance to the disclosure statement of accused-Kesar Singh, the recovery of a blood stained Ghotna (Ex.P45) and currency notes was effected, which points out strong circumstantial evidence pointing towards the guilt of the accused.



33. We do not find any substance in the plea of false implication raised by the defence. The mere fact that a missing report was lodged earlier by accused-Sinder Kaur does not lead to their innocence. On the contrary, the conduct of the accused in lodging a missing report, when they themselves were involved in the conspiracy to abduct and murder the deceased, is a clear attempt to create a false defence. The defence plea that the complainant was interested in grabbing their land also appears to be a bald allegation without any supporting evidence.

34. On the other hand, the prosecution has been able to establish the guilt of the appellants beyond reasonable doubt by leading cogent, consistent and trustworthy evidence. The chain of circumstances is complete and points clearly towards the guilt of accused-Sinder Kaur and Kesar Singh. The learned trial Court has appreciated the evidence in its correct perspective and has rightly recorded the conviction of the appellants under Sections 302/34, 201 and 364 IPC. We do not find any illegality, infirmity or perversity in the judgment which may warrant interference by this Court in exercise of appellate jurisdiction.

35. Insofar as the acquittal of co-accused Manjit Singh is concerned, we are of the considered view that the trial Court had assigned cogent reasons for the same. The evidence led by the prosecution against him does not inspire the same degree of confidence as against the other accused. The mere recovery of a golden ring of the deceased bearing the initials "KS" is not sufficient to connect him with the commission of offence particularly when he was the real



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brother of the deceased and could ordinarily be in possession of such an article. Hence, his acquittal cannot be termed as perverse or illegal.

36. Consequently, the appeals i.e. CRA-D-830-DB-2004 and CRA-D-866-DB-2004 are hereby dismissed. The judgment of conviction and order of sentence dated 20.08.2004 passed by the learned Additional Sessions Judge, Patiala is affirmed. The Chief Judicial Magistrate, Patiala is directed to take necessary steps to ensure that the appellants are taken into custody and made to undergo the remaining sentence.

37. CRR-422-2005 filed by the complainant against the acquittal of Manjit Singh is also, hereby, dismissed.

38. Pending application(s), if any, shall stand disposed of accordingly.

(MANJARI NEHRU KAUL)
JUDGE

28.08.2025
A.Kaundal

(H.S.GREWAL)
JUDGE

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