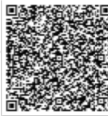




2025:PHHC:161854



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.1316 of 1995 (O&M)

Zubedan and another **Appellants**
vs.

Pritam Singh and others **Respondents**

Reserved on: November 18, 2025

Pronounced on: November 20, 2025

Uploaded on: November 20, 2025

* * * *

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued By:- Mr. A.P. Kaushal, Advocate
for the appellant.
None for respondent No.1.
Mr. Ishan Kaushal, AAG, Punjab
for respondent Nos.2 to 4.

DEEPAK GUPTA, J.

The plaintiffs, who are the appellants before this Court, have filed the present Regular Second Appeal challenging the concurrent findings of the Courts below. Their suit for recovery of ₹2,50,000/- as compensation for the death of Mohd. Ishaq was decreed only against defendant No.1— Head Constable Pritam Singh, while the suit qua defendant Nos.2 to 4, namely the State of Punjab and its officials, was dismissed by the trial Court on 26.11.1991. The First Appellate Court, vide judgment dated 05.12.1994, upheld the said findings, giving rise to the present appeal.

2. The factual background emerging from the record is not in dispute. Mohd. Ishaq and his brother Mohd. Iqbal jointly ran a fruit shop at bus stand, Malerkotla. Head Constable Pritam Singh, while posted at Malerkotla, owed a sum of ₹500/- to Mohd. Ishaq for purchase of fruits. On 11.08.1987, after Pritam Singh had been transferred to Ludhiana, Mohd. Ishaq learnt that

he happened to be present at the bus stand in a PRTC bus. Accompanied by his brother Mohd. Iqbal and one Mohd. Shakil, he approached Pritam Singh and demanded payment of the outstanding amount. Enraged by the demand, Head Constable Pritam Singh fired from his official sten gun, hitting Mohd. Ishaq on the chest, causing his instant death on the spot. He was apprehended immediately by Mohd. Iqbal and Mohd. Shakil and later faced trial in FIR No. 93 dated 11.08.1987 under Section 302 IPC. He was convicted and sentenced to life imprisonment.

3. The widow and mother of the deceased instituted the present suit for recovery of ₹2,50,000/- as compensation against all four defendants i.e., the assailant - Head Constable, and the State authorities. All defendants were proceeded ex parte.

4. On the basis of ex-parte evidence, the trial Court decreed the suit but only against defendant No.1, holding that the State could not be saddled with liability for the personal, illegal act of its employee. The appeal filed by the plaintiffs seeking a decree against the State authorities was dismissed by the First Appellate Court.

5. In the present appeal, learned counsel for the appellants contends that defendant No.1 was admittedly on official duty at the relevant time and was using a State-issued weapon; thus, the State and its officers must be held jointly and severally liable. It is further urged that the First Appellate Court failed to consider the appellants' application under Order 41 Rule 27 CPC, through which they sought to produce certified copies of the statements of witnesses in the criminal trial to show that Pritam Singh was performing official duties at the time of occurrence. According to the appellants, this additional evidence was vital to establish the State's vicarious liability.

6. Opposing the appeal, learned State counsel submits that the concurrent findings suffer from no infirmity. It is argued that the act of murder committed by Head Constable Pritam Singh had no connection what-

soever with his official duties and was purely personal in nature. The mere fact that he possessed a service weapon, or was in uniform cannot convert a personal vendetta into an act attributable to the State.

7. This Court has carefully considered the rival submissions.

8. The First Appellate Court has undertaken a detailed re-appreciation of evidence and has rightly noted that though Pritam Singh was on duty and carried an official sten gun, the incident arose exclusively from a personal dispute involving an unpaid private debt of ₹500/-. The deceased demanded payment of the money owed to him for fruits sold on credit, and it was this confrontation that triggered the fatal attack.

9. The First Appellate Court has specifically recorded that the action of Pritam Singh was a direct reaction to the personal demand for repayment and had no nexus, direct or incidental, with his official responsibilities of maintaining law and order or preventing crime. The weapon may have been issued for official duties, but its misuse for settling a personal score does not render the State vicariously liable. The doctrine of vicarious liability applies only when the tortious act is committed “in the course of employment” and not when the employee acts for his private purposes or acts entirely outside the scope of his official duty.

10. The reliance placed by the appellants on ***State of Rajasthan v. Mst. Vidhyawati, AIR 1962 SC 933***, has been rightly rejected by the First Appellate Court, as in that case, the State was held liable for the negligent driving of its employee while he was driving a government vehicle for an official purpose. The ratio therein cannot apply, where the employee commits an intentional criminal act wholly unconnected with his service duties. Here, the nature of the act, intentional murder over a personal dispute, takes the conduct far outside the realm of official function.

11. Both the Courts below have consistently held that the State cannot be held liable for acts of employees committed out of personal vengeance, private animosity, or other motives divorced from official duties. In-

tentional criminal acts of an employee, especially those arising from private disputes, cannot be attributed to the State unless there is clear evidence of State involvement or direction. No such element exists here.

12. As regards the application under Order 41 Rule 27 CPC, although the First Appellate Court did not expressly discuss it, the very purpose of additional evidence was to demonstrate that Pritam Singh was on duty at the relevant time. This fact is already accepted and noted by both Courts below. Since the additional evidence does not alter the essential finding that the murder was rooted in a purely personal dispute, no remand is warranted at this stage, particularly when this second appeal was filed three decades ago and the material sought to be produced does not advance the appellants' case on the core issue of vicarious liability.

13. In view of the above discussion, this Court finds no illegality, perversity, or misappreciation of evidence in the concurrent findings of the Courts below. The act of Head Constable Pritam Singh was entirely personal, unconnected with any official duty, and therefore the State cannot be held liable for payment of compensation. The appeal accordingly lacks merit and is hereby dismissed.

14. It is, however, clarified that the appellants shall remain entitled to execute the decree passed in their favour against respondent No.1—Pritam Singh, in accordance with law.

November 20, 2025
Sarita

(DEEPAK GUPTA)
JUDGE

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