**In The High Court for the States of Punjab and Haryana
At Chandigarh**

1. **CRA-D-1075-DB-2013 (O&M)**

Vikas & another … Appellants

Versus

State of Haryana ... Respondent

2. **CRR-3676-2017 (O&M)**

Rajender Singh … Petitioner

Versus

State of Haryana & others ... Respondents

Date of Decision:- **16.09.2025**

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Gautam Dutt and Mr. Sukhsharan Sra, Advocates,
for the appellants in CRA-D-1075-DB-2013.

Ms. Nidhi Garg, Advocate,
for the petitioner in CRR-3676-2017 and
for the complainant in CRA-D-1075-DB-2013.

Mr. Munish Sharma, DAG, Haryana.

GURVINDER SINGH GILL, J.

1. This judgment shall dispose of above-mentioned appeal as well as criminal revision, as it is the same very judgment dated 17.08.2013 passed by learned Sessions Judge, Jind, which is being assailed. While in CRA-D-1075-DB-2013, appellants – Vikas and Angrejo assail their conviction for offences under Section 302 read with Section 34 IPC, the petitioner –

Rajender Singh in CRR-3676-2017 seeks enhancement of sentence as imposed upon the accused namely Vikas and Angrejo as well as grant of compensation. Vide impugned judgment, the accused have been sentenced as under:

Under Section 302 read with Section 34 IPC	-	To undergo rigorous imprisonment for life and to pay a fine of Rs.50,000/- each and in default of payment of fine to undergo RI for a further period of one year each.

2. The matter arises out of FIR No.73 dated 22.02.2012, under Sections 302/34 IPC, Police Station City Jind (Ex.PA/2) lodged at the instance of Rajender. The translated gist of Rajender's statement (Ex.PA) leading to recording of FIR reads as under:

> "I am resident of Neta Ji Colony, Hansi Road, Jind and I am a labourer. I have two sons namely Parmod and Sushil, whereas my daughter Rupali has been adopted by my sister-in-law Meena. My son Parmod visited the house after appearing in the final examinations of polytechnic at Pundari and used to distribute 'Aaj Samaj' newspaper to people's homes early in the morning. On 20.02.2012 at about 1.00/1.30 PM, when my son Parmod, wife Poonam, brother Satish and Amarjit, son of my sister-in-law, were sitting on the roof of their house, Vikas son of Sant Ram came there and said that if in future we were found sitting on the roof, it will not be good for us and that he will finish us and started abusing us. Upon this, my wife replied that we were sitting on our roof and that he could not object for the same. However, he continued hurling abuses. Mother of Vikas also reached there and said that her son is young and he will do what he wants. However, my wife settled the matter and then they went to their houses, but Vikas bore a grudge in his mind. Today i.e. on 22.02.2012 about 9.30 AM, when my son Parmod left the house for Pokhari Kheri for taking bill of newspapers and reached in the street near the electric pole ahead of the house, Vikas caught hold of my son Parmod from his neck. His mother also followed him while hurling

abuses. Upon hearing noise, my wife Poonam and brother Satish rushed to the spot. Vikas inflicted a blow with *'sua'* (bodkin) on the chest of Parmod and then on his waist as a result of which my son Parmod fell down. We raised alarm of MAR DIYA MAR DIYA and rescued Parmod from Vikas and his mother. I and my mother Dhanpati also reached at the spot. Thereafter, we took Parmod to the Doctor for treatment, but my son Parmod succumbed to the injuries before reaching Civil Hospital. My son Parmod has been killed by those heinous persons aimlessly by giving him injuries. Strict action be taken against them. Sd/- Rajender Singh"

3. The matter was investigated by the police during the course of which inquest proceedings were conducted. The post-mortem examination was also got conducted on the dead body. The police visited the place of occurrence and prepared a rough site plan (Ex.PQ). Statements of the witnesses were recorded. The accused were also arrested the same day. It is the case of prosecution that upon interrogation, accused Vikas suffered a disclosure statement (Ex.PO) pursuant to which he got recovered a *'sua'* (bodkin) allegedly used for commission of offence.

4. Upon conclusion of investigation, challan was presented against accused Vikas and Angrejo in the Court of Chief Judicial Magistrate, Jind on 09.05.2012, who committed the case to the Court of Sessions vide order dated 24.05.2012. Learned Sessions Judge, Jind framed charges against both the accused under Section 302 read with Section 34 IPC on 07.06.2012 to which they pleaded not guilty and claimed trial. After recording of examination-in-chief of the complainant (PW-1 Rajender) on 13.08.2012, the prosecution moved an application under Section 319 Cr.P.C. seeking summoning of additional accused namely Sant Ram.

However, the said application was dismissed by the trial Court vide order dated 21.08.2012.

5. The prosecution in order to establish its case examined as many as 13 PWs. The gist of their statements is briefly referred to herein under:-

PW-1 Rajender (complainant) stated in tune with his statement (Ex.PA) on the basis of which FIR had been lodged, wherein he has categorically stated that on the day of occurrence, his son Parmod (deceased) was caught hold off by Angrejo and Sant Ram, while accused Vikas inflicted injuries to him with a *'sua'* (bodkin) on his back and chest.

PW-2 Satish, who is an eye-witness, stated in tune with the case of prosecution to the effect that while Angrejo gave fist blows and kicked the deceased, Sant Ram caught hold of him and Vikas inflicted *'sua'* (bodkin) blows to the deceased.

PW-3 Poonam, wife of Rajender (complainant), who is also stated to be present when the occurrence took place, stated identically as stated by PW-2 Satish regarding the manner of occurrence. She stated that while Angrejo gave fist blows and kicks, co-accused Sant Ram caught hold of deceased and Vikas inflicted blows with *'sua'* to deceased on his chest and back.

PW-4 Dalbir, who is a witness to the recovery of *'sua'* (bodkin) at the instance of accused Vikas, specifically stated that on 23.02.2012, he had joined the investigation and that Vikas had led the police party and got recovered a *'sua'* (bodkin) from the place disclosed by him, which was taken into possession vide recovery memo Ex.PC.

PW-5 Kuldeep Gupta, Draftsman, stated that he had prepared the scaled site plan and proved the same as Ex.PD.

PW-6 Dr. Arvind Kumar, Medical Officer, General Hospital, Jind, who had conducted post-mortem examination on the dead body of Parmod, apart from proving the post-mortem report as Ex.PF, tendered his affidavit Ex.PE in evidence, wherein he described the injuries found on the dead body and opined that the cause of death was due to shock & haemorrhage due to hemoperitonium and injury to vital organ i.e. Liver, which were ante mortem in nature & sufficient to cause death in normal course of nature.

PW-7 Krishan Kumar stated that on 22.02.2012, he was posted as Sub Inspector at Police Station City Jind and that upon receipt of statement Ex.PA of Rajender, he had recorded formal FIR Ex.PJ.

PW-8 HC Narender Singh stated that pursuant to recording of FIR, he had delivered the special reports to the Illaqa Magistrate.

PW-9 EASI Hawa Singh, who is a formal witness, tendered his affidavit Ex.PK in evidence, wherein he deposed regarding his having handled the case property.

PW-10 EASI Ramroop stated that on 22.02.2012 he had joined the investigation of the case and that after the post-mortem examination had been conducted, the Doctor had handed over him sealed parcel containing clothes of the deceased, which he produced before the Inspector Rohtash Singh, who took the same into possession vide recovery memo Ex.PL.

PW-11 SI Ram Chander stated that on 22.02.2012, he was posted as Incharge, Police Post Patiala Chowk, Jind and upon receipt of a telephonic message regarding arrival of a dead body in the General Hospital, Jind, he proceeded to the hospital and recorded the statement of Rajender (complainant). PW-11 further stated that he also conducted inquest proceedings and moved an application for getting post-mortem examination conduced and

had also recorded statements of PWs Raju and Dinesh Kumar and had also visited the place of occurrence and that subsequently investigation was taken over by Inspector Rohtash Singh.

PW-12 EHC Paramjit Singh, apart from tendering into evidence his affidavit Ex.PP, stated that on 22.02.2012, he was posted at Police Post Patiala Chowk, Jind and had joined investigation with SI Ram Chander and that the accused Vikas was interrogated in his presence during the course of which he had made disclosure statement Ex.PO.

PW-13 Inspector Rohtash Singh, who had investigated the case, stated in detail with regard to the investigation conducted by him and proved various documents and memos prepared during the course of investigation. He also stated with regard to the disclosure statement Ex.PO made by accused Vikas and the recovery of a *'sua'* (bodkin) effected pursuant to the said disclosure statement.

6. Upon closure of the prosecution evidence, statements of both the accused were recorded in terms of Section 313 Cr.P.C., wherein they denied the case of prosecution and pleaded false implication. In their defence, the accused have examined **DW-1** SI Karam Singh, who had brought the original status report dated 16.05.2012 and proved the photocopy thereof as Ex.DA.

7. The learned trial Court, upon appraisal of the evidence on record, held that the charges framed against the accused Vikas and Angrejo were fully substantiated and accordingly convicted both the accused for offence punishable under Section 302 read with Section 34 IPC vide judgment

dated 17.08.2013 and sentenced them to undergo imprisonment for life apart from imposing fine amounting to Rs.50,000/- on each of them.

8. Aggrieved by the same, while the appellants - Vikas and Angrejo preferred CRA-D-1075-DB-2013, the complainant – Rajender has filed CRR-3676-2017, as stated above.

9. Learned counsel for the appellants – Vikas and Angrejo, while assailing their conviction, submitted that they have falsely been implicated in the present case and that apart from the fact that all the eye-witnesses are interested witnesses being relatives of the deceased, their statements are also not consistent and in fact a vain effort was made by them during the course of their statements to spread the net wider and they named a third person namely Sant Pal as well to be an accused although his name does figure anywhere in the FIR. Learned counsel further submitted that even the motive alleged is too flimsy to have actually prompted the accused to have killed the deceased. Learned counsel further submitted that as a matter of fact it is a case where the deceased was killed by someone else and the accused have been named falsely on account of some minor skirmish amongst neighbours.

10. It has also been submitted that the medical evidence in fact negates the case of prosecution and it cannot be said that the deceased had lost his life on account of the alleged blows with a *'sua'* (bodkin). Learned counsel for the appellants, while referring to the statement of PW-6 Dr. Arvind Kumar, submitted that the Doctor having stated that the injuries were skin-deep, the accused even if said to have inflicted the said injuries

cannot be attributed the offence of murder. Learned counsel, thus, prayed for setting aside of the impugned judgment and for acquittal of both the accused.

11. On the other hand, learned State counsel submitted that having regard to the consistent version of the eye-witnesses supported by the medical evidence, there is no room for interference in the impugned judgment. Learned counsel representing the complainant/petitioner, however, submitted that it is a case where a more stringent punishment ought to have been awarded and in any case a heavier fine including compensation ought to have been imposed upon the accused.

12. We have considered rival submissions addressed before this Court and with the assistance of learned counsel have also perused the record of the case.

13. Since it is a case of homicidal death, the medical evidence needs to be scrutinized. PW-6 Dr. Arvind Kumar, who had conducted the post-mortem examination on the dead body of Parmod, proved the post-mortem report as Ex.PF. PW-6 Dr. Arvind Kumar tendered into evidence his affidavit Ex.PE, wherein he described the injuries found on the dead body as under:

> "1. Multiple punctured wound of size 0.5x0.5 cm, round in shape. Five punctured wound present over left shoulder, one over on anterior aspect of chest 6 cm below and 2 cm lateral to mid line on right side, one over right flank, on dissection all were skin deep, on further dissection thoracic cavity and its contents were found normal. On opening of peritoneal cavity was found full of blood approximately 3.5 lt. (Hemoperitonium) and liver was found lacerated."

14. While opining as regards cause of death, PW-6 Dr. Arvind Kumar stated as under:

> "Opinion – In my opinion, the cause of death in this case was due to shock & haemorrhage due to Hemoperitonium and injury to vital organ i.e. Liver, which were ante mortem in nature & sufficient to cause death in normal course of nature."

15. Learned counsel for the accused/appellants, however, drew the attention of this Court to the cross-examination of the said witness i.e. PW-6 Dr. Arvind Kumar, which is reproduced herein under:

> "I gave my opinion on 28.02.2012 on police request at about 10/11.00 A.M. However, I had not mentioned the time on opinion Ex.PI/1. I had also not mentioned the length and width of the bodkin in my opinion. I had not noticed the blood on the bodkin at that time. The dead body was brought in the hospital at about 10.30 A.M. There was no hole on the clothes of the deceased. There was no specific mark on the clothes. I do not remember whether the parents of the deceased met me in the hospital on that day. All the injuries on the dead body of Parmod were superficial and death was not due to bodkin injuries, but it was due to massive amount of blood in peritoneal cavity and injuries to liver. It is incorrect to suggest that I had conducted the post mortem examination as per desire of the police."

16. Learned counsel for the accused/appellants vehemently argued that since no hole was found on the clothes of the deceased and all the injuries have been described as 'superficial' during cross-examination and the Doctor has even stated that the death was not due to bodkin injuries, the accused cannot be held responsible for having murdered the deceased.

17. We do find that during the course of cross-examination the witness did state that the injuries were 'superficial' and that the death was not due to

'sua' (bodkin) injuries, but he has very categorically added in that very sentence that the death was due to massive amount of blood in peritoneal cavity and on account of injuries to liver. When anybody is stabbed with a thin pointed object, the visible external injury would be very small on account of elasticity of the skin and the visible hole could even be less than a centimeter in diameter. However, a sharp pointed substance, such as, *'sua'* (bodkin) as in the present case, which measured about 4 ½ inches long can cause extensive internal damage to the internal organs as had apparently been done in the present case inasmuch as the liver had been lacerated and there was extensive bleeding in the peritoneal cavity. Further, the time between the injury and the death has been opined to be within 6 to 36 hours. As such, it can safely be concluded that the deceased lost his life on account of multiple injuries sustained by him with some sharp pointed object like *'sua'* (bodkin).

18. As regards the contention that all the eye-witnesses are close relatives of the deceased, and thus would be 'interested' witnesses, the difference between an 'interested' and a 'related' witnesses stands well defined in a plethora of cases, stating that a witness may be called interested only when he or she derives some benefit from the result of a litigation. A three Judges Bench of Hon'ble Supreme Court in *State of Rajasthan v. Kalki, (1981) 2 SCC 752*, while discussing the value of testimony of a witness who was closely related to deceased, being his wife, observed as under:

> "6. As mentioned above the High Court has declined to rely on the evidence of P.W.1 on two grounds: (1) she was a "highly interested" witness

because she "is the wife of the deceased" and (2) there were discrepancies in her evidence. With respect, in our opinion, both the grounds are invalid. For, in the circumstances of the case, she was the only and most natural witness; she was the only person present in the hut with the deceased at the time of the occurrence, and the only person who saw the occurrence. True it is she is the wife of the deceased; but she cannot be called an 'interested' witness. She is related to the deceased. 'Related' is not equivalent to 'interested. A witness may be called 'interested' only when he or she derives some benefit from the result of a litigation; in the decree in a civil case, or in seeing an accused person punished. A witness who is a natural one and is the only possible eye witness in the circumstances of a case cannot be said to be 'interested'. In the instant case P. W. 1. had no interest in Protecting the real culprit, and falsely implicating the respondents."

(emphasis supplied)

19. Reiterating the aforestated position of law, another three Judges Bench of in *Hari Obula Reddy and Ors. V. The State of Andhra Pradesh, (1981) 3 SCC 675*, also sounded the note of caution while scrutinizing evidence of a related witness in the following words:

".. it is well settled that interested evidence is not necessarily unreliable evidence. Even partisanship by itself is not a valid ground for discrediting or rejecting sworn testimony. Nor can it be laid down as an invariable rule that interested evidence can never form the basis of conviction unless corroborated to a material extent in material particulars by independent evidence. All that is necessary is that the evidence of interested witnesses should be subjected to careful scrutiny and accepted with caution. If on such scrutiny, the interested testimony is found to be intrinsically reliable or inherently probable, it may, by itself, be sufficient, in the circumstances of the particular case, to base a conviction thereon."

(emphasis supplied)

20. There are a large number of cases where offence is witnessed by a close relative of the victim, whose presence on the scene of the offence would be natural. The evidence of such a witness cannot automatically be discarded by labelling the witness as interested. It only needs to be ensured that the evidence is inherently reliable, probable, cogent and consistent. In *Jayabalan v. Union Territory of Pondicherry, (2010) 1 SCC 199*: Hon'ble Apex Court held as under:

> "23. We are of the considered view that in cases where the Court is called upon to deal with the evidence of the interested witnesses, the approach of the Court while appreciating the evidence of such witnesses must not be pedantic. The Court must be cautious in appreciating and accepting the evidence given by the interested witnesses but the Court must not be suspicious of such evidence. The primary endeavour of the Court must be to look for consistency. The evidence of a witness cannot be ignored or thrown out solely because it comes from the mouth of a person who is closely related to the victim."
>
> *(emphasis supplied)*

21. Hon'ble the Supreme Court, in a case reported as *(2016) 4 RCR (Criminal) 753 Yogesh Singh vs. Mahabeer Singh and others*, while referring to several earlier judgments on the issue of evidence of a related witness summarized the position of law as under:

> "28. A survey of the judicial pronouncements of this Court on this point leads to the inescapable conclusion that the evidence of a closely related witnesses is required to be carefully scrutinised and appreciated before any conclusion is made to rest upon it, regarding the convict/accused in a given case. Thus, the evidence cannot be disbelieved merely on the ground that the witnesses are related to each other or to the deceased. In case the evidence has a ring of truth to it, is cogent, credible and trustworthy, it can, and certainly should, be relied upon"

22. Examining the ocular version in light of ratio of above referred judgments, we find that PW-1 Rajender (complainant) has categorically stated that on 21.02.2012, accused Vikas, Angrejo and Sant Ram had come to their house and had threatened them and told them not to sit on the roof and that on the next day i.e. 22.02.2012, when the complainant alongwith other members of his family was sitting in the house and having breakfast, his son Parmod (deceased) had gone out and when he reached near a electric pole in front of the Church, which is at a short distance from their house, then Vikas, his mother Angrejo and Sant Ram were seen running in the street and they were giving fist and kick blows to his son Parmod. He further stated that while Angrejo and Sant Ram had caught hold of Parmod, Vikas inflicted blows on the chest and back of his son Parmod with *'sua'* (bodkin). He further stated that although they took his son to the hospital, but he could not survive.

23. PW-2 Satish, brother of the complainant, stated that on 22.02.2012, when Parmod had gone out of the house and had reached near a pole near the Church, then accused Vikas gave blows with bodkin to him and that his mother Angrejo gave fist and leg blows while Sant Ram had caught hold of him. PW-3 Poonam, wife of the complainant and mother of the deceased (Parmod), stated that on 22.02.2012, she had seen Vikas, Angrejo and Sant Ram running in the street towards Church and that while Sant Ram caught hold his son Parmod, Angrejo gave fist and leg blows to him whereas Vikas gave bodkin blows on his chest and back.

24. We find that the testimonies of PW-1 Rajender, PW-2 Satish and PW-3 Poonam are consistent particularly as regards the inflicting of blows with *'sua'* (bodkin) by accused Vikas to the deceased. Despite their lengthy cross-examinations, their statements could not be shattered on the material aspects of the case. The testimonies of the eye-witnesses are also borne out from the medical evidence led by the prosecution which, as already discussed above, shows that the deceased had been inflicted injuries with a sharp pointed object which ultimately led to his death. Consequently, the findings of guilt in respect of accused Vikas, as recorded by the trial Court, do not call for any interference.

25. Interestingly, the name of one Sant Ram also finds mention in the testimonies of eye-witnesses, who is alleged to have held the deceased, but there is no such reference in the FIR as regards presence of Sant Ram. It apparently was an attempt to spread the net wider. In any case, the trial Court has rightly dismissed the application moved by the prosecution under Section 319 Cr.P.C. for summoning said Sant Ram as an additional accused to face trial vide order dated 21.08.2012.

26. As far as accused Angrejo is concerned, we find that although Angrejo is mentioned in the FIR, wherein she is referred to as mother of accused Vikas, but the role attributed therein is of merely having followed his son Vikas and having hurled abuses. There is a conspicuous absence of attribution of any injury in the shape of fist and kick blows by said Angrejo though subsequently some improvement has been made by the witnesses when they stepped into the witness-box, wherein they did state

that Angrejo, mother of accused, had also inflicted fist and kick blows to the deceased. However, the medical evidence does not reflect any such injury other than the injuries with bodkin. In any case, even if for the sake of arguments, the role as attributed in FIR is taken to be correct, still the same would fall grossly short to saddle her with any kind of responsibility or liability with regard to death of Parmod. Neither was she armed, nor did she inflict any injury, nor did she exhort her son to cause any injury. As such, she cannot even be held vicariously liable. Under these circumstances, we find that benefit of doubt can safely be extended to appellant No.2 – Angrejo.

27. In view of the aforesaid discussion, this Court finds that the prosecution has led ample evidence to establish the complicity of appellant No.1 - Vikas, but the case of prosecution qua appellant No.2 – Angrejo cannot be said to be substantiated. As such, CRA-D-1075-DB-2017 qua appellant No.1 – Vikas Singh is dismissed and his conviction is upheld, whereas the appeal qua appellant No.2 – Angrejo is accepted and she is acquitted of all the charges framed against her. Appellant No.1, if on bail, be arrested immediately to undergo remaining part of sentence.

28. As far as revision filed on behalf of the complainant is concerned, we do not find it to be a case where capital punishment is warranted, as the instant case would not fall in the category of ‘rarest of rare cases’ so as to justify imposition of death sentence. Consequently, the revision is found to be sans merits and is hereby dismissed.

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

(GURVINDER SINGH GILL)
JUDGE

16.09.2025
Vimal

(DEEPINDER SINGH NALWA)
JUDGE

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