

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

2025.PHHC.161992-DB



**CRA-D No. 22 of 2019 (O&M)**

**Reserved on : 27.10.2025**

**Pronounced on : 20.11.2025**

Sanjay alias Kala

.....Appellant

versus

State of Haryana

.....Respondent

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

Present : Mr. Amandeep Singh Manaise, Legal Aid Counsel  
for the appellant.

Mr. Munish Sharma, Deputy Advocate General, Haryana.

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**RAMESH KUMARI, J.**

This appeal is filed by the appellant, namely, Sanjay alias Kala (hereinafter referred to as 'accused') against the impugned judgment of conviction dated 13.10.2018 and order of sentence dated 15.10.2018 rendered by learned Sessions Judge, Rewari arising out of FIR No. 240 dated 23.10.2017 under Section 302 of the Indian Penal Code registered at Police Station Bawal, District Rewari, for committing murder of his mother, namely, Hasti, on 23.02.2017 at about 2.00 P.M. in the area Jatwara Mohalla, Bawal, Police Station Bawal. The accused was awarded the following sentence:-

Offence under Section	Imprisonment awarded	Fine imposed	In default of payment of fine to undergo imprisonment for
302 IPC	Life imprisonment	Rs.25,000/-	Five years. Fine not paid.

2. The prosecution story against the accused is that on 23.02.2017, on receipt of a medico legal report Ex.PA and ruqqa Ex.PB from PW1 Dr. Pankaj Yadav, posted at CHC Bawal, regarding the injuries sustained by Hasti, since deceased, resident of village Bawal, in some altercation, the police party headed by PW10 SI/SHO Vijender Kumar alongwith other police officials reached CHC Bawal. PW2 Chander-complainant, met him and moved an application Ex. PD by submitting to the following effect:-

*“I am resident of above address. We are three brothers. I am eldest, second is Suresh and youngest is Sanjay alias Kala. I am unmarried. Kala and Suresh are married. Suresh lives separately along with his family, Kala, my mother Hasti aged around 80 yrs. All of them live together in the house at tube well on Rampur Road. Kala has two sons who are around 7 & 10 years. Kala's wife Sonia had left the house about 8 years ago who has not returned till yet. Kala's children live with me. Kala is addicted to liquor. Kala had got transferred the land of my share in his favor about 1-1 ½ years ago in garb of pension. He has sold his entire land. 3 kanal land of my share was left with Kala which was re-transferred in my name on 25.8.2017 by intervention of relatives. On this issue, Kala used to scuffle under influence of liquor. He was also kept confined in Police Station about 2 months ago. Today, at about 2-3 p.m., I, Kala, Kala's children and my mother were at our home when Kala again began to scuffle after consuming liquor and began to beat me and my mother with baton wherein I came out of the house along with both the children of Kala due to fear I saw that Kala was beating my mother with baton. Kala brought the mother out of home by dragging her. In the meantime, on seeing it, Shakuntla W/o Rajinder caste Bawaria R/o Seelgaon PS Kotkasim presently R/o Holi Chota Mohalla Bawal, who was working in nearby fields, informed Subhash S/o Lal Chand caste Jat, Mohala Hasanpura Bawal on telephone wherein Subhash came to the well along with his wife. Then we took care of the mother. She had injuries on her*

*head, arms, waist etc. and blood was oozing. We called Vijay Singh S/o Makhan Lal caste Jat R/o Jatwara Bawal on phone who came on tractor and we took my mother to GH Bawal in tractor trolley where the doctor gave first aid and issued MLR and began to transfuse glucose. After sometime, I saw that the body of my mother was cold and the doctor again checked my mother and told that she is dead. My mother has died due to injuries inflicted by Sanjay Kala, stern action be taken against him. Now I have presented the complaint before you.”*

2(b) On the above said application Ex.PD, PW10 SI/SHO Vijender Kumar conducted proceedings and sent PW16 Constable Rajinder for registration of FIR which was registered by PW7 ESI Jaswant Singh vide Ex. PN and he also made endorsement on police proceedings conducted by PW10 SI/SHO Vijender Kumar.

2(c) PW10 SI/SHO Vijender Kumar took photographs Ex.P1 to Ex.P3 of the dead body and prepared inquest report Ex.PG and on the basis of application Ex.PK the post mortem on the dead body of Hasti was got conducted by Board of Doctors, also consisting of PW6 Dr. Jitender Kumar, Medical Officer, Community Health Centre, Bawal.

2(d) On 24.10.2017, PW10 SI/SHO Vijender Kumar went to the spot and took photographs Ex.P4 and P5 of the place of occurrence, lifted the blood stained earth and put it in the plastic container and sealed with the seal VK and took into possession vide memo Ex.PQ. He also prepared rough site plan Ex.PQ of the place of occurrence. After post mortem of deceased Hasti, parcel containing clothes of deceased was taken into possession vide memo Ex.PR and dead body was handed over to PW2-Ajay and PW3-Chander vide memo Ex.PH. He also recorded the statements of witnesses during the course of investigation.

2(e) On 24.10.2017, SI/SHO PW1- Vijender Kumar also arrested the accused from his tube well and when interrogated he suffered disclosure statement Ex.PS and got recovered one wooden stick Ex.MO-3 from the disclosed place. Its sketch Ex.PT was prepared and taken into possession vide Ex.PT/1. The place of occurrence was also got demarcated vide memo Ex.PU. The case property was deposited with MHC.

2(f) PW14 SI Ajit Singh during the course of investigation obtained the call detail records of mobile phones of the witnesses by way of moving applications Ex.PZ and Ex.PAA. He also obtained the record of sale deeds Ex.PE, Ex.PY and Ex.PF by moving application Ex.PX.

2(g) Case property was deposited with MHC and FSL reports were received.

3. After completion of investigation, challan was presented against the accused before the Court of learned Illaqa Magistrate for commission of offence punishable under Section 302 of the Indian Penal Code. Learned Illaqa Magistrate complied with the provisions of Section 207 Cr.P.C. and vide order dated 22.01.2018 committed the case to the Court of learned Sessions Judge as the offence committed by the accused was exclusively triable by the Court of Sessions.

4. Finding a prima-facie case punishable under Section 302 of the Indian Penal Code, accused was charged vide order dated 25.01.2018, to which accused pleaded not guilty and claimed trial.

5. In order to prove its case, the prosecution examined total 19 witnesses. Five witnesses were given up by the prosecution. Statements of 19 witnesses recorded during trial can be discussed under the following heads:-

**A) COMPLAINANT AND EYE WITNESSES ACCOUNT:-**

i) As observed earlier, **PW2 Chander** moved a complaint Ex.PD to PW10 SI/SHO Vijender Kumar and he in his statement narrated the occurrence as well as proved complaint Ex.PD. He also proved transfer deed executed in favour of accused Sanjay as Ex.PE and another transfer deed executed in his favour by accused Sanjay as Ex.PF.

ii) **PW5 Shakuntla** stated that she is an agriculturist and had taken land on rent from one Smt. Phulli, resident of village Bawal and that agricultural land of accused is near the land taken by her on rent. There is one killa (of land) in between her land and the field of accused Sanjay. Accused Sanjay used to reside at his house situated in the fields. As per the testimony of PW5 Shakuntla, on 23.10.2017 at about 2.00 P.M. when she was present in her field, she saw that accused had dragged her mother Hasti Devi out of his house, on the path and was causing injury to her with a wooden stick and she immediately informed one Subhash through her mobile phone about the incident. After some time, Subhash alongwith his wife came there and Vijay took Hasti Devi, mother of accused, in a tractor trolley to CHC Bawal for treatment and during treatment, she died in the hospital. PW5 Shakuntla also stated that due to fear she did not rush to the spot to save the deceased at the time of assault.

iii) **PW4 Subhash** is the cousin brother of accused Sanjay and he in his testimony has also stated that accused was addicted to drinking and about one and half year back, accused had got transferred land of his brother Chander in his name and he had also sold some land out of that land. On 25.08.2017, with the intervention of the relatives, three kanals land was re-transferred in the name of Chander from accused Sanjay but he was not happy

and wanted to sell the land but his brother and mother were not allowing him to do so.

PW4 Subhash also deposed about receipt of call on his mobile Phone No. 9466225952 from Shakuntla wife of Rajender through her mobile phone to the effect that accused is assaulting his mother and thereafter, he alongwith his wife went to the house of accused and found that Hasti Devi mother of accused was lying injured on the path near to the house and accused was also there in drunken condition. He called Vijay through mobile phone to reach at the spot with tractor trolley for shifting Hasti Devi to Hospital and when PW8 Vijay came, they put Hasti Devi in the tractor trolley and shifted her to CHC, Bawal where she died during treatment.

**(B) INVESTIGATIVE EVIDENCE:-**

(i) While discussing the prosecution story, it has already been observed that PW10 SI/SHO Vijender Kumar conducted investigation in this case and he in his testimony stated about the steps taken by him during the course of investigation and also proved the following documents:-

- i) MLR Ex.PA of Hasti Devi;
- ii) Ruqqa Ex.PB sent by PW1 Dr. Pankaj Yadav, Medical Officer, CHC Bawal;
- iii) Complaint Ex.PD moved by complainant;
- iv) Endorsement Ex.PD/1 on the application;
- v) Photographs Ex.P1 to Ex.P3 of dead body of deceased Hasti Devi taken by him with his mobile phone;
- vi) Inquest Report Ex.PG;
- vii) Ex.PK Application for conducting autopsy on the dead body of deceased Hasti Devi;
- viii) Ex.P1 to Ex.P5 photographs of the place of occurrence;

- ix) Ex.PO memo vide which blood-stained earth was lifted from the spot and converted into sealed parcel Ex.MO5 and sealed with his seal VK;
- x) Ex.PQ rough site plan;
- xi) Ex.PR memo vide which parcel containing clothes of deceased was taken in possession after post mortem;
- xii) Ex.PS disclosure statement of accused Sanjay which was made by the accused after his arrest on 24.10.2017 for getting the wooden stick Ex.MO3 recovered from the top of his thatch;
- xiii) Ex.PT sketch of baton;
- xiv) Ex.PT/1 memo of recovery of wooden stick;
- xv) Ex.PU memo regarding demarcation of place of occurrence on the disclosure statement of accused;

(ii) **PW13 Head Constable Ravi Kant** joined investigation of this case with PW10 SI/SHO Vijender Kumar and is the attesting witness to the inquest proceedings Ex.PG and memos Ex.PO, Ex.PR, Ex.PS, Ex.PT, Ex.PT/1, Ex.PW/2 and Ex.PU. He corroborated the statement of PW10 SI/SHO Vijender Kumar.

(iii) **PW8 ASI Naresh Kumar** deposed that he moved application Ex.PM to the Doctor for showing wooden stick to him and obtained opinion Ex.PM/1 of the Doctor that injuries on the person of deceased Hasti Devi can be inflicted with said wooden stick Ex.MO3.

**(C) MEDICAL EVIDENCE:-**

(i) **PW1 Dr. Pankaj Yadav, Medical Officer**, proved that on 23.10.2017 he was posted at CHC Bawal and he in his testimony before the Court deposed about the injuries suffered by Hasti Devi and proved copy of MLR Ex.PA and also stated that he sent medical ruqqa Ex.PB regarding the

admission of injured in PHC Bawal. As per his statement he managed the patient but during treatment she died and he sent ruqqa Ex.PC regarding death of deceased to the police.

(ii) **PW6 Dr. Jitender Kumar, Medical Officer, CHC Bawal**, conducted post mortem on the dead body of deceased Hasti Devi alongwith board of Doctors. He gave description of injuries found on the body of deceased during post mortem and opined about the cause of death as “*shock and hemorrhage due to injuries sustained by the victim which were sufficient to cause death in ordinary course of nature*”. He also stated that all the injuries were ante mortem in nature. He also proved the following documents:-

- i) Ex.PK police request for conducting post mortem on the dead body of deceased;
- ii) Ex.PL post mortem report;
- iii) Ex.PM application submitted by PW8 ASI Naresh Kumar seeking opinion regarding weapon used for crime;
- iv) Ex.PM/1 opinion to the effect that injuries were possible with wooden stick Ex.MO3;

PW6 Dr. Jitender Kumar also identified the stick/piece of wood Ex.MO3 and specifically stated that the injuries on the person of victim were possible with this stick.

**(D) ELECTRONIC EVIDENCE:-**

(i) **PW14 SI Ajit Singh** moved two applications Ex.PZ and Ex.PAA to Nodal Officer, Idea Cellular Ltd. and of BSNL Rewari, for obtaining call detail records.

(ii) **PW18 Deepak Kumar Sandhu**, Nodal Officer, Idea Cellular Ltd. Panchkula brought in Court the call detail record of mobile No. 97289-16854 issued in the name of Rabinder Kumar son of Rajender Kumar, village

Sheel Gaon, Tehsil Alwar, District Rajasthan and proved the application form of Rabinder Kumar as Ex.PAC, call detail record as Ex.PAD, certificate issued under Section 65 of the Evidence Act as Ex.PAE and location chart of mobile number as Ex.PAF.

(iii) **PW11 Ram Niwas Yadav**, SDEO, BSNL, Rewari, brought the CDR of mobile No. 9466225952 for the period from 23.10.2017 to 24.10.2017 issued in the name of Subhash Chand (PW4). He also proved copy of customer application form submitted by PW4 Subhash Chand vide Ex.PV, copy of voter card Ex.PV/1, copy of ration card Ex.PV/2, copy of call detail record as Ex.PV/3 and certificate issued under Section 65-B of the Evidence Act as Ex.PV/4.

(E) **LINK EVIDENCE:-**

i) **PW16 Constable Yugvinder** stated on oath that on 23.10.2017 he joined the investigation with PW10 SI Vijender Kumar and Head Constable Ravi Kant and they reached at CHC Bawal where complainant Chander PW-2 gave complaint/application Ex.PD to them. On the application, PW10 SI Vijender recorded police proceedings and handed over the same to him and on reaching the police station he did the needful on the same day for getting the FIR registered.

ii) **PW7 ESI Jaswant Singh** stated about registration of formal FIR Ex.PN and making endorsement on the same.

iii) **PW3 Ajay** is the son of Suresh (third son of deceased Hasti Devi), grand son of deceased Hasti Devi. He in his testimony also stated that his grandmother was residing with his uncle i.e. accused Sanjay and his another uncle Chander at the house situated at well near Raipur Road, Bawal and he identified the dead body of her grandmother at CHC Bawal and also

signed the inquest proceedings Ex.PG. On the next day, after her post mortem examination he took the dead body of his grandmother vide memo Ex.PH.

iv) **PW12 HC Vikram Singh** was posted as MHC in Police Station Bawal at the relevant time on 24.10.2017 and he deposed that on 23.10.2017 three sealed parcels were deposited with him by PW10 SI Vijender Kumar in Malkhana and he handed over these parcels to constable Amit Kumar on 22.12.2017 for depositing the same in FSL Madhuban in intact condition.

v) **PW19 Constable Amit Kumar** submitted his affidavit Ex.PW19/A which is corresponding to the testimony of PW12 HC Vikram Singh. Both these witnesses also deposed about parcels being intact still they remain in their possession.

vi) **PW9 Vijay** corroborated the testimony of PW4 Subhash regarding receipt of mobile phone on 23.10.2017 from his neighbourer Subhash and he went to the spot alongwith tractor trolley where PW4 Subhash stated to him that accused assaulted his mother. He alongwith Subhash took Hasti Devi on tractor trolley to hospital where she died during treatment.

vii) **PW15 Sukhpal, Halqa Patwari, Bawal**, in his statement proved the scaled site plan Ex.PAB which was prepared on the demarcation of complainant-PW2 Chander.

**(F) REVENUE RECORD**

i) **PW14 SI Ajit Singh** also deposed about moving of application Ex.PY to the registration Clerk, Bawal.

ii) **PW17 Nirjan Parshad** from the office of Sub Registrar, Bawal, proved the transfer deeds vide Ex.PE, Ex.PY and Ex.PF respectively.

Learned Assistant Public Prosecutor tendered in evidence FSL report Ex.PI and Serological Analysis Report of blood Ex.PJ and closed the prosecution evidence.

6. Statement of accused under Section 313 Cr.P.C. was recorded and all the incriminating evidence and relevant documentary evidence were put to him. He pleaded innocence and simply took the plea of false implication. In spite of granting opportunities to the accused to lead evidence, he opted not to lead any defence evidence and closed the defence evidence on 13.10.2018.

7. After hearing the then learned Assistant Public Prosecutor and learned defence counsel and perusal of oral and documentary evidence, learned trial Court convicted the accused and sentenced him to undergo imprisonment as mentioned in para No.1 of this judgment.

8. Assailing the findings of the learned trial Court given in the impugned judgment and order of sentence, learned defence counsel contended that:-

- i) There was no evidence that accused was addicted to alcohol.
- ii) presence of PW5 at the spot is highly doubtful because had she been present at the spot, she would have made efforts to save Hasti Devi from accused.
- iii) Had the accused inflicted injuries and dragged his mother, there would have been dragging marks on the dead body of Hasti Devi but there are no dragging marks.
- iv) The injuries on the person of deceased as propounded by the prosecution are highly improbable because there was no soil on the clothes of deceased.
- v) In fact injuries were suffered by Hasti Devi by falling from stairs but PW1 Dr. Pankaj Yadav wrongly denied this suggestion that injuries on the body of deceased Hasti Devi were due to falling from stairs.

- vi) Recovery of wooden stick from the possession of accused is doubtful. Even finger prints on the wooden stick were not lifted.
- vii) Because of property dispute, accused has been implicated by his brother PW2 Chander in connivance with PW5 Smt. Shakuntla and other witnesses.

Learned defence counsel vehemently prayed for acquittal of the accused by setting aside the judgment of conviction and order of sentence passed by the trial Court.

9. Learned Deputy Advocate General relying upon the statements of the prosecution witnesses and documents proved by them during the course of trial contended that learned trial Court rendered a well-reasoned judgment of conviction and passed the order of sentence. He prayed that no interference in the impugned judgment is called for and prayed for dismissal of the appeal.

10(a) It has come in the statements of PW2 Chander complainant and PW5 Shakuntla that deceased Hasti Devi was mother of PW1 Chander and accused Sanjay alias Kala. PW4 Subhash is the cousin brother of accused. The agricultural land of PW2 Chander and PW5 Shakuntla adjoins the agricultural land of accused Sanjay alias Kala. PW2 Chander and PW5 Shakuntla and PW4 Subhash in their testimonies before the Court specifically stated that accused was addicted to drinking and PW2 Chander specifically stated that about two months ago accused was also confined in Police Station because he used to scuffle under the influence of liquor. No suggestion was put to PW2 complainant during cross examination that accused was not addicted to drinking. Rather PW2 during cross examination stated that "*earlier report to the police was made as at that time also accused was beating us under the influence of liquor. At that time, accused was sent to the lock up by the police but was released on the request of Krishan son of Baghu Chaudary.*"

Therefore, simply because after arrest of accused, his medical examination to assess the concentration of alcohol in his blood is not conducted, does not mean that he did not inflict injuries or that he was not addicted to liquor.

10(b) Learned defence counsel also vehemently denied the presence of PW5 Shakuntla at the spot by alleging that had she been present on the spot she would have made effort to save Hasti Devi from the accused. It has come on record in the statement of PW2 Chander as well as in his application Ex.PD made to the police and during cross examination also that accused after consuming liquor started quarreling and beating them with Danda but due to fear he along with children of accused Sanjay came out of the house. Thus to save himself and children of accused, PW2 Chander preferred to move out of the house. PW2 Chander also stated that PW5 Shakuntla, who was working in the nearby field, called PW4 Subhash through a mobile phone. PW5 Shakuntla also stated that on seeing the accused beating his mother, she called PW4 Subhash through her mobile phone and this fact is also corroborated by PW4 Subhash. The statements of these witnesses proved that at the relevant time the accused was under the influence of liquor and had PW5 Shakuntla tried to intervene, he would have rather beaten PW5 Shakuntla with stick and inflicted injuries on her person. PW5 Shakuntla during cross examination stated that she did not rush to the spot to save Hasti Devi from the accused at the time of assault out of fear. PW5 Shakuntla Devi in her rightful wisdom instead of burning her fingers in the fight, where son was beating her mother, preferred to call the cousin of accused through her mobile phone.

PW4 Subhash also stated that on 23.10.2017, he received a call on his mobile Phone No. 9466225952 from Shakuntla wife of Rajinder. Customer application submitted by PW4 Subhash for getting the mobile phone number is proved by PW11 Ram Niwas Yadav, SDEO, BSNL, Rewari, vide Ex.PV and

copy of call detail record Ex.PV/3 and certificate issued under Section 65-B of the Evidence Act as Ex.PV/4.

PW18 Deepak Kumar Sandhu, Nodal Officer, Idea Cellular Ltd, Panchkula, proved the call detail record of mobile No. 97289-16854 issued in the name of Rabinder Kumar son of Rajender Kumar and it is argued by learned State counsel that this mobile phone was got issued on the name of son of PW5 Shakuntla and was being used by her. During cross examination, PW5 Shakuntla stated that she does not remember the mobile number of herself and Subhash and no suggestion was put to her that she was not having any mobile phone at that time. She rather during cross-examination stated that mobile phone number of Subhash was saved in her mobile phone as 'fields neighbourer' as she used to inform him about stray animals. Call detail record of both the numbers was taken by PW14 SI Ajit Singh on the basis of application and same was obtained from Idea Cellular Ltd. and BSNL on the basis of applications Ex.PZ and Ex.PAA respectively.

As per testimony of PW2 Chander, the occurrence took place on 23.10.2017 at 2.00/3.00 P.M. Call detail record of mobile phone record Ex.PV/3 of PW4 Subhash reveals that he received the first call from Mobile No. 97289-16854 on 23.10.2017 at **14:08:05** i.e. (02.08 P.M.) and the call lasted at 39 seconds and immediately thereafter he received call from the abovesaid number i.e. 97289-16854 at **14:15:01** (02.13 P.M.) and the call lasted at eight seconds. Call detail record Ex. PAD of mobile No. 97289-16854 corroborates the call detail record Ex.PV/3 regarding the above number. The call detail record of two mobile phones not only prove the presence of PW5 Shakuntla but also the fact that she called PW4 Subhash Chander on the spot.

10(c). MLR Ex.PA also proves that deceased Hasti Devi was brought in the Hospital at 2.00 P.M. on 23.10.2017. PW1 Dr. Panak Yadav, Medical Officer, was the first person who attended the deceased in the hospital and informed the police by sending medical ruqqa Ex.PB. He had medicolegally examined deceased Hasti Devi at 3.30 P.M. and found the following eight injuries on her person:-

“1. Complain of pain right arm. Lacerated wound of size 2.5 x 0.5 cm was seen on right arm middle one third anterior aspect bone deep with bleed and was deformed. Advised x-ray right shoulder with arm and wrist and orthopedic opinion. Injury was kept under observation, caused by blunt weapon and duration was within six hours.

2. Lacerated wound of size 2.5 x 1 cm occipital region bone deep with bleed. Advised x-ray and neuro surgeon opinion. Injury was kept under observation, caused by blunt weapon and duration was within six hours.

3. Lacerated wound of size 2 x 0.5 cm left hand palmer aspect with bleed. Injury was simple in nature, caused by blunt weapon and duration was within six hours.

4. Bilateral nasal bleed was present. Advised x-ray for nasal bone and ENT opinion. Injury was kept under observation, caused by blunt weapon and duration was within six hours.

5. Multiple swelling was seen over face and maxillary region bluish in colour. Advised x-ray facial bone and Radiologist opinion Injury was kept under observation, caused by blunt weapon and duration was within six to twelve hours.

6. Multiple brownish contused linear swelling of variable length and directions were seen all over upper and lower back. Advised x-ray and ortho opinion. Injury was kept under observation, caused by blunt weapon and duration was within six to twelve hours.

7. Bluish contused swelling was seen over left knee anterior aspect. Advised x-ray and ortho opinion. Injury was kept under observation, caused by blunt weapon and duration was within six to twelve hours.

8. Complain of pain bilateral chest. Advised x-ray for bilateral chest and ortho opinion. Injury was kept under observation, caused by blunt weapon but duration cannot be ascertained.”

These injuries have been specifically mentioned in his statement in the Court and in M.L.R. Ex.PA. This MLR Ex.PA and his testimony also

proved that deceased received injuries on her right arm, right shoulder and wrist. As per M.L.R. Ex.PA of deceased Hasti Devi, multiple swelling was seen over face and maxillary region bluish in colour; multiple brownish contused linear swelling of variable length and directions were seen all over upper and lower back; bluish contused swelling was seen over left knee anterior aspect and she was also complaining of pain on bilateral chest. This proved that her whole body was suffering from swelling, bleeding and there was complaint of pain and lacerated wounds and the contention of learned defence counsel cannot be accepted that had she been dragged there would have been dragging marks on her body. Multiple swelling on the face and maxillary region bluish, multiple brownish contused linear swelling of variable length and directions over upper and lower back and bluish contused swelling over left knee anterior aspect and complain of pain on bilateral chest is only due to her dragging by the accused whereas other four injuries as mentioned in the MLR Ex.PA is result of use of blunt weapon and as per testimonies of PW2 Chander and PW5 Shakuntla, accused inflicted injuries on the person of his mother by wooden stick Ex.MO3. The testimonies of these witnesses regarding use of wooden stick Ex.MO3 as weapon of offence is corroborated by the testimony of PW1 Dr. Pankaj Yadav who stated and also mentioned in MLR Ex.PA that injuries are by blunt weapon as well as the opinion of PW6 Dr. Jitender Kumar, who after identifying wooden stick Ex.MO3 gave the opinion Ex.PM/1 on the basis of application Ex.PM submitted by PW8 ASI Naresh Kumar that injuries were possible with wooden stick Ex.MO3.

10 (d). Body of deceased Hasti Devi, 80 years of age, after her death was subjected to post mortem examination by PW6 Dr. Jitender Kumar, Medical Officer, CHC Bawal and he in his testimony proved the post mortem report vide Ex.PL and he found the following eight injuries on her body:-

- “1. Lacerated wound of size 2.5 x 0.5 cm on right arm middle one third anterior aspect with fracture of bone.
2. Lacerated wound of size 2.5 x 1 cm on occipital region up to bone deep with bone fracture.
3. Lacerated wound of size 2x.5 cm on left hand palm.
4. Contusion mark of size 3 x 2 cm on right maxillary region with swelling and 4 x 2.5 cm on left maxillary region.
5. Contusion mark of size 3 x 2 cm below right knee joint.
6. Contusion mark of size 4 x 2 cm below left knee joint.
7. Multiple contusion marks of variable size 12 x 3 cm left scapula upper border, 12 x 2 cm on mid of left scapula, 10 x 2 cm on mid of back on left side & more of variable size on back in three in number.
8. There was fracture of 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> ribs of right side of chest and 3<sup>rd</sup> and 4<sup>th</sup> of the left side of ribs from the front size.”

Fracture of 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> ribs of right side of chest and 3<sup>rd</sup> and 4<sup>th</sup> of the left side of ribs of the body of deceased Hasti Devi could be either from stick or due to her dragging on the ground. The contention of learned defence counsel that these injuries could be result of fall from stairs cannot be accepted because no suggestion was put to PW2 Chander, PW5 Shakuntla or PW4 Subhash that the house where deceased was residing with her son Sanjay i.e. accused and PW2 Chander had stair case or she had gone up the staircase.

Rough site plan Ex.PQ of the place of occurrence was prepared by PW10 SI/SHO Vijender Kumar. Scaled siteplan Ex.PAB was prepared by PW15 Sukhpal, Halqa Patwari and both these site plans do not depict that house of deceased had stairs or staircase. Therefore, the defence version that she suffered injuries due to fall from staircase cannot be accepted whereas the prosecution has led positive evidence by examining its star witnesses i.e. PW2 Chander and PW5 Shakuntla that deceased suffered injuries due to beatings by means of baton from the hands of her own son i.e. accused.

10(e) Learned defence counsel also contended that version as regards injuries on the person of deceased as propounded by the prosecution is highly improbable because there is no soil on the clothes of deceased. It has come on record that after post mortem examination the parcels of clothes of deceased were handed over to PW10 SI/SHO Vijender Kumar and he handed over the same to PW12 HC Vikram Singh and PW12 HC Vikram Singh handed over the parcel of clothes of deceased to PW19 Constable Amit Kumar for deposit in Forensic Science Laboratory, Madhuban. Affidavit Ex.PW19/A of PW19 Constable Amit Kumar is corresponding to the testimony of PW12 HC Vikram Singh. Report of FSL Ex.PI and serological analysis of blood Ex.PJ proved that Kurta and Peticot of deceased was found stained with blood and blood was detected on Danda (stick) and Ex.P3 i.e. parcel of soil lifted on the spot was stained with blood. The Kurta and Peticot i.e. clothes of the deceased were subjected to forensic science examination for detection of blood and it was never subjected to forensic science examination for detection of soil on these clothes and for this reason it cannot be said that there was no soil on the clothes of deceased.

10(f) Learned defence counsel vehemently disputed the recovery of wooden stick from the possession of accused and also that finger prints on the wooden sticks were not lifted. The wooden stick was found stained with blood as per the report Ex.PI and it was human blood as per serological report Ex.PJ. The recovery of wooden stick Ex.MO3 is effected on the basis of disclosure statement Ex.PS of accused after his arrest by PW10 SI/SHO Vijender Kumar and corroborated by PW11 HC Ravi Kant who was with PW10 SI/SHO Vijender Kumar at the time of investigation and interrogation of accused. Both these witnesses have no reason to depose against the accused as they have no personal enmity with the accused. The recovery of wooden stick Ex.MO3 is

effected by PW10 SI/SHO Vijender Kumar in discharge of his official duties and he has no reason to plant false recovery upon the accused. Even for the sake of arguments it is presumed that no recovery of wooden stick, (though it is not so in the present case) was effected from the possession of the accused, recovery of weapon of offence is only a corroborative piece of evidence and in view of testimonies of the eye witnesses regarding the manner, place and time of commission of offence by the accused, the factum of recovery of weapon of offence from the possession of accused pales into insignificance.

10(g) The accused took a plea that he has been falsely implicated by his brother in connivance with PW5 and other witnesses because of property dispute.

It has come on record in the statement of PW2 Chander that 1½ years prior to the date of occurrence, accused Sanjay had got transferred his land under the garb of sanction of pension in his favour and thereafter he sold some land which was got transferred from him. He also stated that in the month of August-2017 after intervention of relatives, accused transferred back 3 kanals of land in his favour and after that he used to quarrel with them after consuming liquor and the matter was reported to the police.

Record of sale deeds Ex.PE, Ex.PF and Ex.PY was procured by PW14 SI Ajit Singh on the basis of application Ex.PX moved to Registration Clerk, Bawal.

The statement of PW2 Chander stands corroborated from revenue record.

Ex.PE sale-deed dated 26.06.2015 proves that PW2 transferred 6 kanal 11 marlas of land in favour of his brother Sanjay i.e. accused on 26.06.2015.

Sale-deed Ex.PY further proves that accused Sanjay sold 3 kanals of land in favour of Ram Kalan on 03.02.2016.

Sale deed dated 25.09.2017 Ex.PY proves that accused Sanjay transferred back 3 Kanal 11 Marlas of land in favour of his brother Chander.

Since the land was already transferred in favour of PW2 Chander, he had no reason to falsely implicate the accused whereas motive for commission of offence is proved because accused was annoyed having been made to transfer back of land measuring 3 Kanal 11 Marlas in favour of his brother PW2 Chander and for this reason he used to fight with the family members including his mother and PW2 Chander under the influence of liquor and at one point of time the matter of fight by the accused had to be reported to the police. Therefore, the reason for false implication is rebutted rather the revenue record duly proves the motive for commission of offence by the accused.

10(h) As discussed earlier, the testimonies of PW1 Dr. Pankaj Yadav, Medical Officer and PW6 Dr. Jitender Kumar, Medical Officer, who medicolegally examined the deceased Hasti Devi and conducted autopsy on her body respectively, prove the injuries suffered by deceased Hasti Devi. She suffered injuries all over her body and cause of her death as per opinion of PW6 Dr. Jitender Kumar and mentioned in post mortem report Ex.PL is because of shock and hemorrhage which were sufficient to cause death in the ordinary course of nature. Post mortem report Ex.PL as discussed earlier, mentions that deceased suffered as many as eight injuries and there was fracture of 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> ribs of right side of chest and 3<sup>rd</sup> and 4<sup>th</sup> of the left side of ribs from the front size. There was lacerated wound of 2.05 x 1 cm on occipital region upto bone deep with bone fracture. Thus, the combined effect of injuries resulted into her death. PW2 Chander stated that accused

inflicted injuries to deceased Hasti Devi under the influence of liquor by means of stick. The accused was not compelled by anybody else to consume liquor and he voluntarily took the liquor and started fighting with the family members and inflicted injuries on his unarmed old mother of eighty years without any provocation.

The act committed by the accused comes within the ambit of clause 3<sup>rd</sup> of Section 300 of the Indian Penal Code which reads as under:-

**“Section 300: Murder-** *Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or-*

*Secondly.—If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or—*

*Thirdly.—If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or—*

*Fourthly.—If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.”*

11. In view of overwhelming evidence collected by the prosecution during investigation of this case and proved on record during the course of trial i.e. testimonies of star witnesses of this case i.e. PW2 Chander, PW5 Shakuntla who witnessed the accused inflicting injuries on the person of deceased Hasti Devi by means of wooden stick and testimonies of PW4 Subhash and PW9 Vijay who took deceased Hasti Devi to hospital along with PW2 Chander for her medical treatment; MLR Ex.PA, Post mortem report Ex.PL, recovery of wooden Danda Ex.MO3 vide memo Ex.PT/1 on the basis

of disclosure statement Ex.PS of accused; blood stained clothes of deceased as per reports Ex.PI and Ex.PJ, learned trial Court had rightly concluded that the prosecution has proved its case against the accused beyond reasonable doubt and rendered the judgment of conviction and order of sentence for committing the murder of his old age mother.

12. Finding no irregularity or illegality in the judgment and order of sentence passed by the learned trial Court, the appeal in hand stands dismissed being devoid of merits.

13. A copy of this judgment be sent to quarters concerned for necessary compliance.

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

**(RAMESH KUMARI)**  
**JUDGE**

**20.11.2025**

ravinder

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