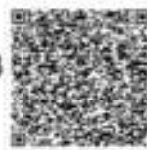


2026:PHHC:001093-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. NO.104

CRA-D-987-DB-2004 (O&M)
RESERVED ON:28.10.2025
DATE OF DECISION:09.01.2026
Uploaded on:14.01.2026

HARNAM SINGH @ RANJIT SINGH

...APPELLANT(S)

VERSUS

STATE OF HARYANA

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE N.S.SHEKHAWAT
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Kartar Singh Dhillon, Advocate/Amicus Curiae
for the appellant.

Mr. Parmod Kumar, AAG, Haryana.

N.S. SHEKHAWAT, J.

1. By way of the instant appeal, the appellant has assailed the legality of the impugned judgment and order 09.10.2004 passed by the Sessions Judge, Ambala, whereby the appellant was convicted for commission of offence under Section 302 IPC and was sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs.2,000/- along with stipulated condition.

2. As per the report under Section 173 Cr.P.C., the FIR Ex.PL/2 was registered against the appellant on the basis of the statement Ex.PL made by the complainant, namely, Hem Raj son of Ram Kishan and the same has been reproduced below:-

“...I am resident of aforesaid address and run a Dhaba on Trilokpur Road in front of Ruchira Paper Mill. There is a Shiv temple in the area of our village Dera and in that temple for the last 10-12 years, my maternal uncle in the relations used to work as a priest (Pujari) who has died. Due to this reason, we have frequent visits to the temple. About 2-2^{1/2} months prior, we have also servant (Sewak) Ranjit Singh Chela of Karanpuri r/o Korwa Gurudawara came to the temple and started working as a priest in that temple. On seeing his moral character bad, the villagers had turned him out from the temple. 8-10 days earlier in the temple of village, we brought Baba Hari Om Giri s/o Partap Bahadur Singh r/o village Ghastipur Dera from Dera Baba Jagan Nath old Shiv Mandir, District Ambala for working as a priest in that temple. Yesterday, on 9.9.2003, Yogeshwar Puri Guru Mahant Sampat Puri Kalawar Math P.S. Chhapper District Yamuna Nagar at present priest of Kala Devi Mandir, Kala Amb was sitting alongwith Ranjit Singh Chela of Karanpuri and Naresh Kumar s/o Chhotte Lal r/o Shiv Colony Kala Amb at about 10 in the night, in Shiv Mandir Kala Amb when I and Dinesh Kumar s/o Pawan Kumar r/o Jodo P.S.Nahan had gone to temple for giving the food of Baba Hari Om Giri. Aforesaid Ranjit Singh Chela of Karanpuri was asking the aforesaid Hari Om Giri why you have come in my place here? Due to this reason, Ranjit Singh Chela of Karanpuri aforesaid was having a grudge in his mind. After keeping the food of Baba Hari Om Giri, we both came back. Today at about 7.30 in the morning, I and Dinesh Kumar again went to the temple for worship then we saw that Baba Hari Om Giri was lying on the Takhat in the court-yard in an injured condition, who having injuries on the left side cheek and on the left side of the neck and blood was oozing out in sufficient quantity and Baba Ji was feeling difficulty in breathing. At that time we arranged a van from Kala Amb and put the Baba in it and we had just to shift it for taking the Baba to Naraingarh Hospital, but in this process

Baba had breathed his last. We had given information to the police post Kala Amb through telephone. We had full doubt that aforesaid Ranjit Singh has caused injuries by sharp edged weapon to Baba Hari Om Giri in the temple in place of him and due to this Baba Hari Om Giri has expired. I have got recorded my statement to you on the spot, which has been heard and same is correct. Action be taken against him. Sd/-Hem Raj Attested Sd/-Kulbhushan SI/SHO P.S.Naraingarh dated 10.9.2003”.

3. After the registration of the FIR, the investigation was conducted by SI Kulbhushan, SHO Police Station Narayangarh, who prepared the inquest report Ex.PC, took into his possession the sheet (Chaddar), dead body of Baba Hari Om vide recovery memo Ex. PM. He also prepared a rough site plan of the place of occurrence and sent the dead body for post-mortem examination to Civil Hospital, Narayangarh. On 13.09.2003, Harnam Singh @ Ranjit Singh, appellant, was arrested on the pointing out by Hem Raj, complainant and in the presence of witnesses, he got recovered “takua” Ex. P1, which was taken into possession by the police vide recovery memo Ex. PJ and the “takua” was found to be blood-stained. After usual investigation, the challan was presented against the appellant. Since the offence was exclusively triable by the Court of Sessions, it was committed to the Court of Sessions.

4. The trial Court found a *prime facie* case under Section 302 IPC against the accused and accordingly ordered the framing of charge-sheet against him. The appellant abjured his guilt and claimed to be tried.

5. During the course of trial, to prove the charge against the appellant, the prosecution had relied upon the statements of 12 witnesses. The prosecution examined PW-1 Dr. S. K.Mahipal, who had conducted the

post-mortem examination on the dead body of Baba Hari Om Giri on 10.09.2003. The relevant extract of his testimony has been reproduced below:-

“The length of the body was 5 ft 4". It was a body of old, long bearding with long scalp hair Baba (Sadhu), weakly built and nourished, wearing saffron coloured 'kurta' and 'dhoti' and white 'langot'. A thick white thread was tied around waist. A red beaded 'taveez' around left arm, two white beaded 'mala' and one 'rudraksh mala' around neck were present. White thread beaded a 'taveez' etc, around neck, a 'rudraksh mala' tied around the ahir tuff of scalp, a yellow metal ring with stone in the right index finger with two white metalled ring in each right middle finger and ring finger were also present. A rudraksh and white beaded mala tied around right wrist and arm, left forearm was amputated in the middle as an old case. Both eyes were closed, mouth closed, rigour mortis was present in all the four limbs, postmortem staining was present in dependent areas, right hand was blood stained and face was blood stained.

We found the following injuries on the dead body:-

- 1) An incised wound measuring 10 cm x 3 cm in size on the left side of face running obliquely outward from just below left eye. Under line vessels, nerves and tendons ruptured and exposed. Sub cutaneous tissue is excessively extra vasated. On dissection the left maxillary facial bones was fractured.*
- 2) A spindle shape incised wound of size 3 x 1 cm, present on the lateral part of neck on left side in the middle and running obliquely. Underlying vessels and nerve and tendons were teared. Extra vasation of blood was present in the underlying tissue, On dissection there was fracture of first cervical vertebrae with injury to upper spinal cord and medulla lower part.*

The right side of heart contained blood while the left side of heart was empty. Right and left lungs were mildly congested. The stomach and its contents contained gastric juices and very little food material. Small intestine contained intestinal juices and unabsorbed food material. Large Intestines contained foul smell gases and phole matter. Bladder was empty. All the other organs were healthy.

In our opinion, the cause of death in this case was fracture of first cervical vertebrae resulting into injuries to the medulla and upper spinal cord associated with hemorrhage resulted from injuries No.1 and 2 as described. Those were sufficient to cause death in normal course of nature. Both the injuries were ante-mortem in nature.”

6. In his testimony, PW-1 Dr. S. K. Mahipal also opined that the opinion Ex. PO/1 was rendered by the Board of Doctors, according to which, injuries No.1 and 2 found on the dead body could be caused by the weapon shown to them and the brief sketch of which had been mentioned in the report. In his cross-examination, he stated that the possibility of injuries No.1 and 2 having been caused with any sharp-edged weapon could not be ruled out. Since the injuries found on the dead body were two in number, the possibility of those injuries having been caused by two different assailants could not be ruled out. The prosecution further examined PW-2 Head Constable Bani Singh and PW-3 Savinder Singh, Constable, whose testimonies were formal in nature. PW-4 Manohar Lal, Draftsman, had prepared the scaled site plan Ex.PG on 29.09.2003. Similarly, the statements of PW-5 C. Baksa Ram, PW-6 Booti Nath, Photographer and PW-7 ASI Charan Singh were formal in nature and need not be discussed in detail.

7. PW-8 Constable Puran Chand had witnessed the making of disclosure statement by the appellant, in pursuance of which, he had got recovered “takua” Ex. P1 from the bushes standing by the side of the river bank and the “takua” was taken into possession by the recovery memo Ex.PJ.

8. PW-9 Hem Raj, complainant, reiterated the version as mentioned in the FIR Ex. PL/2.

9. Similarly, PW-10 Dinesh Kumar also stated that between 8:30 p.m. to 10:45 p.m. on 09.09.2003, he along with Naresh Kumar and Hem Raj remained present in Shiv Temple, Kala Amb. Hari Om Giri (since deceased) and Ranjit Singh, appellant, were present at the temple. Ranjit Singh said to Hari Om that he would have to pay for sitting in the temple. At about 10:45 p.m., he, Hem Raj and Naresh left the temple and on the next morning at about 7:30 a.m. he found Hari Om Giri lying in the temple in an injured condition having cuts near his left eye and on the left side of the neck. After arranging a vehicle, he along with others had shifted the injured to Civil Hospital, Narayangarh, where he died on the way. The prosecution further examined PW-11 Yogeshwar Puri, who deposed on similar lines and tried to support the version of PW-10 Dinesh Kumar.

10. PW-12 SI Kulbhushan was the Investigating Officer of the present case and had not only initiated the investigation in the present case but also arrested the appellant and recovered the weapon of offence from him.

11. After the closure of the prosecution evidence, the entire incriminating evidence was put to the accused and he pleaded that he was

innocent and had been falsely implicated in the present case at the instance of the complainant. In his defence, he opted not to lead any evidence.

12. Learned counsel for the appellant vehemently argued that it was a case based on circumstantial evidence and the chain of circumstances was incomplete. Rather, the prosecution case clearly proves that the appellant had no concern with the allegations levelled against him and he had been involved only on the basis of suspicion. Apart from that, it was also apparent from the testimonies of various prosecution witnesses that they had last seen the appellant in the company of the deceased about eight hours ago and in every likelihood, some other person had committed the crime. However, in order to solve the case, the burden was shifted on the appellant. Still further, the blood group found on the “takua” (sharp-edged weapon) Ex. P1 had not matched with the blood group of the deceased and it was difficult to hold that the said weapon of offence was actually used in the commission of the murder by the accused. Still further, there were material contradictions between the statements of PW-9 Hem Raj and PW-10 Dinesh Kumar and the prosecution case was liable to be discarded by the trial Court.

13. On the other hand, learned State counsel has referred to the detailed findings recorded by the trial Court to contend that the trial Court had correctly appreciated the prosecution evidence and the appeal is liable to be dismissed. In fact, there was motive on the part of the appellant to commit the crime, as he did not like the presence of the deceased in the temple. Apart from that, there were minor contradictions in the statements of PW-9 Hem Raj and PW-10 Dinesh Kumar, which did not strike at the root of the matter and conclusively proved the presence of the appellant immediately before the occurrence. Learned State counsel further argued

that the “takua” was recovered after a long gap and it was found to be blood-stained. However, the serological analysis showed that the material was found to be disintegrated. Learned State counsel further referred to the testimony of PW-1 Dr. S.K. Mahipal to contend that the doctor had given a categoric opinion that the injuries on the person of the deceased could have been caused with the same weapon.

14. We have heard learned counsel for the parties in detail and perused the record carefully.

15. In the present case, no doubt the case is based on circumstantial evidence and to prove the chain of circumstances, the prosecution had produced PW-9 Hem Raj, who categorically deposed that at about 10 p.m. on 09.09.2003, he was sitting in the temple with Dinesh, Naresh Kumar, Hari Om Giri (since deceased) and the appellant. In their presence, the appellant asked the deceased as to how he was present in the temple. On this, Hari Om (since deceased) replied that he had been brought to the temple by the villagers. On this, the appellant told the deceased that he would have to pay the penalty for sitting in the temple. At about 10:30/11:00 p.m., Hem Raj (PW-9), Dinesh and Naresh went away from the temple and on the next morning at about 6 a.m., when he went to the temple, he found that Dinesh had already reached there. On reaching the temple, they found Hari Om Giri (since deceased), lying in an injured condition and he had difficulty in breathing. They arranged a van and while shifting him to the hospital, Hari Om Giri breathed his last breath and he got the FIR registered in the present case. His testimony has been duly corroborated by the statement of PW-10 Dinesh Kumar. Even PW-11 Yogeshwar Puri also supported the version of PW-9 Hem Raj. No doubt, there are certain minor

contradictions with regard to the time of arrival and departure from the temple in the testimonies of PW-9 Hem Raj and PW-10 Dinesh, but such contradictions are not grave enough to discard the testimonies of these witnesses. In fact, the witnesses had deposed before the court after a long interval and such minor variations are bound to appear in the testimonies of rustic villagers. Consequently, from a careful perusal of the testimonies of these three witnesses, it is apparent that these three witnesses had last seen the deceased in the company of the accused, immediately before the occurrence and at night, the appellant as well as the deceased had stayed together in the temple itself.

16. Apart from that, we do not agree with the learned counsel for the appellant and find that the evidence of the prosecution was consistent with regard to the motive on the part of the appellant to commit the crime. In fact, the appellant was annoyed with the deceased, as the deceased had occupied the temple against the wishes of the appellant. Even the appellant had threatened the deceased, in the presence of PW-9 Hem Raj and PW-10 Dinesh and specifically asked him to leave the temple. Thus, in the considered opinion of the Court, the prosecution had been able to prove the motive against the present appellant.

17. Moreover, as per the testimony of PW-12 SI Kulbhushan, the appellant was arrested in the present case on 13.9.2003 and in pursuance of the disclosure statement made by him, he got recovered a “takua” from the bushes grown by the side of ‘Markanda River’. Even “takua” Ex. P1 was sent to the FSL by him and it was found to be blood-stained. Apart from that, PW-1 Dr. S.K. Mahipal clearly opined that injuries No.1 and 2 found on the dead body of the deceased could have been caused by the weapon shown to

the Board of Doctors, the brief sketch of which had been mentioned in the report. Thus, it stands established that “takua” Ex. P1 recovered from the appellant was found to be blood-stained and apparently was used in the commission of crime by him.

18. Even otherwise, we have carefully perused the detailed findings recorded by the trial Court and found that the trial Court had correctly appreciated the evidence in the light of the settled canons of law and find no reason to differ with the trial Court. Consequently, finding the appeal to be meritless, the same is ordered to be dismissed and the impugned judgment and order dated 09.10.2024 passed by the Sessions Judge, Ambala are ordered to be upheld. Pending application(s), if any, shall also stand disposed off, accordingly.

(N.S.SHEKHAWAT)
JUDGE

(SUKHVINDER KAUR)
JUDGE

09.01.2026
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO