

State Vs. Seerat Kaur

PBSA010046722017



Presented on : 12-07-2017
Registered on : 13-07-2017
Decided on : 03-07-2026
Duration : 8 years, 11 months, 22 days

**In the Court of Hardip Singh,
Additional Sessions Judge, SAS Nagar .**

**CNR No. PBSA010046722017
CIS No. SC/116/2017
Date of Decision: 03.07.2026**

FIR No. 34 dated 19.03.2017
under Section 302, 201, 34, 120-B IPC and
Sections 25, 54, 59 of Arms Act
PS Mattaur, SAS Nagar

COMPLAINANT	State of Punjab
REPRESENTED BY	Sh. Ravinder Singh , Addl. PP for the State assisted by Sh. Terminder Singh, Advocate, Sh. Manpreet S.Kaler Advocate, Sh. Manav Sharma Advocate and Ms. Aarushi Sharma Advocate, counsels for the complainant.
ACCUSED	Seerat Kaur W/o late Ekam Singh Dhillon r/o House No. 116, Phase 3B1, SAS Nagar, Mohali.
REPRESENTED BY	Sh. N.P.S Waraich, Advocate, Sh. S.S.Waraich Advocate and Sh. Seerat P. Waraich Advocate counsels for the accused.

Date of Offence	19.03.2017
Date of FIR	19.03.2017
Date of Charge Sheet/Police Report	15.06.2017
Date of Framing of Charges	19.07.2017
Date of commencement of evidence	18.08.2017
Date on which judgment is reserved	Nil
Date of the judgment	03.07.2026
Date of the Sentencing Order, if any	03.07.2026

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428 Cr.P.C
Accused	Seerat Kaur	19.03.2017	-----	302 ,120 B, ,201 IPC and 25 Arms Act	Convicted	As detailed in order of quantum of sentence.	As per record

Present :	<p>Sh. Ravinder Singh , Addl. PP for the State assisted by Sh. Terminder Singh, Advocate, Sh. Manpreet S.Kaler Advocate, Sh. Manav Sharma Advocate and Ms. Aarushi Sharma Advocate, counsels for the complainant.</p> <p>Accused Seerat Kaur in custody (produced) represented by Sh. N.P.S Waraich, Advocate, Sh. S.S.Waraich Advocate and Sh. Seerat P. Waraich Advocate counsels for the accused.</p>
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J U D G M E N T:

In the present case, the above named accused Seerat Kaur was sent up to face trial by the Station House Officer, Police Station Mattaur, SAS Nagar, to face trial for commission of offence under Sections 302, 201, 34, 120-B IPC and Sections 25 of Arms Act.

2. The law in this case has been set into motion on the statement of complainant Darshan Singh Dhillon S/o Sh. Jaspal

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Singh R/o House No. 672, Phase-6, SAS Nagar, Mohali to the effect that he is the resident of above said address and works as a builder. They are two brothers and his elder brother Ekam Singh Dhillon was married to Seerat Kaur in the year 2006-07. Thereafter, shortly after the marriage, he moved to Chandigarh and started living with his wife Seerat Kaur in a rented accommodation and out of the said wedlock, they have a son namely Gurniwaz Singh, aged around 11 years and a daughter Humaira Kaur, aged about 5/6 years and they were living in House No. 116, Phase-3B1, SAS Nagar, Mohali on rent for about 8-10 days. The complainant further stated that his friend informed him that an incident had occurred where his brother was residing and pursuant to the same, he along with his father Jaspal Singh Dhillon reached House No. 116, Phase 3B1, SAS Nagar, Mohali. Outside the house, a BMW car bearing registration No. CH-04-F-0027 belonging to his brother was parked and blood was spilled on the ground near the rear-door of the car. When he opened the car and checked, he found a black-coloured suitcase with a zipper on the backseat and blood was leaking from it. When they took out the suitcase and opened it, they found that his brother's body (Ekam Singh Dhillon) was inside, covered in blood and from his nose, blood was oozing out. He was certain that bullet was fired into the right temple and exited through the auricle of left ear due to which Ekam Singh Dhillon died. The complainant further stated that the reason was that his brother was involved in a commercial property business

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and had purchased the same near Gurgaon, Haryana side and also he had purchased a property near Mullanpur for about Rs. 4 to 5 crores, which he got registered in the name of his mother-in-law and the entire amount was lying in her bank account and that he was confident that his wife Seerat Kaur along with her mother Jaswinder Kaur and brother Vinay Pratap Singh conspired to kill him to usurp his money as well as his properties and after the murder, they attempted to dispose of the body by putting it in a suit case and placed it in the aforementioned car.

3. On the basis of said statement/complaint, FIR was registered against the present accused Seerat Kaur, her mother Jaswinder Kaur and brother Vinay Pratap Singh for committing offence punishable Sections 302, 201, 34, 120-B IPC and Sections 25, 54, 59 of Arms Act. Investigation commenced. During investigation, photographs of the dead-body were got clicked and other relevant material was collected and sealed in a parcel by police. The accused Seerat Kaur was arrested and personally searched vide separate memos. She also made a disclosure statement leading to the recovery of the weapon. During the house search of accused, a 7.65 mm USA-made pistol was recovered and a magazine with three live cartridges were recovered and one magazine was found concealed in a cupboard under clothes. Recovery memo was prepared. Blood-stained clothes and soil samples were seized for testing and analysis. The postmortem of deceased was got conducted. Statement of

witnesses under Section 161 Cr.PC was recorded. Further, during investigation, CCTV footage recordings of the cameras installed in the house of Kuldip Singh s/o late Bhagat Singh pertaining to 18/19.03.2017 were produced by him in a pen drive along with certificate under Section 65-B of the Indian Evidence Act, which were taken into police possession. After completion of the investigation challan was presented in the court.

4 Copies of the challan were provided to the accused free of cost and since the offence under section 302 IPC is exclusively triable by the court of Sessions, as such the case was committed to the court of learned Sessions Judge vide order dated 28.06.2017 and same was transferred to this Court by the Ld. District & Sessions Judge, SAS Nagar, Mohali vide order dated 15.01.2026.

5. The consideration on the charge was heard on 19.07.2017 and on the said date, the then Ld. District & Sessions Judge, SAS Nagar, Mohali framed charges against the accused Seerat Kaur after finding *prima facie* offence under Section 120-B, 302, 201 of IPC and Section 25 of Arms Act. The charges against the accused were framed and the charges were read over and explained to the accused in the language understood by her, to which she pleaded not guilty and claimed trial.

6. In order to substantiate the charge against the accused, prosecution examined the following witnesses:

Rank	Name	Nature of Evidence
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PW1	Darshan Singh Dhillon	Complainant
PW2	Jaspal Singh Dhillon	Father of complainant and witness regarding occurrence
PW3	Rajesh Mittal, SDE	Regarding production of record pertaining to mobile number
PW4	Munish Bindra, Nodal Officer, Bharti Airtel	Regarding production of record pertaining to mobile numbers
PW5	Amit Dabra, Alternate Nodal Officer, Vodafone	Regarding production of record pertaining to mobile numbers
PW6	Jagbir Singh, Nodal Officer, Idea Cellular Ltd.	Regarding production of record pertaining to mobile numbers
PW7	Dr. Manhardeep Kaur, Jr. Resident, Deptt. of Community Medicine	Regarding postmortem of deceased Aikom Singh
PW8	Pooja	Safai Sewak working in the house of deceased
PW9	Sachin Kumar	Proprietor of Jukero Salon and witness to the identification of accused Seerat Kaur
PW10	Kamlesh Kumar	Witness to the identification of accused Seerat Kaur
PW11	Prithi Pal Singh	Regarding production of CCTV recording, phone bill and certificate under Section 65 B.
PW12	Satinder Kumar	Owner of House No. 116, Phase 3B1, SAS Nagar, Mohali
PW13	HC Ramesh Kumar	Recovery witness
PW14	Baljinder Singh, Draftsman	Witness regarding preparation of site plan at the instance of complainant
PW15	Pradeep Singh	Witness
PW16	Jagir Singh	Witness
PW17	C Gurpreet Singh	Witness regarding deposit of case property in FSL
PW18	ASI Sudarshan Kumar	Witness regarding deposit of case property in FSL
PW19	Harpreet Singh, Clerk	Witness to the ownership of House No. 116, Phase 3B1,

		Mohali
PW20	Mukesh	Witness
PW21	Sarvesh Punj, Manager Yes Bank	Witness
PW22	Gurmeet Singh, Sr. Assistant	Regarding production of Sanction Order
PW23	Gurniwaz Singh	Son of accused
PW24	Kuldip Singh	Regarding production of CCTV footages
PW25	ASI Rajwant Singh	Regarding deposit of case property with the MHC
PW26	Sr. Ct. Gurdit Singh	Regarding deposit of case property
PW27	SI Rajinder Kumar	Regarding production of record of FIR No. 01/2011
PW28	Retired SI Paramjit Kaur	Regarding recording of statement of witness
PW29	Jatinder Kumar	Regarding production of bank account record
PW30	Naveep Kaur	Witness
PW31	Retired Inspector Avtar Singh	Witness accompanying the IO
PW32	DSP Baljinder Singh Pannu	Investigating Officer
PW33	Inspector Pushpinder Singh	Official witness
PW34	DSP Tarlochan Singh	Part-Investigating Officer
PW35	Ms. Parul, Ld. JMIC	Witness
PW36	HC Amanpal Singh	Witness accompanying the IO

Prosecution has examined ***Darshan Singh Dhillon***, ***complainant as PW-1***, who deposed as under:-

'I am resident of aforesaid address and is working as builder. We were two brothers. My elder brother was Ekam Singh Dhillon who got married in 2005 with Seerat Kaur. After some time of his marriage, Ekam Singh Dhillon alongwith his wife had started residing in

Chandigarh in rented premises. From the wedlock of Ekam Singh, two children were born, one son namely Gurniwas aged 11 years and one daughter Homaira Kaur aged 5-6 years. About 8-10 days prior to the occurrence in question, Ekam Singh Dhillon alongwith his family was residing in House No. 116 Phase-3B-1, Mohali. On 19.03.2017, one of my friends on phone, had informed me that at the place where my brother is residing on rent at that time, some untoward incident had taken place and he advised me to go to the spot. Upon this information, I alongwith my father Jaspal Singh Dhillon had gone to the rented premises of Ekam Singh. We reached the said house at about 10:45 A.M. In the plot adjoining to the rented premises of my brother Ekam Singh, we spotted the car of Ekam Singh, BMW bearing No. CH-04-F-0027 and we also spotted the left door of the said car to be smeared with blood and also there was blood noticed on the ground. Then further we opened the car and saw on the rear seat of the car, one black colour bag having a zip lying there and blood was oozing from the said bag. After, about 5 minutes of our reaching the spot, police had also come. The said attachee case lying on the rear seat was then removed by the police alongwith us and on opening of the said attachee case, we noticed the dead body of my brother Ekam Singh Dhillon which was smeared with blood. Blood was oozing from the nose and ears of the dead body. On 18.03.2017 at about 9:00 P.M. Ekam Singh Dhillon had come to my house in Phase-6, Mohali and at about 10/10:15 P.M. Ekam Singh Dhillon had returned back to his house. On the checking of the dead body of my brother, it was found that there was gun shot injury mark on the left temple of my brother and there was exit gun shot injury mark on the right side cartilage of the ear. Ekam Singh Dhillon at earlier time had disclosed to me and he also disclosed on 18.03.2017 about having purchased two commercial properties in Gurgaon in the name of his wife, from which he was receiving rent @ Rs. 30000/- per month from each property. He had also disclosed that he had purchased property of the value of Rs. 4-5 crores near Mullanpur Garibdass in the name of his mother-in-law Jaswinder Kaur. He had also

disclosed to me that he had purchased BMW bearing No. CH-04-F-0027, in the name of his mother-in-law. My brother had also disclosed that his money was also deposited in the bank account of his mother-in-law. My brother had also disclosed to me that about one year ago he had sold his crusher in Village Khijrabad for the amount of Rs. 25 lacs and the sale proceed were handed over to his mother-in-law. He had also disclosed that his mother-in-law had projected that this amount was deposited in the bank. From the conversation which had taken place between me, my father and my brother Ekam Singh Dhillon on 18.03.2017, what we could gather is that under well planned conspiracy, with the purpose to misappropriate the properties an cash amount of Ekam Singh, his wife Seerat Kaur, his mother-in-law Jaswinder Kaur W/o Late Gurprem Singh and his brother-in-law Vinay Partap Singh had murdered Ekam Singh Dhillon and the said persons, with the purpose to cause disappearance of evidence of murder of my brother had put the dead body in attachee case and were preparing to go away in the car but, their plan did not fructify as we had come at the spot. The murder of Ekam Singh Dhillon had taken place on the intervening night of 18/19.03.2017 .I had got recorded my statement to the police on 19.03.2017 which is Ex.PW1/A. The same was got recorded by the police as per the disclosure made by me, without any further addition or omission. After scribing of the statement Ex.PW1/A it was read over to me and after admitting the contents of the same to be correct, I had signed the said statement at Point-A and the same was also signed by my father J.S. Dhillon at Point B. On 19.03.2017 from the spot the police in my presence had lifted the blood stained earth at the spot where the BMW was parked and the same was converted into parcel and taken into possession vide memo Ex.PW1/B, which was attested by me and police official Surjit Singh. From one side of the plot in question, blood stained mopping cloth was also taken into possession by the police after converting the same into parcel vide memo Ex.PW1/C which was also attested by me and the aforesaid police official. From the attachee case in which there was found the dead body of Ekam Singh,

with the help of cotton, blood was also lifted from the attachee case by the police which was converted into parcel, which was taken into possession vide memo Ex.PW1/D. Inquest report was prepared by the police and then the dead body of Ekam Singh Dhillon was dispatched for postmortem examination. At the spot, the police had checked the BMW bearing No. CH- 04-F-0027 and found the key of the car underneath the mat and on the checking of the dashboard, RC of the car was recovered which was in the name of Jaswinder Kaur and the said vehicle alongwith the key and RC were taken into possession vide memo Ex.PW1/E, which was also attested as aforesaid. The police had then entered first floor of the house bearing No. 116 where my brother used to reside with his family. Upon search of the house, from one bedroom, on the floor, the police had recovered one empty shell which was lying on the right side wall of the bedroom and the said shell was converted into parcel and taken into possession vide memo Ex.PW1/F which was also attested as aforesaid. From the same bedroom on further search underneath the bed, fired pellet was recovered which was also converted into parcel and taken into possession vide memo Ex.PW1/G which was also attested as aforesaid. In the same bedroom, on the door of wooden almirah there was spotted blood, which the police with the help of cotton had lifted the blood and converted the same into parcel and the same was taken into possession vide memo Ex.PW1/H, which was also attested as aforesaid. On the further search of the almirah adjoining to the almirah, from which blood had been collected, on opening of the almirah there was found to be clothes lying and amongst the said clothes, on further search there was found to be pistol, make 7.65 made in USA and its number was probably written as 7111. Upon further checking of the said weapon, three live cartridge were recovered from the magazine and one live cartridge recovered from barrel. Rough sketch of the pistol was prepared, whereupon, parcel of the pistol and the cartridges were prepared and the same were taken into possession vide memo Ex.PW1/I which was attested as aforesaid. I had also attested the sketch of the pistol alongwith

the police official Surjit Singh and the same is Ex.PW1/J. Even, sketch of the magazine was prepared which was also attested as aforesaid and the same is Ex.PW1/K. Photography and videography of the spot where the car was parked and of the house of Ekam Singh Dhillon was got conducted by the police. Opposite the house of my brother Ekam Singh Dhillon there was house of one Goldy S/o Kuldeep and the police had gone to the said house and I also accompanied the police on 22.03.2017. Kuldeep Singh occupant of the aforesaid house had given the CCTV Camera recording in the form of two pendrives and the certificate under section 65-B Evidence Act to the police and the same were taken into possession vide memo Ex.PW1/L which was attested by me and Kuldeep Singh who handed over the pen drive. Before preparation of the CCTV recording in the pen drive, the recording of CCTV camera was seen by police as well as my self and on spotting of Seerat Kaur in the said recording of the date 19.03.2017 at about 8/8:30 A.M. Two pen drives which contain recording of two cameras installed in the house of Kuldeep Singh at two different angles. As the data was more than the capacity of the pendrive initially prepared, the residue recording was put in the subsequent pendrive. As such, recording was in two pendrives. At this stage, I have seen the envelop of the two pendrives, where particulars have been mentioned and which bears intact stapler markings.

Note-1: *On opening of the said envelop, it is found contain two pendrives. One Pendrive has been played in the open court in the presence of the accused and the Junior Counsel as well as complainant, Public Prosecutor and the counsel for the complainant. The same is found to contain recording of 16.03.2017.*

I have seen the pendrive which has been played in the open court and the same contains recording of 16.03.2017. The said pendrive is Ex.P1.

Note-2:- *The second pendrive has also been made to play in the court room but however, it was not being inserted in the computer of the*

court. Furthermore, an efforts were also made, to see the recording of this pendrive while using the laptop produced by public prosecutor but again this pendrive could not be inserted. On perusal of this pendrive, it is evident that there is no such damage caused but however, the shape of the pendrive appears to have changed, probably due to melting of the covering of the pendrive. This pendrive is Ex.P2.

Even, Ex.P2 has been attempted to be played in open court but the same could not be played due to the reason as mentioned in Note-2.

In the CCTV recording which was seen by me in the company of the police in the house of Kuldeep Singh and which recording was further transferred in the pendrive, aforesaid, I had seen Seerat Kaur, accused present in the court today to be coming with the huge bag which was same one in which the dead body of my brother Ekam was found and after dragging the bag firstly in the balcony and then covering 3-4 steps of the staircase and after coving the turning in the staircase when there was straight flight of the stairs, Seerat kaur was spotted to be giving a push to the said bag which seemingly contained something and appeared to be heavy. In the said recording, after coming down from the stairs after push was given by Seerat on the levelled ground after the staircase came to an end, the bag turned down on one side and the again Seerat was spotted while coming down from the staircase while she was in the process of cleaning the stairs. In the CCTV recording I had also seen Seerat Kaur on reaching the levelled ground, having flipped the bag and then dragged the same in the drive way and further made exit from the gate towards the spot where BMW was parked alongwith bag. In the recording of the camera it was further spotted that there was glass of the window of some other room of the house where the camera was installed and there was recording of the movement of Seerat in the said glass window from which there was faintly made out about Seerat to have put the questioned bag in the BMW. Firstly, she had opened the boot of the car and thereafter she had put the bag on the rear seat of BMW. In the said recording as per the reflection of the glass window, at about 9:15 A.M., one rapid scoda car

had come and stopped in front of the gate of the house of Ekam Singh Dhillon and one lady alighted from the same and had climbed the stairs to the house of Ekam Singh Dhillon on first floor. It was also noticed in the camera recording that said rapid Car had moved further and was parked and one man alighted from the same and climbed the stairs to reach the house of Ekam Singh. The occupants of the said Rapid Car were identified by me to be Inderjit @ Pappi Massi, who is maternal aunt of Seerat Kaur and her husband Bagicha Singh. In the further recording of the camera it was visible that both Inderjit @ Pappi Massi and Bagicha Singh after 10-15 minutes had alighted the staircase of the house of Ekam Singh Dhillon and at that time Papi Massi was carrying a small hand bag, which she was not spotted to be carrying when she climbed the stairs. Both the said persons had then moved towards the spot where they had parked the Rapid Car. Also, in the camera recording further it was visible that after about 5 minutes, Seerat Kaur was alighting from the staircase, while carrying some black coloured huge polythene bag with her open arms. From the recording of the other camera installed at different angle of the house of Kuldeep Singh, the visibility of coming down of Seerat Kaur with the polythene bag was clear and it was visible that Seerat was wearing pink coloured Top with black trackpants and she was also wearing black colour goggles and she is spotted to be going towards her left side. On 22.03.2017 after seeking the camera recording of the house of Kuldeep Singh, the police alongwith me had gone to the market of Phase 3B-2, Mohali to the shop of Samsung Showroom existing in SCO 66, which is owned by Pritpal Singh. On further inquiry said Pritpal Singh had disclosed to the police that Seerat Kaur had come to his showroom at about 10:30 A.M. on 19.03.2017 and he further disclosed that Seerat kaur had purchased one mobile phone of the value of Rs. 8800/-, the amount whereof was given Seerat Kaur while swiping one credit card. Said Pritpal Singh had also disclosed that there was CCTV cameras installed in his shop and there is recording of the visit of Seerat Kaur captured in the said cameras. Upon this, the recording of

the CCTV cameras was played before the police in my presence and in one of the cameras, Seerat Kaur at about 10:30 A.M. was seen entering into the said Samsung Showroom and it was visible that she came to the reception counter purchased the mobile phone. Further it was visible that from the landline phone of the said showroom she had made 2-3 calls and then made payment by swiping the credit card, which was taken out from her purse and then, she made exit from showroom. In the said camera recording it was visible that Seerat Kaur was wearing same clothes i.e pink top and black trackpants, which were captured in the CCTV cameras recording of the house of Kuldeep Singh aforesaid. Upon the asking of the police, the said recording was transferred in the form of pendrive by the owner and handed over to the police alongwith certificate of section 65-B of Indian Evidence Act vide memo Ex.PW1/M which was also attested by me. The said owner had also handed over the receipt of the use of the credit card for making the payment of the bill of the mobile phone.

Note-1: *On opening of the said envelop, it is found to contain two pendrives. One Pendrive has been played in the open court in the presence of the accused and the Junior Counsel as well as complainant, Public Prosecutor and the counsel for the complainant. The same is found to contain recording of 19.03.2017 of the showroom of Samsung.*

I have seen the pendrive which has been played in the open court and the same contains recording of 19.03.2017. The said pendrive is Ex.P3. In the said pendrive, from the recording of Camera No.4 and Camera No.2 of the Samsung Showroom, it is visible that Seerat kaur has entered the said showroom, came to the reception counter and purchased the mobile phone. It is also visible that she made 3-4 times phone calls from the landline phone of the showroom and also seen making the payment of the mobile phone by swiping the credit card and then leaving the showroom.

Note:- *The second pendrive which was recovered from the same envelop has also been played n the open court in the presence of the accused and the Junior Counsel as well as complainant, Public Prosecutor*

and the counsel for the complainant. The same is found to contain recording of 19.03.2017 of the showroom of Samsung of Camera No.5.

I have seen the playing of the said pendrive and it is found to contain recording of camera no.5 of the said showroom and from the same it is visible that Seerat kaur had entered into the said showroom while carrying the purse and then again while making exit from the said showroom. The said pendrive is Ex.P4.

On 22.03.2017 in the market of Phase 3B-2, Mohali, I had accompanied the police to SCF 39 where Jukero Saloon is being run and the same is on the first floor. On inquiry, Sachin Kumar person present in the said Saloon had disclosed about Seerat Kaur having come to their Saloon on 19.03.2017 at about 11/11:15 A.M and further disclosed about availing of head wash and the pack of hair from their Saloon. Sachin Kumar had also disclosed about the installation of CCTV cameras in their Saloon and the recording available with them. He had also disclosed that Seerat Kaur had also borrowed mobile phone from one of their employee Kamlesh and made 5-7 phone calls. CCTV camera recording was played before the police in my presence. In the said camera recording it was visible that Seerat Kaur entered the Saloon while carrying purse and lifafa of bananas and at that time she was wearing same clothes i.e. pink Top and black trackpants. It was also visible that Seerat Kaur came to the reception and then sat there. It was also visible that on coming of her turn she went to the service chair and had head wash. In the said process she had also borrowed phone from the employee and made 5-6 phone calls and the employee of Saloon was also visible nearby. It was also visible that while sitting on the service Chair of the Saloon, the attention of Seerat kaur was towards the parking area which was visible from the window very nearby to the service chair and in the process she was making phone calls. After seeing the said recording, the data was transferred in the pendrive and the said pendrive alongwith certifiante under section 65-B Evidence Act were handed over to the police which was taken into possession vide memo Ex.PW1/N which was also attested

by me. Even the bill of the services availed by Seerat Kaur and the receipt of the swiping of the credit card for making the payment were also handed over to the police.

***Note:-** The pendrive which was recovered from the same envelop has also been played in the open court in the presence of the accused and the Junior Counsel as well as complainant, Public Prosecutor and the counsel for the complainant. The same is found to contain recording of 19.03.2017 while Seerat Kaur entered the Saloon and availed services of head wash and also about borrowing of the mobile phone from the employee of the Saloon and making successive phone calls. In the said recording it was also visible that there is female employee of the Saloon present very near to Seerat while she was making phone call.*

On 22.03.2017, after collecting the aforesaid CCTV recordings, I had accompanied the police to the plot adjoining to the house of Ekam Singh. From the rear part of the plot, it was visible that this part was adjoining to the back portion of the house of which Ekam Singh Dhillon was the tenant. There was platform existing in the plot and very conveniently a person could climb the same and reach the terrace of the out rooms of the main house adjoining to the plot in question and from the terrace of the out room a person could easily have access to the balcony of the first floor where Ekam Singh Dhillon was residing and from the balcony any person could conveniently reach the bed room of Ekam Singh. It was also visible at that time that there was no bolt or latch to the mesh door of the bed room of Ekam Singh.

During the course of investigation I had disclosed my mind to the investigating agency about the questions of not finding the old mobile as well as new mobile of Seerat kaur which she purchased on 19.03.2017, her credit card which she used for making the payment as well as her purse and also about the black bag which she had brought down stairs as captured in the camera of the house of Kuldeep Singh. Considering this query, in the meantime, it came forth in the investigation that Seerat Kaur had visited Gurdwara Amb

Sahib, Phase-8, Mohali on 19.03.2017 at about 10/10:30 A.M. Upon this progress in investigation, then I had accompanied the police to Gurdwara Amb Sahib and police met one Sewadar by the name of Pardeep Singh and Harjinder Singh accountant in the room of Manager Jagir Singh. Both the said persons, on further probe had disclosed about one woman having visited outside the Gurdwara Sahib and had kept one bag of black colour near the tree and she went away after paying obeisance of the premises of the Gurdwara Sahib. These persons further disclosed that they had shifted the said bag to one side of the road and then informed the police. They also disclosed the police had reached the spot and the police official Ramesh Kumar of PCR who found blood smeared clothes and chappals in the bag, further informed police of P.S. Phase-8, Mohali and then ASI Sulakhan Singh came at the spot and Ramesh Kumar had gone away of the spot. ASI Sulakhan Singh had then asked Pardeep Singh to pick up the bag and follow him and thereafter had taken Pardeep Singh to the outer place of the parking of the Gurdwara Sahib and then asked Pardeep Singh to keep the clothes there, which were then burnt by ASI Sulakhan Singh. It was so disclosed by Pardeep Singh to the police in my presence. Upon this disclosure, on the asking of the police Pardeep Singh had taken the police official to the spot where the clothes were burnt and I also accompanied the police at that time. There was found to be ash lying at the spot of burning of the clothes which was lifted by the police and converted into parcel and further taken into possession vide memo Ex.PW1/O in my presence. On 01.04.2017, from the spot where the ash was lifted, Pardeep Singh had also disclosed that the clothes of the deceased were burnt by ASI Sulakhan Singh in conspiracy with the accused Seerat Kaur (objected to on the mode of proof). On 18.03.2017, Ekam had disclosed to my father Jaspal Singh about Seerat Kaur to have long chatting on phone through SMS with Nimratdeep Singh on 17.03.2017 and from this SMS so exchanged disclosed that he came to

know about illicit relationship between Seerat and Nimratdeep Singh (objected to being hearsay evidence). My brother Ekam had been murdered at the instance of Nimratdeep Singh with the purpose of continuation of his illicit relationship with Seerat Kaur and also to usurp Ekam's property and while having conspiracy with Seerat Kaur, her mother Jaswinder Kaur and Pappi Massi (objected to being hearsay evidence). From the CCTV recording coming to the notice during the course of investigation it came forth that on 19.03.2017 after about 9:00 A.M. Seerat Kaur, to suppress the detail of the murder of Ekam Singh Dhillon had handed over her old mobile phone to Pappi Massi and her husband who had come to her house (objected to on the ground of mode of proof). In the CCTV recording it is evident that Seerat had purchased new mobile phone from credit card and at that time she was carrying a purse and these articles had been handed over by Seerat Kaur to her mother Jaswinder Kaur and Nimratdeep when she met them in Jukero Saloon in 3B-2, Mohali (objected to on the mode of proof). However, during the course of investigation the aforesaid articles were never handed over to the police (objected to on the mode of proof). Nimratdeep Singh is very influential person and his relatives are holding position of authority (objected to on the mode of proof). Pappi Massi had come to the house of Seerat to facilitate the removal of evidence of murder of Ekam Singh Dhillon and to assist Seerat (objected to on the mode of proof). Jaswinder Kaur mother of Seerat is sister of Ajitinder Singh Moffer Ex.MLA. She is also relative of Ravneet Singh Bittu M.P. She is also related to earlier SSP Mohali namely Gurpreet Singh Bhullar (objected to on the mode of proof). On account of being so well connected the police had not apprehended Jaswinder Kaur, Nimratdeep Singh and Pappi Massi @ Inderjit Kaur in the present case (objected to on the mode of proof). Rajjit Singh Hundal, who was posted as SSP Khanna at the time of occurrence of the present case is also rendering all his assistance to Nimratdeep Singh (objected to on the mode of proof). On 19.12.2016 myself and my brother Ekam had gone to Village Saholi

District Ludhiana and returned back at night time. From the night of 19.12.2016 upto 05.01.2017 Ekam Singh Dhillon remained with me in my house at Mohali. After 05.01.2017 Ekam had disclosed to me that during the intervening period of 19.12.2016 to 05.01.2017 while he was living with me in my house, Seerat Kaur had regular talks with Nimratdeep Singh on mobile phone bearing No. 99153-47068 which belonged to her mother. Even, Ekam had shown me the mobile phone containing the phone calls so made by Seerat to Nimratdeep Singh and also shown me the messages so exchanged between the two. Ekam Singh Dhillon my brother had forged the Will of my grandfather regarding which we came to know and Ekam was confronted with the aforesaid fact, and was also warned that we shall file case qua the same, upon which Ekam felt sorry of his conduct and agreed to return back the land to us. Regarding this compromise Ekam had also made a statement in the court at Derabassi. During his stay with me from 19.12.2016 to 05.01.2017 Ekam had also disclosed to me that he has committed mistake as he had used the joint money for purchase of two showrooms in the name of Seerat. I had handed over the property documents to the police during the course of investigation (objected to on the mode of proof). These documents were copies of jamabandis and sale deeds. The mobile phone of Inderjit Kaur @ Pappi Massi is 8146371199. The mobile phone of Bagicha Singh who is husband of Pappi Massi is 9815572032. The mobile phone of Nikki Massi of Patiala is 9316159140. The mobile phone of Nimratdeep Singh are 9814010000, 0172-4654528, 98556-10000. The mobile number of Seerat Kaur are 7087696532, 9876069932. The mobile number of Ekam is 9876070532. The mobile number of Ajitinder Moffer is 9814087912. The mobile number of Jaswinder Kaur is 9915347068. The mobile phone number of Rajjit Hundal are 9876200008, 9646800008 (objected to on the mode of proof).

Note:- At this stage, Public Prosecutor makes submission that vide order dated 20.11.2017 passed by the Hon'ble High Court stay has been granted regarding the order dated 25.10.2017 passed by

the undersigned which related to bringing on record one pendrive and therefore he seeks permission to adjourn the case further. However, request declined. Copy of order dated 20.11.2017 has been filed before me and the same has been gone through. Vide this order the Hon'ble High Court had made the observation that the Trial Judge may continue with the trial of the case but however the operation of impugned order (i.e. order dated 25.10.17) relating to the application for secondary evidence passed by the undersigned shall remain stayed. In the given circumstances as the trial is to proceed further, an opportunity to provide further re-examination of the witness, in view of any order passed by the Hon'ble High Court shall be considered at the appropriate stage but at this stage, it shall not proper to halt the statement of this witness.

Today I have seen BMW Car bearing No. CH-04-F-0027 in the court complex out side the court room and the same is Ex.P1. Also today I have seen the attachee case from which the dead body was recovered and the same is Ex.P2.

Further, prosecution has examined **Jaspal Singh Dhillon as PW2**, who deposed as under:-

I am working as agriculturist. I had two sons namely Ekam Singh Dhillon and Darshan Singh. Ekam Singh Dhillon was my elder son. He got married to Seerat Kaur accused present in the court today on 25.09.2005. Ekam Singh Dhillon was working in Tea Estate Assam. Even after marriage he had proceeded to his work place in Assam. After about 14-16 months of his marriage Ekam Singh Dhillon had left his job and returned back to our place. After staying for about one week/10 days, Ekam Singh Dhillon on the insistence of his wife Seerat started living in Sector 11 Chandigarh. Ekam Singh Dhillon had two children from his marriage, namely son Gurniwaz Singh aged 11 years and daughter Humaira Kaur aged 6 years. 10-12 days prior to the occurrence in question Ekam Singh Dhillon with his family had started living in rented

premises in House No. 116, Phase 3-B-1, Mohali. On 19.03.2017 at about 10:30 A.M. my son Darshan Singh had received a phone from his friend thereby who enquired about Ekam to be residing in Phase-3B-1, Mohali (Objected to). Darshan Singh had confirmed about my son Ekam to be residing there and then his friend had apprised Darshan that some untoward incident had taken place there and his friend advised us to go there (objected to). Immediately myself and Darshan Singh had proceeded to the house of Ekam Singh. We reached his house at about 10:45 A.M. On reaching there we found that BMW bearing No. CH-04-F-0027 of Ekam Singh Dhillon was parked in the adjoining plot of the house of Ekam Singh. There were two police constables standing nearby the car. We had noticed some blood present on the left rear door of the car and some blood was also lying on the ground. We noticed, one black coloured suitcase was lying on the rear seat of the car. This black suitcase was having the zip. After some minutes SHO Mr. Pannu of P.S. Mataur alongwith his police had come there. He opened the door of the car and had asked to remove the suitcase from the car. Police officials alongwith the assistance of my son Darshan Singh had removed the suitcase from the car. Upon opening of the zip by the police, we noticed the dead body of Ekam lying in the suitcase. There was blood oozing from the nose and the ear of the dead body. Even, the dead body was smeared with blood. While the suitcase was lying in the car, the blood was oozing from the same. We noticed the entry fire arm wound on the right temple of Ekam Singh Dhillon which had exit wound mark on the left cartilage of the ear. On the night of 18.03.2017, at about 9:00 P.M. Ekam had come to my house. At that time, Ekam appeared to be cheerful on account of having taken decision of some business investment. He also at that time apprised me that he is concerned about some subject and wants to take some guidance from me. He disclosed to me that perhaps I may be having knowledge of Seerat Kaur having illicit relationship with Nimratdeep Singh. He also disclosed to me that this illicit relationship was one of the main factor of his shifting from Sector 35

Chandigarh to rented house in Phase 3-B-1, Mohali as Nimratdeep often used to come Sector 35 house to meet Seerat. Ekam had also disclosed to me that for several days he had been noticing about Seerat Kaur to be making whatsapp call and having message talk with Nimratdeep Singh and he also disclosed to me that he had read some of the obscene messages. He also disclosed to me that to save his marriage he had shifted to 3B-1 house. He also disclosed to me that on the evening of 18.03.2017 he had taken Seerat Kaur and his children to Gurdwara Singh Saheedan Sohana Mohali. Ekam had also disclosed to me that he had asked Seerat to vow before Gurdwara Sahib to snap her illicit relationship with Nimratdeep and that he shall then put an end to this subject matter and shall live his life with his children. My son had also disclosed to me that Seerat refused to take said vow and had asked Ekam to do what ever he wants to do. Ekam Singh Dhillon had also disclosed to me that a stage has come where, with the good services of Ajitinder Singh Moffer, maternal uncle of Seerat and various other relatives should be availed, to settle regarding this issue. I had assured to extend my help to Ekam Singh Dhillon to sort out this issue. Ekam Singh Dhillon had then stated to me that he shall got to his 3B-1 House and bring property papers as well as procure messages of the mobile phone and then he shall return back to me. He also had apprised me to bring the children alongwith.

At about 10:55 P.M. on 18.03.2017 I had made a phone call from my mobile bearing No. 9988324348 to Seerat's mobile bearing No. 7087696532. Seerat had picked up the phone and I asked her to hand over the phone to Ekam Singh. When Ekam came on line he apprised me that Seerat is not handing over the mobile phone having the questioned messages to him. He also stated to me that he shall give me a call after some time. On the night of 18.03.2017 Ekam had gone away from my house after having conversation at about 10: 30 P.M. On 18.03.2017 during the course of conversation with me, Ekam had also disclosed that

he has purchased property in Gurgaon in the name of Seerat. He also disclosed that he had sold the stone crusher in Village Binderakh and sale proceeds to the extent of Rs. 30 lacs has been deposited in the bank account of his mother-in-law Jaswinder Kaur. He also disclosed to me that he had purchased properties worth Rs. 4-5 crores in the area of Mullanpur Garibdass in the name of his mother-in-law Jaswinder Kaur. He had also disclosed to me that the properties so purchased in the name of Jaswinder Kaur as Ekam and Seerat were facing trial in Citrus Scam case. Ekam had also disclosed to me that he had purchased BMW car in the name of his mother-in-law Jaswinder Kaur. Since 2-3 weeks of the marriage of Ekam Singh Dhillon his mother-in-law Jaswinder Kaur had been residing with Ekam Singh Dhillon and Seerat. Earlier, I had purchased some land in the name of my father. Regarding this land, under the pressure of Seerat and Nimratdeep, Ekam had forged the Will of my father regarding the said land (objected to). With the purpose to misappropriate the property of Ekam, Seerat had committed murder in conspiracy with Nimratdeep and other people namely Sarabjot Singh Sabhi, Jaswinder Kaur mother of Seerat and some other people whom I do not know. My statement was recorded by the police at the spot of recovery of dead body. The statement was signed by me and my son Darshan Singh Dhillon and the same is Ex.PW1/A. On 19.03.2017 my statement under section 175 Cr.P.C. was recorded which was signed by me and the same is Ex.PW2/A. The dead body of Ekam Singh Dhillon was dispatched for the postmortem by the police. On 19.03.2017, in my presence Seerat Kaur was arrested. Her memo of arrest is Ex.PW2/B which was attested by me and personal search memo is Ex.PW2/C which was also attested by me. On that day during the course of interrogation, Seerat had made statement thereby disclosing about having shot Ekam (objected to) and also disclosed about having concealed one magazine in the Dal box of her kitchen and recorded her disclosure statement which is Ex.PW2/D which was signed by me, HC Sehajpreet Singh. On the basis of the aforesaid disclosure statement, the disclosed spot Seerat had got

recovered one magazine, rough sketch whereof was prepared which is Ex.PW1/K which was signed as aforesaid. The police converted the magazine into the parcel and taken into possession vide memo Ex.PW2/B which was also attested as aforesaid. Site plan of the spot of recovery was also prepared. My statement was recorded. About 10-12 days prior to the occurrence in question Ekam had come to my house with regard to seeking advice qua investment by him. At that time, Ekam had disclosed to me that in his house bearing No. 2538 in Sector 35-C, Chandigarh, Nimratdeep comes to meet Seerat in his absence on account of which his marriage is on rocks and also apprised me that to save his marriage he is now required to shift from this house. On 19.12.2016, in connection with some work both Ekam and Darshan Singh had gone to village Saholi near Ludhiana. On that very day both of them had returned back to my house. Ekam had stayed in my house with us for the period 19.12.2016 to 05.01.2017. Thereafter he had returned back to his house. Then when again Ekam had met me he apprised me that during the period of his absence from 19.12.2016 to 05.01.2017, Seerat had been making frequent calls and messages to Nimratdeep from the mobile phone of her mother Jaswinder Kaur bearing No. 99153-47068 (objected to). Ekam had also disclosed to me that he himself had checked the calls and messages so exchanged from this mobile phone of Jaswinder Kaur. On the ground floor of the House where Ekam was residing in rented premises there existed long platform in the courtyard through which one could easily have access to the adjoining plot as well as to the terrace of the servant quarter from where one could easily have access to the first floor of this house where Ekam was living. The bolt of the mess door of the bedroom of Ekam at that time was broken, on account of which one could have easy access to the bedroom in the aforesaid manner. My statement was recorded on 03.06.2017. I have seen the parcel of the magazine prepared in the transparent box and the magazine is visible and the same is Ex.P3. I have seen the photographs Mark-A to Mark-H on the court file, the same were clicked in my presence. Videography and photography was done by

the police relating to the spot of recovery of dead body and the recovery process as well as of the recoveries effected thereafter on 19.03.2017. I identify Seerat Kaur who is present in the court today.

Further , prosecution has examined **Rajesh Mittal, SCE (CCN) O/o PGMTD BSNL, Sector 34, Chandigarh as PW-3,** who deposed as under:

On the court file I have seen the summoned record relating to mobile phone bearing No. 9855010000. As per the record the aforesaid mobile number has been issued in the name of Satvir Singh S/o Gurdev Singh, resident of House No. 262, Village Mullanpur Garibdass, Kharar. The attested copy of the customer application form bearing the photograph of the applicant and also having copy of voter identity card is Ex.PW3/A. The call detail of the aforesaid mobile phone for the period 18.09.2016 to 31.03.2017 consisting of pages 1 to 31 is Ex.PW3/B. The tower location detail vis-a-vis the user of aforesaid mobile is in Ex.PW3/B. Certificate under section 65-B is Ex.PW3/C.

Further, prosecution has examined **Munish Bindra, Nodal Officer, Bharti Airtel as PW-4,** who deposed as under:-

I have brought the summoned record relating to issuance of mobile phone No. 9815572032. As per the record the aforementioned mobile has been issued in the name of Bagicha Singh S/o Ghasita Singh, resident of Village Machaki Kala, Tehsil Amloh. On the court file, I have seen the Airtel prepaid enrollment form of the applicant bearing his photograph and also having copy of his driving licence and the said enrollment form is Ex.PW4/A . On the court file , I have also seen the call detail of the aforesaid mobile No. for the period 01.03.17 to 31.03.2017 consisting of five pages and the same is Ex.PW4/B. I have also seen the record relating to mobile no. 9876200008. As per the said record, the aforesaid mobile no. has been issued in the name of Jarnail Singh S/o

Darshan Singh, R/o House No. 62, Village Sirthala, Khanna. The application form bearing the photograph of applicant and also having copy of voter card is Ex.PW4/C. The call detail of the aforesaid mobile No. for the period 15.03.2017 to 25.03.2017 consisting of 12 pages is Ex.PW4/D. I have also seen the record relating to mobile No. 8679999999. As per the record the aforesaid mobile no. has been issued in the name of Gurinder Pal Ahuja S/o Rajinder Ahuja. The copy of the application form containing photograph of the applicant and also containing copy of voter card is Ex.PW4/E. The call detail of the aforesaid mobile No. for the period 01.06.16 to 31.03.17 consisting of one page is Ex.PW4/F. I have also seen the record of the issuance of mobile No. 9915347068. As per the record the aforementioned mobile no. has been issued in the name of Jaswinder Kaur W/o Pritam Singh, resident of House No. 1605, Sector 36-D, Chandigarh. The copy of application form containing photograph of Jaswinder Kaur and copy of passport is Ex.PW4/G. The call detail of the aforementioned mobile no. for the period 1.6.16 to 31.03.2017 consisting of 36 pages is Ex.PW4/H. I have also seen the record of the issuance of mobile No. 7087696532. As per the record, the aforesaid mobile number has been issued in the name of Sirat D/o Gurpreem Singh, R/o Village Abul Khurana, Malaut, District Muktsar. The copy of the application form containing photograph of the applicant and the copy of Aadhar Card is Ex.PW4/I. The call detail of the said mobile phone for the period 01.06.16 to 31.03.17 consisting of 19 pages is Ex.PW4/J. I have also seen the record of the issuance of mobile No.9876069932. As per the record, the aforesaid mobile No. has been issued in the name of Sirat Brar W/o Aikom Dhillon, resident of House No. 1605, Sector 36-D, Chandigarh. The attested copy of the application form containing photograph of the applicant alongwith copy of driving licence is Ex.PW4/K. The call detail of the aforementioned mobile phone for the period 01.06.16 to 31.03.2017 consisting of 91 pages is Ex.PW4/L. I have also seen the record of the issuance of the mobile No. 9876070532. As per the record, the aforesaid mobile number has been

issued in the name of Sirat Dhillon W/o Aikom Singh, resident of House No. 153, Sector 11-A, Chandigarh. The copy of the application form having photograph of the applicant together with the copy of voter card is Ex.PW4/M. The call detail of the said mobile number for the period 01.06.16 to 31.03.2017 consisting of one page is Ex.PW4/N. I have also seen the record of mobile phone No. 8146371199. As per the record, the aforesaid mobile no. has been issued in the name of Inderjit Kaur W/o Bagicha Singh, resident of House No. 749, Sector 41-A, Chandigarh. The attested copy of the application form bearing photograph of the applicant and also with the copy of voter card is Ex.PW4/O. The call detail of the aforesaid mobile phone for the period 01.06.16 to 31.03.2017 consisting of 16 pages is Ex.PW4/P.I have also seen the record of the mobile no. 9872305572. As per the record the said mobile number has been issued in the name of Sarabjot Singh S/o Gurdeep Singh, resident of Sant Nagar, Khichlan, Mukerian, Hoshiarpur. Attested copy of the application form bearing photograph of the applicant alongwith copy of the Aadhar card is Ex.PW4/Q. The call detail of the aforesaid number for the period 01.06.16 to 31.03.2017 consisting of 424 pages is Ex.PW4/R. I have also seen the record relating to the landline number 0172-4009178. As per the record the aforesaid Number has been issued in the name of Charanjit Singh S/o Gurwinder Singh of M/s Sumit Electronics, SCO No. 66, Ground Floor, Phase-3B-2, Mohali. The attested copy of the application form bearing the photograph of applicant together with copy of PAN card is Ex.PW4/S. The call detail of the aforesaid landline number of 19.03.17 is Ex.PW4/T.The joint tower locations detail of the aforesaid all the mobile phones consisting of pages 287 is Ex. PW4/U. The certificate under section 65-B of the Indian Evidence Act, containing the aforesaid phone numbers is Ex.PW4/V. The requisite record was produced in the court as per the orders passed by the court earlier vis-a-vis the preservation of the record and I have deposed on the basis of original record brought by me today.

Further, prosecution has examined **Amit Dabra**, **Alternate Nodal Officer as PW-5**, who deposed as under:

I have brought the summoned record relating to the issuance of mobile no. 9646800008. As per the record, the aforesaid mobile number is corporate number issued in the name of SSP, Jalandhar, Rural. As per the record, the aforesaid mobile number has been allocated to SP Headquarter Raj Jeet Singh. The attested copy of the application form bearing photograph of Raj Jeet Singh is Ex.PW5/A. The copy of identity card is Ex.PW5/B. The list of corporate numbers including the mobile number of Raj jeet Singh is Ex.PW5/C. The call detail (All India report) of the aforesaid mobile number for the period 15.3.2017 to 25.3.2017 consisting of three pages is Ex.PW5/D. The call detail of the aforesaid mobile number relating to GPRS for the period 15.3.2017 to 25.3.2017, consisting of 9 pages is PW5/E. I have also brought the record relating to issuance of mobile no. 8284009461. As per the record, the aforesaid mobile number has been issued in the name of Harjinder Singh, son of Jagdish Singh. Copy of application form containing the photograph of the applicant is Ex.PW5/F. Copy of driving licence annexed with the application form is Ex.PW5/G. This mobile number has been porting from Airtel Service company, hence the detail of the portability is Ex.PW5/H. The call detail (All India Report) of the aforesaid mobile for the period 19.3.2017 consisting of 2 pages id Ex.PW5/I. The call detail (GPRS report) of the said mobile number of 19.3.2017 consisting of one page is Ex.PW5/J. The tower location detail consisting of 5 pages is Ex.PW5/K. Certificate u/s 65-B Evidence Act is Ex.PW5/L.

Further, prosecution has examined **Jagbir Singh**, **Nodal Officer, Idea Cellular Limited as PW-6**, who deposed as under:

I have brought the summoned record relating to issuance of mobile phone No. 9915370677. As per the record the aforementioned

mobile has been issued in the name of Jarnail Singh S/o Jaswant Singh, resident of Village Ghaggar Sarai, Patiala, Punjab. The copy of the application form is Ex.PW6/A, which bears the photograph of the applicant. Copy of the identity card annexed with the application is Ex.PW6/B. The call detail of the aforesaid mobile phone of 19.3.2017 consisting of one page is Ex.PW6/C. Tower location detail is Ex.PW6/D. I have also brought the summoned record relating to issuance of mobile phone No. 9814089781. As per the record the aforementioned mobile has been issued in the name of Pritpal Singh S/o Gurbachan Singh, resident of H.No. 1726, Phase 3B2, Mohali. The copy of the application form is Ex.PW6/E, which bears the photograph of the applicant. Copy of the driving licence annexed with the application is Ex.PW6/F. The call detail of the aforesaid mobile phone of 19.3.2017 consisting of one page is Ex.PW6/G. Tower location detail is Ex.PW6/H. I have also brought the record relating to issuance of mobile phone no. 9855610000. As per record, the aforesaid mobile number is issued in the name of Supreet Kaur, wife of Nimratdeep Singh. Copy of the application form bearing photograph of the applicant is Ex.PW6/I. Copy of affidavit relating to the transfer request is Ex.PW6/J. Copy of identity card is Ex.PW6/K. Copy of passport is Ex.PW6/L. Copy of form of ownership request is Ex.PW6/M. Call detail of the aforesaid mobile number for the 23.6.2016 to 31.3.2017 consisting of pages 124 is Ex.PW6/N. The tower location detail is Ex.PW6/O. I have also brought the record relating to issuance of mobile phone no. 9814087912. As per the record, the aforesaid mobile number has been issued in the name of Ajit Inder Singh, son of Pritam Singh, MLA Flat 49, Sector 3, Chandigarh. Copy of application form bearing photograph of the applicant is Ex.PW6/P. Copy of identity card is Ex.PW6/Q. The call detail record of the aforesaid mobile number of the period 23.6.2016 to 31.3.2017 consisting of pages 265 is Ex.PW6/R. The tower location detail consisting of 13 pages is Ex.PW6/S. I have also brought the record relating to issuance of mobile phone no. 9855555572. As per the record, the aforesaid mobile number has been issued in the

name of Sarvjot Singh, son of Gurdeep Singh, resident of H.No. 255, village Khicchian, Tehsil Mukerian. The copy of the application form bearing the photograph of the applicant is Ex.PW6/T. Copy of voter card is Ex.PW6/U. Call detail of the aforesaid mobile number for the period 23.6.2016 to 31.3.2017 consisting of 486 pages is Ex.PW6/V. The tower location detail of 31 pages is Ex.PW6/W. I have also brought the record relating to issuance of mobile phone no. 9814010000. As per the record, the aforesaid mobile number has been issued in the name of Harvinder Singh, son of Jagir Singh, resident of village Gharuan, Tehsil Kharar. Copy of application form containing photograph of the applicant is Ex.PW6/X. Copy of change of ownership request is Ex.PW6/Y. Call detail of the aforesaid mobile number for the period 23.6.2016 to 31.3.2017 consisting of 249 pages is Ex.PW6/Z. Tower location detail consisting of 14 pages is Ex.PW6/AA. I have also brought the record relating to issuance of mobile phone no. 9814015338. As per the record, the aforesaid mobile number has been issued in the name of Mohinder Pal Singh, son of Hardit Singh, resident of H.No. 12-A, Professor Enclave, village Nasirpur, Tehsil and Distt. Patiala. Copy of application form containing photograph of the application form is Ex.PW6/BB. Copy of tariff plan and supplementary services plan is Ex.PW6/CC. Call detail of the aforesaid mobile number for the period 23.6.2016 to 31.3.2017 is Ex.PW6/DD. Tower location detail consisting of 5 pages is Ex.PW6/EE. Certificate u/s 65-B Evidence Act is Ex.PW6/FF.

Further, prosecution has examined **Dr. Manhardeep Kaur, Jr. Resident as PW-7**, who deposed as under:

On 20.03.2017, I was posted as Emergency Hospital, Civil Hospital, Phase-6, SAS Nagar, Mohali. On that day, I was a member of a Board consisting of myself, Dr. Kuldeep Singh and Dr. Himmat Mohan Singh Ghuman. The Board was constituted by Dr. Om Raj Goldie, SMO. We had conducted postmortem on the dead body of Aikom Singh S/o

Jaspal Singh, aged 39 years male, resident of Phase-3B-1 Mohali. The dead body was brought by HC Surjit Singh P.S. Mataur with alleged history of gun shot injury. The body was identified by Jaspal Singh Dhillon, the father of the deceased and Uday Singh, the friend of the deceased. The rigor mortem was absent at the time of postmortem. The postmortem staining was faint and fixed present on upper back, back of both upper thighs partially, in patches on anterior aspect of both thighs, on anterior aspect of chest and abdomen, on front of both upper forearms and arms. The clotted blood was present in both the ears, nostril and mouth. The blood stain was also present on the face, clotted blood was present on both the hands, knees, legs, splattered over left and right foot. On examination of the dead body following external injuries were found:-

1. *Entry Wound on right side 1 cm x 1 cm lacerated wound cherry red in colour 2 cm above and 2 cm in front of right pinna present with inverted margins. Abrasion collar present, blackening and tattooing present. On dissection haematoma in an area of 6 cm x 5 cm below wound present, clotted blood present. On skull margins of wound were clear inverted measuring 8 mm x 8 mm in dimensions. Clotted blood present in epidural and subdural space.*

2. *Exit Wound Lacerated wound on supero anterior aspect 2 cm x 0.3 cm in dimensions of left pinna with everted margins, 2 cm x 0.25 cm cartilage of pinna broken. On dissection below wound skull bone is irregularly fractured about 2 cm x 1.5 cm and multiple small broken pieces of skull bone could be felt. Underlying scalp haematoma in an area on 7 cm x 6 cm present. Underlying linear fracture of bone present. Margins of wound were everted. On exploring with deep probe, it could be easily passed from one to another wound through brain matter. Track of entry to exit wound is from right to left and above downwards going from right to left cerebrum.*

3. *Right upper eye lid swollen and reddish colour bruise 4 cm x 2 cm.*

The observations made by the Board regarding internal examination, have been given detail in the postmortem report.

The cause of death in our opinion was Coma due to fire arm bullet injury which was antemotem in nature and sufficient to cause death in natural course of life. However, the viscera was sent for chemical examination to rule out any intoxication. The injuries were antemotem and nature of weapon used was fire arm. The probable time between death and injury was immediate and between death and postmortem examination was within 48 hours. After the postmortem examination the duly stiched dead body alongwith belongings of the deceased in a sealed parcel, postmortem examination report, police inquest papers, a sealed envelop for Chemical Analysis alongwith five seals, copy of postmortem report, forwarding letter, police inquest papers and sample of seal and a sealed box with 13 seals containing viscera for Chemical analysis as mentioned in the postmortem report and cloth sample seals were handed over to the police. I have brought the postmortem register. The postmortem report bears my signatures and that of Dr. Kuldeep Singh and Dr. Himmat Mohan Singh Ghuman who had put signatures in my presence. The carbon copy of the postmortem report is Ex.PW7/A. The pictorial diagram depicting the seat of injury is Ex.PW7/B. The computer print out of the postmortem report is Ex.PW7/C. The postmortem examination was conducted on the police request. Carbon copy whereof is Ex.PW7/D. Vide endorsement Ex.PW7/E the Board was constituted by the SMO. I had also put my initial on the inquest report Ex.PW7/F. As per record, the police inquest papers were 1 to 22 in number and all were initialed by me. My affidavit is Ex.PW7/G. The report of Chemical Examiner has also been received. As per the report no poison was detected in the contents of viscera. The original report was handed over to the police and I am having photostat copy thereof with me.

*Further, prosecution has examined **Pooja as PW-8** who*

deposed as under:

I am doing the job of Safai Sewak and working in various houses since long. I know Seerat Kaur accused present in the Court. The accused had been residing on the first floor in the House No. 116, Phase 3B-1, Mohali. I had been going to her house for doing cleaning work. On 19.03.2017 at about 8:30 A.M. I had gone to the house of accused for doing cleaning work. I saw blood having spilled in the courtyard and staircase of the house. On my asking, the accused told me that she has suffered injury on her right hand and blood from that injury has fallen on the courtyard and the staircase. On the asking of the accused, I cleaned the blood stains with wet wiper (pocha) in the courtyard and the staircase. Thereafter, I was to go inside the rooms on the first floor for cleaning. The accused told me that only drawing room and outer area is to be cleaned on that day. I completed my cleaning work in half an hour and returned back. My statement was recorded by the police.

Further, prosecution has examined **Sachin Kumar as PW-9**, who deposed as under:

I am proprietor of Jukero Saloon which is being run in SCF 39, Phase 3-B-2, Mohali. The saloon is situated on the first floor of the building. Parul Rani and Kamlesh Kumar are working as employees with me in the Saloon. On 19.03.2017, at about 11:00 A.M. a lady came to the Saloon. She was wearing pink coloured top and was also holding a carry bag in her hand. She asked to get her head wash and blow dryer and the same was done by Kamlesh Kumar. She made the payment by means of credit card. The said lady customer asked for the mobile phone from my employee Kamlesh Kumar. She talked to someone on the mobile phone and was saying that the children and the articles may be taken away and she was also taking the name of one Nimran. CCTV cameras have been installed in my Saloon. The CCTV footage was recorded in a pendrive and it was handed over by me at Police Station Mataur. The pendrive was

taken into possession by the police vide memo Ex.PW1/N. The certificate under Section 65-B of Indian Evidence Act is Ex.PW9/A which bears my signatures. I had also handed over to the police, the copy of the receipt generated through Swipe Machine and the copy of the statement of account in Yes Bank. The copy of the receipt is Ex.PW9/1 and the copy of the statement of account is Ex.PW9/2 (objected to). The recording of CCTV footage and pendrive were not tempered by me. At this stage the pendrive Ex.P5 has been played in the Court which depicts the CCTV footage recorded from two cameras, one installed over reception counter from which the entry gate to the Saloon is visible and the other CCTV camera depicts the spot where head wash and blow dryer hair was carried out. I have seen the pendrive which depicts the entry of female customer with pink top and holding a carry bag at about 11:17 A.M. The footage also depicts the employees Kamlesh Kumar and Parul who had given services to that customer. The footage also depicts the taking over of mobile phone by the female customer from Kamlesh Kumar and also while she was talking on the said mobile phone and also depicts the return of the mobile phone lateron to Kamlesh Kumar. Part of the mobile phone communication took place while Kamlesh Kumar and Parul were in attendance while rendering service to the female customer and part of the mobile communication is while she was alone sitting on the chair and no employee was near her. The female customer was also carrying her own mobile phone, which she was also holding in her hand while making telephone calls from other mobile phone by using her other hand. The fact of handing over of receipt and credit card for making payment are also depicted in the footage. I identify the accused present in the Court who is the same female customer who came to the saloon to get service and is depicted in the CCTV footage. I had narrated the entire my version to the police.

Further, prosecution has examined **Kamlesh Kumar as**

PW-10, who deposed as under:

I am working in Jukero Saloon for the last about 3 years and it is situated on the first floor of SCF 39, Phase 3-B-2, Mohali. Sachin Kumar is the owner of the Saloon. On 19.03.2017 I was present in the Saloon at about 11/11:15 A.M. a female customer came in the Saloon and she was wearing a pink coloured top. I had given the service of head wash and hair dryer to her. Parul had also associated me while giving services to her. While I was giving hair dryer, the female customer took the mobile phone from me and handed over my mobile phone on her asking to her. The mobile phone was having No. 9988083650. The female customer was talking on the phone and saying that Mumma the children and the articles of the night may be taken away and she was also taking the name of one Nimrat. The customer had made the payment through credit card. After about 10 minutes the female customer had handed over the mobile phone to me,.At this stage, the pendrive Ex.P5 has been played in the court which depicts footage recorded from two cameras, one installed over the reception counter from there entry gate to the saloon is visible and the other CCTV camera depicts the spot where the head wash and blow dryer hair was carried out. The CCTV footage also depicts the date as 19.03.2017 and the time is also being displayed. I have seen the pendrive which depicts the entry of female customer with pink top. Sachin Kumar and Parul are also being depicted in the footage. The footage also depicts myself and Parul giving services to the female customer. The footage also depicts taking over of mobile phone by the female customer from me and also while she was talking on said mobile phone and also depicts the return of the mobile phone later on to me. The part of mobile phone communication took place while I alongwith Parul were in attendance while rendering service to female customer and part of mobile communication is while she was sitting alone on the chair and no employee was near her. The female customer was also carrying her own mobile phone which she was

holding in her one hand while making calls from my mobile phone by using other hand. The fact of handing over of receipt of credit card for making payment are also depicting in the footage. I had told about the telephonic talk done by the female customer to the owner of my Saloon. I identify the accused present in the Court who is the same female customer who came to the Saloon to get the service and is depicted in the CCTV footage. I had narrated the entire version to the police.

Further, prosecution has examined **Prithi Pal Singh as PW-11**, who deposed as under:-

I am running the shop under the name and style of Sumit Electronic with regard to the sale of Samsung Goods. The landline phone No. 4009178 has been installed in my shop. The CCTV cameras and DVR has also been installed in my shop. On 19.03.2017 a female customer who disclosed her name as Seerat came to my shop and purchased a mobile phone for a sum of Rs. 8800/-. She made the payment through credit card. I have seen the bill Ex.PW11/1 which has been issued under my signatures. Ex.PW11/2 is the copy of the print out generated by swipe machine while making payment through credit card. The said copy is on the reverse of the invoice/bill. The said customer had also made calls from the landline phone installed in my shop. The entire movement of the customer has been recorded in the CCTV cameras. I had copied the CCTV footage in a pendrive and handed over the same to the police on 22.03.2017 and it was taken into possession vide recovery memo Ex.PW1/M which bears my signatures. The recording of the CCTV camera or while making the copy of the footage in the pendrive was never tampered with. I had issued the certificate Ex.PW11/A in this regard to the police which bears my signatures. The pendrive handed over to the police Ex.P3.

(At this stage the pendrive Ex.P3 has been played in the Court which depict the footage recorded from the CCTV camera and it depict

the entry of a female customer at about 10:29 A.M. The CCTV footage also depict the date as 19.03.2017 and time is also being displayed).

I have seen the recording which depicts the entry of the female customer wearing pink top. I am also being depicted in the footage. The transaction regarding sale of the mobile phone, payment being made through credit card, handing over of print out from swipe machine and print out of the bill to the customer, has also been depicted therein. The customer has also been depicted making call from landline phone. The footage also depicts the detail of inserting of sim provided by the customer in the mobile phone by me. I identify the accused present in the Court who is the same female customer who came to my shop and purchased the mobile phone and is also depicted in CCTV footage. I had narrated the entire version to the police. The mobile phone number below the name of Seerat on the bill/invoice was provided by the customer herself.

Further, prosecution has examined **Satinder Kumar as PW-12**, who deposed as under:-

I am the owner of house No. 116, Phase-3B-1, Mohali and it is three storyed house i.e. ground, first and second floor. The residential portion consisting of two rooms situated on the first floor of the House was rented out to Ekam Singh Dhillon and Seerat Kaur in the first week of March 2017. Seerat accused is present in the Court and I identify her. Ekam Sing and Seerat Kaur were residing as husband-wife alongwith their children. On 19.03.2017, the police had informed me that Ekam Singh Dhillon has died. I had not seen anything suspicious in the morning of 19.03.2017. My statement was not recorded by the police.

This witness was declared hostile at the request of prosecution and prosecution as well as defence has been allowed to cross-examine the said witness.

Further, prosecution has examined **HC Ramesh Kumar**

as PW-13, who deposed as under:

On 19.03.2017 I was deputed on duty on PCR Van i.e. Echo 14. I received wireless message from the Control room and was asked to reach at Gurdwara Amb Sahib. I reached Gurdwara Amb Sahib and Sewadar met me. A lifafa was lying at vacant place inside the boundary wall of the gurdwara and it was found to be containing blood stained clothes and chappals. I sent a wireless message at P.S. Phase-8, Mohali with a request to send an Investigating Officer. ASI Sulakhan Singh arrived at the spot and further investigation in the matter was conducted by him and I left the spot.

Further, prosecution has examined **Baljinder Singh, Draftsman, Tehsil Complex, Dera Bassi as PW-14**, who deposed as under:

I am working as Draftsman for the last about 26 years. On 29.05.2017 I visited House No. 116, Phase- 3B-1, Mohali. I prepared the site plan Ex.PW14/A at the instance of Darshan Singh complainant. The site plan depict the true position existing the spot. The marginal notes are true and correct and are in my handwriting. The site plan bears my signatures. On the same day I also prepared the site plan Ex.PW14/B at the instance of Darshan Singh complainant. The site plan depict the true position existing the spot. The marginal notes are true and correct and are in my handwriting. The site plan bears my signatures. On the same day we came to Gurdwara Amb Sahib Mohali. I also prepared the site plan Ex.PW14/C at the instance of Darshan Singh complainant. The site plan depict the true position existing the spot. The marginal notes are true and correct and are in my handwriting. The site plan bears my signatures.

Further, the prosecution examined **Pardeep Singh as PW-15**, who deposed as under:

I am working as Sewadar in The Gurdwara Amb Sahib for the

last three years. Harjinder Singh son of Jagdish Singh resident of Village Bhaini is working as Sewadar and Jagir Singh is working as Manager in the said Gurdwara Sahib. On 19.03.2017, I was performing my duties from 4:00 A.M. to 12:00 Noon. At about 7/7:30 A.M. I had spotted one black coloured bag which was lying under the trees in the premises of Gurdwara. I informed Harjinder Singh Sewadar and thereafter informed Jagir Singh Manager. Thereafter, we telephonically informed the police. Blood stained clothes and chappals were in that bag. The police officials arrived at the spot. The police officials checked the bag and told us that it was containing dirty clothes. The police officials further told us that there was no dangerous substance in the bag and further advised to destroy the bag alongwith its contents so that the image of Gurdwara Sahib may not be tarnished. At the asking of the police officials we burnt the bag alongwith its contents outside the Gurdwara Sahib premises. On the next day, I came to know that a murder has been committed and police officials also came to the spot who informed that the clothes were that of the deceased. The police officials lifted the burnt ash from the spot. The police had converted the burn ash into a parcel and it was sealed. The police officials had not asked me anything else with regard to the present case. My statement was recorded by the police. I have seen the recovery memo Ex.PW1/O which bear my signatures.

This witness was declared hostile at the request of prosecution and prosecution as well as defence has been allowed to cross-examine the said witness.

Further, prosecution has also examined **Jagir Singh S/o Sh.**

Atma Singh as PW-16, who deposed as under:-

I remained posted as Manager Gurdwara Amb Sahib Mohali from January 2017 to May 2017. On 19.03.2017, at about 10/10:30 A.M. Pardeep Singh Sewadar informed me in my office that a black coloured bag is lying unclaimed under a tree in the parking area of Gurdwara Sahib. I alongwith Harjinder Singh Helper and Pardeep Singh came to the

said spot. We saw the bag but we had not opened the same. Harjinder Singh telephonically informed the police. Within 10-15 minutes came at the spot. We had shown the bag to the police who took it in their possession. The police had opened the bag and it was found to be containing blood stained clothes and a pair of chappals. No further action was taken in my presence. My statement was recorded by the police after about 10-11 days.

This witness was declared hostile at the request of prosecution and prosecution as well as defence has been allowed to cross-examine the said witness.

Further, prosecution has also examined **C-Gurpreet Singh, No. 97/SAS Nagar, CIA Mubarakpur, Derabassi, District SAS Nagar as PW-17**, who deposed by way of affidavit Ex.PW17/A

Further, prosecution has also examined **ASI Sudarshan Kumar, No. 363/SAS Nagar as PW-18**, who deposed by way of affidavit Ex.PW18/A.

Further, prosecution has examined **Harpreet Singh, Clerk, Greater Mohali Area Development Authority, Mohali as PW-19**, who deposed as under:-

I have brought the record pertaining to the ownership of House No. 116 Phase-3B-1, Mohali. The plot was originally allotted to Major S.S.Brar and was transferred in the name of Satinder Kumar Sagu S/o Inderjit Kumar Sagu on 16.11.1999.

Further, prosecution examined **Mukesh as PW-20**, who deposed as under:-

I am working as sweeper in the Kothies. I had been working as sweeper in Kothi No. 116, Phase-3B-1, Mohali continuously for the last 8 years from the date of incident. This Kothi consists of three floor. I had

been working as sweeper with the tenants residing in third floor of said Kothi. About three years ago of March 19, I was coming down floors after completing my job. I noticed stains of blood on the stairs. Then I asked Madam residing in the second floor of the said Kothi, who told me that she has got her hand cut and that is why there were stains on the floor. I have seen the accused present in the Court, she is the same lady who had met and told me about the stains of blood. At this stage, learned Public Prosecutor requested that Pendrive Ex.P1 and Ex.P2 may be allowed to be played before this witness, in order to identify her picture.

Learned defence counsel raised objection that the said pendrives have never been shown to this witness during the investigation and there is no mention in her statement recorded under Section 161 Cr.P.C with regard to the said pendrives, so request of learned P.P. for the state be not allowed.

Request of learned Public Prosecutor stands allowed subject to objection raised by the learned defence counsel and Objection be kept open.

(While recording of the statement of the witness the CCTV camera recording in the pendrive Ex.P2 has been played in the open Court on the LCD with the assistance of Sh. Jagmohan Singh, System Officer working in this Court).

The witness was shown the video of a lady going upstairs on 19.03.2017 at 8:14 A.M and the witness was asked to identify the said lady.

I cannot identify the said lady as she is having back towards CCTV camera.

The witness was shown the video of person coming down stairs on 19.03.2017 at 8:25:45 A.M and the witness was asked to identify the said person.

I cannot identify the said person coming down stairs.

(When the video was being played the witness voluntarily

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identify herself to be riding on bicycle on and across the road 19.03.2017 at about 8:30:26 A.M).

Further, prosecution examined **Sarvesh Punj, Manager, Yes Bank, SCF No. 37, Phase-3B-2, Mohali as PW-21**, who deposed as under:-

I am working as Branch Service Leader in Yes Bank Branch Phase-3B-2, Mohali. Today I have brought the summoned record pertaining to statement of account No. 053263300000382 running in the name of Jukero Unisex Saloon, SCF No. 39, First Floor, Phase-3B-2, Mohali. As per record transfer entry of Rs. 280/- was made in this account from Card No.6522xxxxxxx9110. Date of transaction is 19.03.2017 and settlement date of swipe machine 20.03.2017. Said entry was processed by bank on 21.03.2017. I have seen the statement of account containing the above said entry, which is already exhibited on record as Ex.PW9/2, and the same is true and correct our bank record brought by me. Certificate under section 65-B of Indian Evidence Act qua the above said entry is Ex.PW21/1. Detail of card transfer entry is Ex.PW21/2.

Further, prosecution examined **Gurmeet Singh, Senior Assistant, D.C. Office, SAS Nagar, Mohali as PW-22**, who deposed as under:-

I have brought the office record pertaining to sanction Order No.500/peshi-2 dated 13.06.2017 passed by Sh. Charandev Singh Mann, PCS, ADC-cum-ADM, SAS Nagar, Mohali, vide which he had given prosecution sanction under section 39 of the Arms Act, to prosecute Seerat Kaur. I identify signatures of Sh. Charandev Singh Mann, PCS, as I have been working under him and seen him signing and writing. I have seen the said sanction order available on the record of this trial file which is Ex.PW22/1.

Further, prosecution examined **Gurniwaz Singh S/o S. Ekam Singh Dhillon Dhillon as PW-23**, who deposed as under:-

I identify the accused present today in the Court who is my mother. My mother was having mobile phone bearing No. 9876069932 and she was having one more phone and its number is not known to me, and my mother never disclosed the number of that phone to anyone. On 18.03.2017 I alongwith my sister Homaira and with my mother and father had gone to the house of my mother's sister (Masi) known as Pappu Masi at her residence in Sector 34, Chandigarh. We spent 2- 2½ hours in the house of my Masi and thereafter my father took us to the ATM situated in Sector 34 itself. Thereafter we proceeded at "Gurdwara Sahib Singh Shaheedan Mohali". There an argument took place between my mother and father and my father told my mother not to tell lie and she in turn replied that she don't care. My father told her to refrain from meeting Nimar uncle, upon which my mother replied that it was her will, to meet or not to meet him. My father asked my mother to take oath in that regard. Thereafter, my father dropped us i.e. me, my sister and mother at our residence at House No. 116, Phase 3B-1, Mohali and he also told us that he would come back soon. We went upstairs and took our meals. I and my sister Homaira started watching T.V. in our room. My mother came in our said room and asked us to shift to the other room. We did accordingly and came in the next room and there we started watching TV. After some time I again went to my room to fetch some article and I saw there that my mother was taking out a pistol from a safe (Tajori). I asked my mother if she plan to fire as we used to do on the festival Diwali. My mother got annoyed with me and asked me to go to other room. I went to another room and again started watching T.V. After some time my father came in that room and changed his clothes and again left that room. After some time he again came to the same room and asked me how I was performing in my exams. He asked me to accompany him to the house of my grandfather, but I didn't respond. Then he told me that we go there on

the next day, and he left the room. I and Homaira went asleep while watching the TV. During night, I heard a shriek of my father, and thereafter I also heard the sound of a fire and also heard the sound as if some had fallen on the ground. I immediately got up and tried to move outside by opening the door but the same was bolted from outside and I could not open it. I asked my mother about the above sounds while standing in my room, upon which she replied that, that was sound coming from the TV and she advised me to go to bed. I again asked my mother as to why there was sound of shriek of my father, upon which she gave same reply to me. I heard the noise of walking of some people towards balcony of my room and similar noise was also coming from the door of my room which was bolted from outside. I also heard the voice of Nimar Uncle there, and I also heard my mother calling the name of Nimar Uncle. Thereafter, I again came to my bed and I don't know when I went asleep. Nimar Uncle was friend of my mother and he used to visit our house. At first instance in the morning I woke up around 7:00 A.M and tried to open the door which was still bolted from outside. I called my mother from inside the room and she asked me to go to bed again as she was busy in cleaning the house. I again went to asleep and woke up around 8:30/9:00 A.M and the gate of my room was bolted from outside. Then I forcibly knocked upon the door, upon which my mother opened it. I saw my Pappi Masi and mother engaged in cleaning the house and husband of Pappi Masi was sitting in the house. Thereafter, when my said Masi, mother and husband of my Masi were sitting in room, my mother handed over a mobile phone of black colour and one packet of white colour to my Pappi Masi. Thereafter my Masi and her husband left our house. I asked my mother as to where my father had gone, upon which she replied that he had gone to the house of Darshan Uncle. She asked us to stay in the house as she was going outside and she also told us that my maternal grandmother will come to take us. After about half an hour thereafter, the police came to our house. Police asked us about the whereabouts of my mother and father, and we told them that my mother had gone out of the

house and my father had gone to the house of Darshan uncle, as told by my mother. My one Uncle came to our house and took me and my sister to the house of my Ant (Bua). I do not know the name of that uncle. My said Bua told me that my father had died due gun shot. (This question is objected to by learned defence counsel, and objection is kept open). Cremation of the dead body of my father took place after 2-3 days of his death and I had attended it, and I had also performed the last rites qua it. Two ladies and one male perhaps from Police department had come to me and put me various questions pertaining to the case in hand and I had replied to the said questions to them. They had recorded my statement, at about 24/25.03.2017.

Further, prosecution examined **Kuldip Singh as PW-24**, who deposed as under:-

I alongwith my family is residing in House No. 130, Phase 3B-1, Mohali since 2004. Kothi No. 115 & 116 are situated opposite to my house across the road. The Kothi No. 116 is having three floors which is owned by Satinder Saggu. CCTV camera has been installed in my Kothi for the last 6-7 years. On 19.03.2017 police came to my house in order to examine the footage of CCTV as a murder has taken place in the first floor of Kothi No. 116 and the dead body has been brought down stairs in a suitcase (objected to being hearsay). The police watched the footage in my presence and I also observed that a lady was bringing a suitcase downstairs and suitcase fell down. On 22.03.2017, I handed over the footage as demanded by the police in two pendrives pertaining to the dates 18.03.2017 & 19.03.2017. The police also obtained certificate from me regarding the extraction and providing of data from the DVR. Both the pendrives alongwith certificate were taken into police possession vide memo Ex.PW1/D (already exhibited). I have seen the memo. It bears my signatures. The pendrives are Ex.P1&Ex.P2. I have also seen the certificate under section 65 of Evidence Act today in the Court which is filled in my hand and is signed by me. The certificate is Ex.PW24/A. I

have seen the accused through video conferencing today in the court and she is the same lady who use to reside in the first floor of Kothi No. 116 and the name of her, I came to know later as Seerat. She is also the same lady which I had seen in the CCTV footage provided by me (objected to). Police also recorded my statement.

Further, prosecution examined **ASI Rajwant Singh, No. 951/SAS Nagar as PW-25**, who deposed as under:-

On 01.05.2017 I was posted as Head Constable at P.S. Mattaur. On that day MHC Sudarshan Kumar entrusted me a sealed parcel containing a DVR sealed with the seal impression "PS" for its deposit the same with the office of Cyber Crime. I reached there, but it was a public holiday and the sealed parcel could not be deposited there. On return to police station I handed back the same to the MHC. I did not temper nor allowed any one to temper the case property during the period it remain in my possession. My statement was recorded.

Further, prosecution examined **Sr. Constable Gurdit Singh No.1571/SAS Nagar as PW-26**, who deposed as under:-

On 02.05.2017 I was posted at P.S. Mataur and was doing general duty when HC Surdarshan Kumar Malkhana Munshi of P.S. Mataur handed over to me one parcel containing DVR sealed with seal "PS" alongwith sample seal. Above parcel was handed over to me vide road No.88 dated 02.05.2017 and directed me to deposit the same with FSL. When I reached FSL oral objection was raised by the concerned person of FSL due to which parcel was not deposited. Thereafter I came back to the police station and handed over the same to malkhana Munshi. On 03.05.2017 I was again handed over the above parcel containing DVR sealed with seal "PS" alongwith sample seal through road No. 89 dated 03.05.2017 by Malkhana Munshi and directed me to go to Incharge Cyber Crime Phase-4, Mohali where I was further directed by dealing hand to deposit the same in FSL Sector 36-A Chandigarh and also told me to get

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the memo and copy of FIR translated in English language. Thereafter I again came back to police station and handed over the same to Malkhana Munshi.

Further, prosecution examined **SI Rajinder Singh, No.3027/Batala, P.S. State Crime as PW-27**, who deposed as under:-

I have brought the attested of FIR No. 1 dated 03.02.2011 under sections 409, 420 IPC etc. read with section 13 (1) (d) (2) PC Act registered at P.S. State Crime, SAS Nagar. The same Ex.PW27/A. (Objected to on the ground of mode of proof). It was registered against Seerat Dhillon wife of Ekam Singh Dhillon Dhillon, resident of House No. 153, Sector 11A Chandigarh and other accused.

Further, prosecution examined **Paramjit Kaur (Retd. Sub Inspector) was PW-28**, who deposed as under:-

On 25.03.2017 I was posted as ASI at P.S. Mattaur. On that day I was present in the police station Mattaur and was associated by Inspector SHO Baljinder Singh and he directed me to come in civil dress alongwith LC Manpreet Kaur. As per direction of the investigating officer I alongwith LC Manpreet Kaur were going to House No. 672, Phase-6 Mohali for recording the statement of a child witness namely Gurniwaz Singh. When we reached near the house one Sumanjit Kaur resident of Kothi No. 489 Sector 15-A Chandigarh an advocate by profession met us and she was associated with us. We reached the House No. 672, Phase-6, Mohali which is stated to be house of Jaspal Singh grandfather of Gurniwaz Singh. Child witness Gurniwaz Singh met us and I put questions to him in the question answer form to which he replied. After completion of statement he signed in English and the statement was attested by me and also signed by LC Manpreet Kaur and Advocate Sumanjit Kaur. On return to police station the said statement was entrusted to Inspector/SHO Baljinder Singh and my statement under section 161 Cr.P.C was also recorded by SHO. I have seen the statement

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of Gurniwaz Singh recorded by me which is in my hand and also I identify my signature. The same is Ex.PW28/A.

Further, prosecution examined **Jatinder Kumar, Branch Sale Officer, HDFC Bank Branch Phase-3B-2, Mohali as PW-29**, who deposed as under:-

I have been authorized to depose on behalf of the bank by our Manager Sh. Kapil Chhabra and a letter to this effect is Ex.PW29/A. I have also brought duly certified copy of the summoned account No.12092020000608 maintained by M/s Sumit Electronics in our Branch from period 01.01.2017 to 31.03.2017. The statement of account is Ex.PW29/B.

The prosecution examined **Navdeep Kaur D/o Sh. Rattan Singh, as PW-30**, who deposed as under:-

In the year 2017 I was residing in House No. 116, Second Floor, Phase 3B-1, Mohali. In the month of March 2017 construction was going on the ground floor and landlord was residing on first floor. After completion of construction landlord shifted to the ground floor and he had given first floor on rent. About 10 days the tenant at first floor came whom I had not met and I was not knowing who were the tenants. It was Sunday but I do not remember the date whether it was 17 or 19, police came to the second floor where I was residing to inspect the place and then landlord came and told that some incident had happened with the tenant at the first floor and murder of tenant had taken place. (Objected to be hearsay by learned defence counsel). I do not know regarding the incident nor I had witnessed any occurrence. I did not record in my statement to the police that Ekam Singh Dhillon alongwith his family was residing at First Floor of the house.

This witness was declared hostile at the request of prosecution and prosecution as well as defence has been allowed to cross-examine the said

witness.

Further, prosecution has also examined **Inspector (Retd.)**

Avtar Singh as PW-31, who deposed as under:-

On 19.03.2017 I was posted at P.S. Mattaur as Sub Inspector. On that day information was received at Police Station from Police Control Room that at House No. 116, Phase-3B-1, Mohali, one car was standing near the above said house and blood was oozing from the door of said Car. Then I alongwith Inspector Baljinder Singh, the then SHO P.S. Mattaur, HC Sehajpreet Singh, C-Amanpal Singh, HC Baldev Singh (driver) visited the above said house. Where Jaspal Singh, his son Darshan Singh and their relative Uday Singh and ASI Surjit Singh & HC Surjit Singh were also present there. Car bearing No. CH-04-F-0027 make BMW was parked near the above said house in the vacant plot. Thereafter, the said car was opened in the presence of above said persons. From the said car one suitcase which was very big in size was taken out from the rear seat. On opening of the said suitcase, one dead body of a person was found in the same. Jaspal Singh told us that the said dead body is of his son namely Ekam Singh Dhillon and Darshan Singh told us that the said dead body is of his brother. Blood was oozing from the mouth, nose and ears of the said dead body. On examining of the dead body, it was found that a bullet was fired from the right side of the head and the same passed through his head and there is exit mark near the left ear. Darshan Singh got recorded his statement before Inspector Baljinder Singh, the then SHO P.S. Mattaur. The said statement of Darshan Singh is already Ex.PW1/A in the judicial file. Darshan Singh signed the same. Inspector Baljinder Singh (I.O.) attested the same and he recorded police proceeding on the said statement and handed over the same to C-Aman Pal Singh, who got recorded case FIR Ex.PW31/A at P.S. Mattaur under the signatures of ASI Lakhwinder Singh. I identify his signatures on the same. Thereafter, IO took into possession blood smeared earth from the place where the car was parked. The said blood had dropped from the car

where the dead body was kept. Blood smeared earth was taken into possession by IO vide memo already Ex.PW1/B. Witnesses signed the same. One blood stained cloth (Pocha) (objected to on the ground of opinion of the I.O.) was also found lying near the wall where the car was parked. The said blood stained cloth (Pocha) was also sealed by IO and taken into possession vide memo already Ex.PW1/C. The above said suitcase was also sealed by IO and taken into possession vide memo already Ex.PW1/D and witnesses signed the same. The above said car was also taken into possession vide memo already Ex.PW1/E. The registration certificate was also found in the said car and as per the same Jaswinder Kaur was the owner of said car. IO alongwith police party and complainant party entered the first floor of House No. 116, Phase 3B-1, Mohali. At the said floor, Ekam Singh, his wife namely Seerat Kaur present in the Court today, alongwith their children were residing. On entering the room of the first floor one empty cartridge was found on the right side of the door near the wall and same was reduced to parcel by IO and was taken into possession vide recovery memo already Ex.PW1/F and witnesses signed the same. A bullet led was found under the bed on the floor of the room and same was also reduced to parcel by IO and taken into possession vide memo already Ex.PW1/G and witnesses signed the same. There was blood mark (objected to) on the door of wooden Almirah and same was lifted with the help of cotton and separate parcel was prepared, which was taken into possession vide memo already Ex.PW1/H. On checking by IO, one pistol 7.65 made in USA was found under the clothes in the wooden Almirah and there were three live cartridges in the magazine and one was in the chamber of the same. Rough sketch of said pistol was prepared by the IO, which is already exhibited as Ex.PW1/J and rough sketch of magazine was also prepared by IO same is already Ex.PW1/K. Above said pistol alongwith cartilages and magazine were reduced to parcel by IO and taken into possession vide memo already Ex.PW1/I, witnesses signed the said recovery memo. IO recorded the statements of the witnesses. IO constituted police parties

to conduct the raids to arrest the accused. I was also leading one of the raiding party and my party comprised of HC Sehajpreet Singh, Jaspal Singh, SI Sukhdeep Kaur. Thereafter I alongwith the above said persons reached at traffic light point Phase-3 & Phase-7 where secret informer informed me that the accused required in the present case was proceeding towards Chandigarh side. Then we proceeded towards Chandigarh side, then one lady was found sitting in the park. Jaspal Singh by pointing towards the said lady disclosed that she is Seerat wife of Ekam Singh. The I alongwith police party apprehended the said lady and disclosed her about the facts of the case and on query she disclosed her name as Seerat Kaur wife of Ekam Singh, resident of House No. 116, Phase 3B-1, Mohali. Then she was formally arrested vide memo already Ex.PW2/B and witnesses signed the same. Her personal search was got conducted through SI Sukhdeep Kaur keeping due regard of her modesty and personal search memo already Ex.PW2/C was prepared regarding the same and witnesses signed the same. During formal interrogation she suffered a disclosure statement already Ex.PW2/D (the contents of Ex.PW2/D are objected to being inadmissibility) in which she disclosed that she had concealed second magazine of the said pistol (objected to) which she had concealed in the kitchen in container containing pulses, which she could got recovered. Then she by moving ahead of police party got recovered the said magazine in the said place of house No. 116, Phase 3B-1, Mohali. On checking of said magazine one live cartilage of 7.65 bore was found in the same and No. 7111 was also inscribed on the said magazine. The said live cartilage and magazine were reduced to parcel and sealed by me with my seal impression 'AS' and after use, seal was handed over to HC Sehajpreet Singh. The sealed parcel was taken into possession vide memo already Ex.PW2/E and witnesses signed the same. Before sealing rough sketch of said magazine was also prepared by me. Same is already Ex.PW1/K and witnesses signed the same. I also prepared rough site plan of place of said recovery. Same is Ex.PW31/B. Statement of witnesses were recorded. On return to police station case

property was deposited with the MHC of police station and accused was produced before SHO of the Police Station. On 29.05.2017, I was directed by the SHO Baljinder Singh to get prepare the scaled site plan of the place of occurrence and place where accused had allegedly burnt the blood smeared clothes and ash of the same was collected by SHO/Inspector Baljinder Singh (objected to being in admissible as hearsay evidence and statement of accused before the police) and I went to the spot alongwith Baljinder Singh draftsman, Derabassi and Darshan Singh and got prepared the scaled site plans through draftsman. The scaled site plans were produced SHO on return to police station. Statements of witnesses were recorded by me. Thereafter, Special Investigation Team was formed in the present case. Today, I have seen the case property in the Court. Sealed box containing a magazine of pistol 7.65 mm, which was duly sealed with the seal of FSL. At the request of learned Addl. Public Prosecutor the seal of the sealed parcel is opened. From the above said parcel a magazine of pistol 7.65 mm and a empty shell taken out. Same is Ex.MO2& Ex.MO3. I identify the accused through Video Conference. During investigation, I recorded the statements of the witnesses. After the completion of the investigation, Challan was presented in the Court by SHO/Inspector Tarlochan Singh whose signatures I identify.

Further, prosecution has also examined **DSP Baljinder Singh Pannu, No. 359/BR as PW-32**, who deposed as under:-

On 19.03.2017, I was posted as SHO of P.S. Mattaur. On that day, I was present at Chawla Chowk in connection with patrolling duty. Then MHC of P.S. Mattaur informed me that one car bearing No. CH-04-F-0027 make BMW silver colour was parked near House No. 116, Phase-3B-1, Mohali in vacant plot and blood was oozing out of said car. (objected to). I made a phone call to SI Avtar Singh and MHC of P.S. Mattaur to depute two NGOs and HC with a direction to reach at the spot and I also reached at the spot alongwith C-Amandeep Singh, C-Gurjit

Singh, Baldev Singh (driver) & HC Karamjit Singh. When we reached at the spot Jaspal Singh, Darshan Singh and many other persons had assembled at the spot. I with the help of Jaspal Singh, Darshan Singh and one Uday Singh opened the said car and brought out the big suitcase from the rear seat of the car and I with the help of other person opened the suitcase and dead body was found in the suitcase and Darshan Singh, Jaspal Singh & Uday Singh identified the same to be dead body of Ekam Singh. On examination of dead body I found that one bullet had hit deceased Ekam Singh Dhillon on right temple near ear of deceased and there was exit mark of bullet near left ear of dead body. I examined the whole dead body but there was no other injury on the dead body. I asked regarding occurrence to Jaspal Singh and Darshan Singh but they were in shock due to this incident and after about two hours Darshan Singh got recorded his statement to me. His said statement is already Ex.PW1/A. Darshan Singh signed the statement in English after admitting the same to be correct. Said statement was endorsed by his father Jaspal Singh. I attested the same and recorded police proceeding Ex.PW32/A on the same and handed over the said statement to C-Amanpal Singh who got recorded case FIR already Ex.PW31/A at P.S. Mattaur under the signatures of ASI Lakhwinder Singh. I inspected the spot and lifted blood with the help of cotton from the car, suitcase & door of the room. Same was reduced to parcel and was taken into possession vide memo already Ex.PW1/H and witnesses signed the same. One blood stained cloth (Pocha) was lying near the wall where the car was parked. Same was reduced to parcel by me with my seal impression 'BS' and same was taken into possession vide memo already Ex.PW1/C. Blood smeared earth was also collected from near the car and same was reduced to parcel by putting the same in a container and sealed by me with my seal impression 'BS'. The said parcel was taken into possession vide memo already Ex.PW1/B and witnesses signed the same. The above said suitcase from which dead body was recovered was reduced to parcel and was sealed by me with my seal impression 'BS' and was taken into

possession vide memo already Ex.PW1/D and witnesses signed the same. Above said car alongwith key and its RC was taken into possession vide memo already Ex.PW1/E and witnesses signed the same. As per the RC found in the car, the said car was registered in the name of Jaswinder Kaur wife of Gurprem Singh resident of Chandigarh. HC Surjit Singh was deputed to take the dead body Civil Hospital Phase-6, Mohali to kept the same in the mortuary. Proceeding under section 175 of Cr.P.C. were also done under my supervision by the officials assisting me. But I do not remember who prepared the inquest report. Thereafter, I alongwith police party and complainant party visited the first floor of House No. 116, Phase 3B-1, Mohali. At the said floor, Ekam Singh, his wife namely Seerat Kaur present in the Court today, alongwith their children were residing. On entering the room of the first floor one empty cartridge was found on the right side of the door near the wall and same was reduced to parcel and sealed by me with my seal impression 'BS' and was taken into possession vide recovery memo already Ex.PW1/F and witnesses signed the same. A bullet led was found under the bed on the floor of the room and same was also reduced to parcel by me with my seal impression 'BS' and was taken into possession vide memo already Ex.PW1/G and witnesses signed the same. There was blood mark (objected to) on the door of wooden Almirah and same was lifted with the help of cotton and separate parcel was prepared by me and was sealed with my seal impression 'BS', which was taken into possession vide memo already Ex.PW1/H and witnesses signed the same. On checking by me, one pistol 7.65 made in USA was found under the clothes in the wooden Almirah and there were three live cartridges in the magazine and one was in the chamber of the same. Rough sketch of said pistol was prepared by me, which is already exhibited as Ex.PW1/J and rough sketch of magazine was also prepared by me and same is already Ex.PW1/K. Above said pistol alongwith cartilages and magazine were reduced to parcel by me and sealed by me with my seal impression 'BS' and taken into possession vide memo already Ex.PW1/I, witnesses signed the said

recovery memo. I recorded the statements of the witnesses and constituted police parties to conduct the raids to arrest the accused. SI Avtar Singh was leading one of the raiding party which comprised of HC Sehajpreet Singh, Jaspal Singh, SI Sukhdeep Kaur. SI Avtar Singh alongwith police party and complainant party conducted the raid and arrested the accused as per law. (objected to). On return to police station case property was deposited by me with the MHC of police station. SI Avtar Singh on return also produced the case property before me alongwith the accused. On the next day, a Board of Doctors was constituted and postmortem examination was conducted on the dead body of deceased and after postmortem examination dead body was handed over to the relatives of the deceased and statements of witnesses were recorded. Statements of Balwant Singh, Kuldeep Singh residing in the house in front of Kothi No. 116 Phase-3B-1, were recorded. I also recorded the statements of Pooja who was working as maid at the house of deceased and accused. I also recorded statement of Ms. Mukesh who was working as maid at top floor and ground floor of House No. 116, Phase-3B-1. On 22.03.2017, Kuldeep Singh produced before me Pen-drive containing CCTV footage of the recording of the cameras installed in their house alongwith certificate under section 65-B of Evidence Act. Same was taken into possession by me vide recovery memo already Ex.PW1/L. On that day, Sachin owner of Saloon situated at Phase-3B-2 also produced before me a pen-drive of the CCTV footage of cameras installed in his shop alongwith certificate under section 65-B of Evidence Act. Same was taken into possession vide memo already Ex.PW1/N. On 22.03.2017 Prithipal Singh also produced before me a pen-drive of the CCTV footage of cameras installed in his shop at Phase-3B-1 alongwith certificate under section 65-B of Evidence Act. Same was taken into possession vide memo already Ex.PW1/M. Witnesses signed the aforesaid all the memos. On 20.03.2017, HC Surjit Singh produced before me viscera in sealed condition alongwith envelop and parcel containing clothes. All the above said articles were sealed with the seals of

CHMOHALI. The said sealed articles were taken into possession by me vide memo Ex.PW32/B, HC Surjit Singh signed the same. On 01.04.2017, I received information that one bag which was connected with the above said occurrence was found near the wall of Gurudwara Amb Sahib Mohali and the said bag contains blood stained clothes allegedly of Ekam were burnt by the police official in the presence of employees of Gurudwara Amb Sahib as at that time they were not aware that the said bag was connected with the present case.(objected to). I visited the said place and took into possession the ashes. Same was reduced to parcel and sealed by me with my seal impression 'BS' and said sealed parcel was taken into possession vide memo already Ex.PW1/O and witnesses signed the same. During investigation record relating to call details etc. was also obtained by me from the concerned companies. During investigation statements of witnesses were recorded. Thereafter I got transferred from said police station and further investigation in the present case was conducted by another IO. Today I have seen a sealed parcel containing suitcase. Same is Ex.MO1 in the Court file. I identify the accused present in the Court today. On 19.03.2017, when I had lifted the blood stained earth from the ground situated under the back door of Car No. CH-04-F-0027 was converted into a parcel and was sealed with my seal bearing impression "BS" and was taken into possession vide memo Ex.PW1/B on which I identify my signatures. On 19.03.2017, after sealing all the parcels as stated by me in my examination-in-chief I had prepared my sample seal and seal after used was handed over to ASI Surjit Singh. I have seen the court file but my sample seal is not found in it. On 19.03.2017, I had prepared the rough site plan of the scene of crime and the same is Ex.P32/1 on which I identify my signatures. I had also prepared the rough site plan Ex.P32/2 on 01.04.2017 when I had taken into possession the ashes. During investigation I had moved an application Ex.P32/3 on which I identify my signatures before the Illaqa Magistrate Ms. Parul JMIC SAS Nagar for getting conducted the polygraphic Narco test analysis of accused Seerat

Kaur but the accused Seerat Kaur denied to undergo the polygraphic test, Narco analysis test and she got recorded her statement Ex.P32/4 to this effect, hence the Hon'ble Court declined my request to get the polygraphic, Narco analysis test of accused. The endorsement of the Court to that effect endorsed on my application Ex.P32/3 at point-A. The Order of Hon'ble Court dated 22.03.2017 on the court file vide which my above said application was declined is Ex.PX. During investigation when I had taken into possession the pendrive alongwith the certificate 65-B of Indian Evidence Act from witness Prithipal Singh vide Ex.PW1/M, he had also produced a copy of the bill of the mobile phone which accused Seerat had purchased from his shop. The copy of the Bill is already Ex.P11/1. During investigation I had also moved an application before the Illaqa Magistrate Ms. Parul, JMIC, SAS Nagar for getting recorded the statement of witness Tul Bahadur under section 164 Cr.P.C and thereafter the Hon'ble Court had recorded the statement of said witness Tul Bahadur under section 164 Cr.P.C. I had also recorded his statement under section 161 Cr.P.C. During investigation besides recording statement of other witnesses, I had also recorded statements of witnesses Satinder Kumar, Pardeep Singh, Harjinder Singh and Navdeep Kaur under section 161 Cr.P.C. A magazine and cartridge was also recovered by SI Avtar Singh on the disclosure statement of accused Seerat Kaur. During investigation the viscera of deceased Ekam Singh, the blood stained articles and the recovered pistol and cartridges and the lead and empty cartridges which were recovered during investigation, were sent to the FSL for analysis. The permission from the SSP Mohali was obtained for purchasing the five test cartridges which sent along the above said pistol for analysis. The FSL report of the above said pistol and ammunition is Ex.P32/5. During investigation I had also moved requests for getting the call details preserved regarding the call details of accused person and victim. During investigation the Forensic Team, Finger Print Expert had also visited the spot and had conducted their proceedings. When witness Kuldeep Singh had produced the CCTV footage dated 19.03.2017 containing in Pendrive

before me, I had seen the same and in the said footage accused Seerat Kaur was seen throwing the suitcase from the staircase and the said suitcase was containing the dead body of Ekam Singh. Volunteered I had also seen in the said footage two more persons one male and one female coming to the premises of accused Seerat and victim Ekam and leaving from there prior to accused throwing the suitcase. Later on I came to know from the complainant party that they are Massi and Massar of accused Seerat. (Objected to by the defence on the ground of mode of proof and admissibility and being hearsay). Similarly, when witness Prithipal Singh had produced the CCTV footage dated 19.03.2017 contained in Pendrive before me. I had seen the same and in the said footage accused Seerat Kaur was seen purchasing the phone from the shop of Prithipal Singh and she was also seen making the call (Objected to by the defence on the ground of mode of proof and admissibility and being hearsay). Similarly, witness namely Sachin had produced the CCTV footage dated 19.03.2017 contained in pendrive before me. I had seen the same and in the said footage accused Seerat Kaur was seen taking hair wash/Spa at Ukaro Saloon and also making calls. During investigation I recorded statement of witnesses.

At this stage, learned Public Prosecutor for State requests that the said pendrives which were taken into possession by the witness vide Ex.PW1/L, Ex.PW1/M & Ex.PW1/N be played in the Court, so its contents could be identified by the witness. Request heard and declined as witnesses already stated about the contents of the above said pendrives. At this stage, a sealed transparent container containing pistol and four live cartridges duly sealed with seal bearing impression of the FSL is produced in the Court. Seal of the said container is ordered to be broken by the Court.

Today I have seen the pistol MO2 alongwith four live cartridges MO3 to MO6 in the Court. I identify them. The same were taken into possession by me vide memo Ex.PW1/I. At this stage, cloth parcel containing a container duly sealed with the seal of FSL is produced in the

Court. Seal of the said container is ordered to be broken by the Court. On opening of the same, an empty cartridge is found. Today I have seen the empty cartridge Khol MO7 in the Court and I identify it. The same was taken into possession by me vide memo Ex.PW1/F.

At this stage, a transparent plastic container containing bullet lead is produced in the Court. Today I have seen the said bullet lead (Sikka) in the Court as MO8. I identify it. The same was taken into possession by me vide memo Ex.PW1/G.

At this stage, a parcel sealed with the seal of FSL said to contain Pocha is produced in the court. Seal of the said parcel is ordered to be broken by the Court. On opening of the same, Pocha is found.

Today I have seen the above said Pocha in the Court. Same is MO9. I identify it. The same was taken into possession by me vide memo Ex.PW1/C.

At this stage, transparent plastic container said to contain blood stained earth is produced in the Court. The container is sealed with the seal bearing impression of FSL.

Today I have seen the parcel containing blood stained earth in the court which was taken into possession by me vide Ex.PW1/B and the same is MO10.

At this stage, transparent plastic container said to contain blood stained cotton is produced in the Court. The container is sealed with the seal bearing impression of FSL. Seal of the said parcel is ordered to be broken by the Court. On opening of the same, on piece of cotton said to be blood stained is found.

Today I have seen the blood stained cotton as MO11 in the Court. I identify it. The same was taken into possession by me vide Ex.PW1/H. By this piece of cotton I had lifted the blood which was on the suitcase and on the door of Almirah. However, the fact of lifting of blood from the suitcase is mentioned in both memos Ex.PW1/D & Ex.PW1/H. But in reality the same piece of cotton for lifting both.

At this stage, a sealed cloth parcel bearing seal impression of FSL said to contain clothing of deceased Ekam Singh Dhillon is produced in the Court. Seal is ordered to be broken by the Court.

On opening of the same, a nicker and cardigan (Koti) of blue colour are found. Today I have seen the said nicker and cardigan as MO12 & MO13. These are the same clothing which the deceased Ekam Singh Dhillon was wearing when his dead body was recovered. The above said clothing was produced after the postmortem examination of deceased before me by HC Surjit Singh and at that time. The said clothing was in a parcel bearing seal impression "CH Mohali". The above said parcel alongwith the viscera parcel sealed and sealed envelop was taken into possession by me vide Ex.PW32/B on which I identify my signatures. I identify MO12& MO13. The report of the FSL regarding the above said blood stained articles is Ex.PW32/6.

At this stage a sealed plastic bag bearing seal impression "BS" said to contain ashes is produced in the Court.

Today I have seen the above said plastic bag and the same is MO14. The same is containing ashes which was taken into possession by me vide Ex.PW1/O.

Today I have also seen the key of Car No. CH-04-F-0027 in the Court. The same is MO15. I identify it. The same was taken into possession by me vide Ex.PW1/E.

I identify the accused Seerat Kaur present in the Court today. (Court observation:- MO2 & MO3 have also been mentioned with regard to case property which was taken into possession vide Ex.PW2/E).

The parcels whose seals have been opened in the Court during the examination of this witness, are ordered to be resealed by the Court of Duty Magistrate, SAS Nagar.

Further, prosecution has also examined **Inspector Pushpinder Singh No. FR51 as PW-33**, who deposed as under:-

On 04.04.2017 I was posted as SHO at P.S. Mattaur. The investigation of this case was conducted by me. During investigation on 06.04.2017 I moved an application Ex.PW33/A to Regional Transport Office, Chandigarh for the verification of BMW Car bearing No. CH-04-F-0027. As per the record of the RTO Chandigarh the same was found registered in the name of Jaswinder Kaur wife of Gurprem Singh Brar. On 25.04.2017, I alongwith other police officials went to the spot regarding the investigation of this case. From the house of Balwant Singh, House No. 128, Phase-3B-1, Mohali a DVR containing recording, black colour and H264 was written on the same, was taken police possession vide memo Ex.PW33/B, after putting the same into a bag and sealed with the seal of PS by me. Seal was handed over to ASI Surjit Singh. I identify my signatures on the same. The said memo was also witnessed by Balwant Singh, owner of House No. 128. During investigation, I recorded the statements of witnesses. Today I have seen the parcel containing DVR which is duly sealed by the CFL. Same is Ex.MO/PW33. I have recorded the statements of the witnesses.

Further, prosecution has also examined **DSP Tarlochan Singh, Sub Division Rupnagar as PW-34**, who deposed as under:-

On 21.05.2017 I was posted as SHO P.S. Mattaur. The investigation of this case was entrusted to me. Thereafter, the investigation of this case was conducted by SIT consisting SP(D) Harbir Singh Attwal, DSP City-I Alam Vijay Singh and myself. During the investigation of this case I recorded the statements of Jaspal Singh and Darshan Singh under section 161 Cr.P.C. Thereafter, after completion of investigation present Challan was prepared and presented in the Court by me.

Further prosecution has examined **Ms. Parul, Judicial Magistrate Ist Class as PW-35**, who deposed as under:-

Stated that on 22.03.2017 I was posted as Judicial Magistrate

Ist Class, SAS Nagar, Mohali. On that day investigating officer in the present case moved an application for getting conducted the polygraphic test analysis of the accused. But the accused Seerat Kaur refused to undergo the polygraphic narco analysis test and she get her statement recorded to this effect which is signed by me and I identified my signatures. The application moved by the investigating officer is already exhibited as Ex.P32/3. The endorsement to the effect that the accused refused to give consent is Ex.P35/1. The statement of the accused is already Ex.P32/4. My order whereby the application moved by the investigating officer was declined is Ex.P32/X which bears my signatures.

Thereafter on 28.03.2017 investigating officer of the present case moved application before me being Illaqa Magistrate for getting recorded the statement of witness Tull Bahadur under Section 164 Cr.P.C. Learned P.P for the state has requested to open the sealed envelope containing the statements of Tull Bahadur recorded under section 164 Cr.P.C.

Request considered and allowed.

The envelope containing statement of Tull Bahadur is opened. The witness was identified by the investigating officer SHO Baljinder Singh. After perusing the application, I proceeded to record the statement of witness under section 164 Cr.P.C in my chamber after giving him 15 minutes time to think whether he wants to get his statement recorded or not. He was further explained by me that he was not bound to give statement. My order is Ex.PW35/2. The explanation given by me is Ex.P35/3. Certificate given by me is Ex.P35/4. The statements of witness Tull Bahadur is Ex.P35/5, which was signed by me at point A and signed by witness Tull Bahadur at point B on Ex.P35/5.

Thereafter, evidence of prosecution was closed by order vide order dated 26.07.2023.

During the proceedings after the application of the prosecution under Section 311 Cr.P.C was allowed. The prosecution

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has also examined *PW HC Amanpal Singh as PW-36*, who deposed as under:

Stated that on 19.03.2017 I went to phase 3B1 Mohali with SHO Baljinder Singh alongwith driver of official vehicle the then HC Baldev Singh as we received telephonic message from MHC whose name I do not remember now. The message was received by SHO Baljinder Singh that at house No.116, phase 3B1, Mohali in a car some article were lying and the number of the car was CH-04-F-0027 make BMW. We received information at about 3-4 minutes prior to 11:00 AM. When we reached at the said disclosed place one police party was already present at the spot. The police party which was also present there was PCR team. When we reached at the spot we found that all the doors of the car were closed but the car was not locked. Thereafter the Investigating officer inspected the car and the door of the car was opened and it was found that there was one suitcase lying on the rear seat of the car. Thereafter, SHO directed me to start the videography of the proceedings at the spot.

At this stage Ld Addl PP for the State has requested to play the pendrive

Heard. Request allowed. System officer attached with the Court is directed to play the video on the system of the Court.

At this stage pendrive is opened and folder with the name Amanpal Singh which is opened four videos and 17 photographs.

At this stage one video bearing No.VID_20170319_105234.mp4-VLC mediaplayer of duration 05:08 minutes is played in the Court.

In the video father and brother of the deceased are seen at the spot alongside the rear door of the car which is open alongwith other police officials namely SHO Baljinder Singh and ASI Surjit Singh again said ASI Avtar Singh. And one black colour suit case is seen lying on the rear seat of the car and there are blood stains on the back door of the car (objected to on the ground i.e. it is an opinion). I

cannot say who is the person in white shirt and orange turban recording or clicking the video or photography of the place, but the person in black t shirt and grey lower is the owner of the house (objected to on the ground i.e. it is an opinion). One person with white t shirt with strips and red lower is the auto driver Bahadar (objected to on the ground i.e. it is an opinion) and the other persons including one lady are the persons from public whom I cannot identify. I have also seen one cloth lying alongside the tree which is blood stained mop (objected to on the ground i.e. it is an opinion) and there are blood stains on the ground (objected to on the ground i.e. it is an opinion). The person with yellow tshirt with blue strips is the driver of the official vehicle of the SHO. SI Avtar Singh and ASI Surjit Singh had taken out the suit case from the car and even the complainant had helped them. The rear seat of the car is stained with the blood and two pieces of cloth and one pillow is lying on the rear seat. (objected to on the ground i.e. it is an opinion). One more person in uniform is seen recording the video, but I do not who said person is. ASI Surjit Singh opened the suit case and after opening the suit case dead body of the deceased was found in the said suit case. The suit case is stained with blood (objected to on the ground i.e. it is an opinion). On the leg and face of the dead body there is blood (objected to on the ground i.e. it is an opinion). The car from which the suit case was taken out bears registration No.CH-04-0027 make BMW series 325I.

At this stage another video bearing No.VID_20170319_105828.mp4-VLC mediaplayer duration 10 minutes 41 seconds.

The car is lying parked in a plot near the house No.116, phase 3B1 which is on the left side of the house. ASI Surjit Singh and brother of the deceased and driver Baldev Singh had taken out the dead body from the suitcase and thereafter the dead body was taken to hospital in PCR vehicle bearing No.PB-65-AH-6929 and

ASI Surjit Singh had taken the dead body to the hospital. It was about 11:20/:11:25 AM at that time.

After recording the video I had checked about the installation of CCTV cameras nearby and thereafter I had taken ruqa Ex.PW1/A to police station Mataur for the registration of FIR and after handing over the ruqa to the concerned official I returned to the spot. Thereafter on the asking of SHO I recorded the video of the house at the spot.

Stated that I had returned at the spot with the ruqa and handed over the same to the then SHO Inspector Baljinder Singh at the spot. The pendrives of the videography conducted by me at the spot is Ex.PW36/MO1 and the photographs which were clicked by me are seven in number and Ex.PW36/1 to Ex.PW36/7. I had clicked total 17 photographs and only seven were developed. All the photographs are in pen drive shape. I had also given certificate under section 65 B of the Indian Evidence Act and same is Ex.PW36/8 which is also bears my signatures at point P36. I had also handed over the pendrives to the IO on 22.03.2017. The pendrives were prepared by me after downloading the data from the mobile phone which was used by me then. (All the documents including pendrive, photographs, certificate under Section 65B are objected to on the ground of mode of proof and admissibility., the objections kept open to be decided at the time of final judgment). IO had also recorded my statement twice in the present case.

7. Statement of accused under section 313 Cr.P.C. was recorded, wherein entire incriminating evidence appearing against him was put to her, to which she pleaded innocence and false implication and opted to lead defence evidence.

8. In defence, accused examined **Gurpreet Singh as DW-1**, who deposed as under:-

I have brought the original record pertaining to civil suit No. 254 of 2012 titled as Jaspal Singh Vs. Aikam Singh decided on 25.01.2014. The attested copy of the plaint is Ex.DW1/DA, certified copy of order dated 25.01.2014 is Ex.DW1/DB. I have also brought the original record of file case No. 26 of 2017, CIS No. CM/103/2017 titled as Jaspal Singh Vs. Aikam Singh decided on 11.12.2019. The attested copy of application is Ex.DW1/DC.

Further, accused examined **ASI Joginder Singh as DW-2**, who deposed as under:-

I have brought the original record pertaining to FIR No. 344 dated 21.10.2007, under section 309, P.S. Sector 11, Chandigarh and the attested copy of the same is Ex.DW2/DA.

Further, accused examined **Gagandeep Singh as DW-3**, who deposed as under:-

I have brought the original record pertaining to registration of sale deed bearing Vasika No. 3654, Jild No. 1779 dated 02.08.2005 of agriculture land of Village Samgoli, Tehsil Derabassi District SAS Nagar which was sold by Jaspal Singh son of Vijay Singh, resident of Village Nurpur Khurd, Anandpur Sahib presently resident of House No. 672, Phase-6, Mohali. The certified attested copy is on the judicial file and same is the copy of the original sale deed which I have brought today in the Court is Ex. DW3/1 (running into three pages).

Thereafter, the accused closed defence evidence.

9. I have heard the learned Additional Public Prosecutor for the State, learned defence counsel and have also gone through the record pertaining to this case very carefully, with their able assistance.

Arguments by the prosecution

10 The learned Addl. PP for the State, being assisted by the counsel for the complainant has opened his arguments by stating that the prosecution has ably proved its case beyond reasonable shadow of doubt that accused has committed murder of her own husband and then tried to screen off the evidence by disposing of the dead-body of her own husband and then kept the same in the car with the help of Tul Bahadur, from where, the dead-body was later on recovered by the police and the entire occurrence of screening off the evidence and the recovery was duly recorded in the CCTV cameras as well as by the police officials, who were present at the time of the investigation process. He also submitted that admittedly, there is no direct evidence of the case with the Investigating agency as there is no eye-witness but the circumstantial evidence in this case clearly makes out a chain to take this court to only one conclusion that it was only accused who had committed the murder and none else. He further argued that the conduct of the accused after the occurrence and the facts shown in the video whereby, her relatives are reaching her house and then leaving with certain articles in their possession and even her own conduct of leaving the house, then purchasing a new mobile phone, a new SIM and then making calls from the phone of the shopkeeper from where, she has purchased the mobile and even making the calls from the mobile of the employee in the Spa where she had gone after the occurrence and making the calls from the mobile of said employee despite having her own mobile, reflects that she in order to

shield her own wrong had committed these acts intentionally. These facts are being supported by the evidence before the court. He also stated that the spontaneity of the version, consistency of the version and independent corroboration of the version of the prosecution in this case clearly makes out a case in favour of the prosecution. He also argued that the non-explanation on the part of the accused leaving her house is a fact which is in favour of the prosecution. The presence of accused in the house is never been denied by the defence, the presence of accused in the house, the car being parked near the house from where the dead body of deceased was recovered in this case and the CCTV footage clearly shows the involvement of the accused in this case. As such, the guilt of the accused is proven. He also submitted that the time-line in this case clearly reflects the circumstances in favour of the prosecution and against the accused. He had given in writing the following time-line:-

TIME : 08:25 AM Dated 19.03.2017

Exhibit P1 & Exhibit P2 are pendrive of CCTV footage recording of House No. 130, Phase 3B1, produced by PW24 Kuldeep Singh and as per CCTV footage at 08:25 Dated 19.03.2017 Seerat is seen pulling suitcase from first floor stair to ground floor.

TIME : 08:30 AM Dated 19.03.2017

Exhibit P1 & P2 are pendrive of CCTV footage seen accused coming down stair and made mopping stair.

TIME : 08:59 AM Dated 19.03.2017

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Exhibit P1 & P2 are pendrive of CCTV footage accused is seen coming down to staircase wearing pink colour top.

TIME 09:12 AM Dated 19.03.2017

Ex.P1 & P2 are pendrive of CCTV footage in which it is seen that white Scoda Car is parked near BMW one male and one female climbs stairs they are Bagicha Singh and Inderjit Kaur relative of Seerat.

TIME : 09:31 AM Dated 19.03.2017

Exhibit P1 & P2 are pendrive of CCTV footage showing Bagicha Singh and Inderjit Kaur coming down stair and holding white colour bag.

TIME : 09:38 AM Dated 19.03.2017

Exhibit P1 & Ex.P2 are pendrive of CCTV footage in which accused comes down stair seen in Camera No. 2 in Exhibit P1 and holding a black colour bag.

TIME : 09:59 AM Dated 19.03.2017

Exhibit P1 and P2 are pendrive of CCTV footage where it is seen that PCR Van arrived.

PENDRIVE: *Exhibit P-5 is of Jukero Salon SCF No. 39 Phase 3B2, Mohali time 11:00 AM onwards, Seerat is seen coming in the Salon holding a carry bag and getting a head wash from PW-10 Kamlesh Kumar and using the phone of Kamlesh Kumar for talking with her relatives and making payments and this fact corroborated by PW-9 Sachin Kumar and PW-10 Kamlesh Kumar*

Exhibit P3: CCTV Footage recording of Samsung shop as per CCTV recording from 10:29 AM dated 19.03.2017 Seerat is seen coming on the shop purchasing a mobile number through credit card and making a phone call from landline of the shopkeeper i.e. 0172-4009178.

11 He also submitted that during the stay of the accused away from her house, she was continuously on call with her mother Jaswinder Kaur, her *maama* Ajit Inder Mofer, Nimratdeep Singh, Sarabjit Sobhi, Jaswinder Singh Dhuri, her uncle Bagicha Singh, her aunt Inderjit Kaur, Pappi Mausai, having their numbers and the call records produced on the file clearly reflects calls between the accused and these persons during the time of the occurrence. He also submitted that the act and conduct of the accused during the entire proceeding was suspicious one. He relied upon the judgments passed by the Hon'ble Apex Court in '*Gurdev Singh & Ors Vs. The State*' 1963 PLR 409, '*Bhag Singh Vs. State of Haryana*' 1979 PLR 265, '*Pritpal Singh Vs. State of Punjab*' 1987 (2) RCR (Criminal) 68, '*Naresh Kumar Vs. State of Punjab*' 1997 (1) RCR (Criminal) 18, '*Devender @ Latkan Vs. State of Punjab*; 2016 (4) RCR (Criminal) 974 and '*Mohd. Muslim Vs. State of Uttar Pardesh (now Jharkhand)* 2023 (3) Crimes 58. The counsel has further submitted that in this case the material witness in order to prove the case of prosecution is son of accused and deceased. He referred to the statement of PW-23 Gurnawaz Singh, who is the son and his

statement Ex.PW 28/A was recorded by the Investigating officer namely SI Amarjit Kaur PW 28 and in his statement, he stated that on the date of occurrence, he alongwith his father, mother and younger sister had gone to market where an altercation took place between his mother and father and they returned home. It is also stated by him that he had seen, his mother taking out the revolver from the safe and then he was made to sleep by his mother. He also stated about the presence of his father in the house and then after sometime, he heard the thud of fire and when he tried to came out of his room, he found the door locked from outside and he asked his mother about the shriek of his father but she gave evasive reply and on the next day, he found that his father is not in the house as he was stated by his mother that his father had gone to meet Darshan Singh. Learned counsel has stated that the presence of child in the house and his statement is of utmost importance and the defence taken during the cross-examination of said witness is against the accused himself. He also submitted that the explanation given by the accused about the altercation between deceased and complainant does not justify the otherwise credible statement of her own son. He also submitted that conduct of the accused is doubtful as evident from the evidence of the minor child. He also submitted that the evidence of Tul Bahadur is important aspect in this case, although, he has not appeared as witness in this case and was later on could not be chased out but at the same very time, the statement of Tul Bahadur being recorded by the Magistrate is an important factor to connect the accused with the concealment of the dead body as Tul

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Bahadur had helped her in putting the suit case containing the dead body on the rear seat of the car. He also submitted that landlord of the house who appeared as PW-12 had submitted about the possession of the house by the deceased and accused. His evidence is duly corroborated by the statement of PW-30 Navdeep Kaur. He also stated that although, both the witnesses had turned hostile by stating that they had not heard any occurrence being taken place in the said house but at the same very time, they had admitted the presence of deceased and accused in the said house, as such, whatever happened on the day of occurrence is specially in the knowledge of the persons who are present in the house and that is the accused, deceased, their minor child and none else. As such, in that situation, the burden shifts upon the accused to prove how the deceased turned into dead body but the accused has no where proved or brought on record any evidence giving any explanation, as such, counsel for the complainant has submitted that adverse inference for such non explanation has to be drawn against the accused. He also submitted that the clicking of the photographs and video of the occurrence being recorded by PW 36 Amanpal Singh is duly proved. His presence is proved on the record. He also submitted that the evidence of PW-35 Ms. Parul, learned Judicial Magistrate, in whose court accused has refused to undergo Narco Analysis Test, is an additional link in the case of the prosecution as the refusal by the accused to cooperate in the investigation is to be considered against the accused. As such, explanation of the accused is warranted for her refusal to undergo Narco Analysis Test

whereby material questions under the investigation would have been put to her and answers could have elicited the truth. As such a prayer has been made to convict the accused.

Arguments by defence:

12 The learned defence counsel while opening the arguments has submitted that prosecution has miserably failed to prove its case beyond reasonable shadow of doubt. It is a case which is based upon circumstantial evidence and the prosecution is required to prove each and every circumstance completing the chain leading to only one inference that it was accused Seerat Kaur who had committed the murder of Ekam Singh Dhillon, but Seerat Kaur is not connected with death of her husband in any manner. He submitted that for deciding criminal trial based upon circumstantial evidence spontaneity of the version of the prosecution as well as consistency of the same without improvements and version being credible along with corroboration on the part of independent witnesses and circumstances is required. He has submitted that time gap between occurrence in this case and the recording of the statement by the police is such that version of the prosecution is not spontaneous and reliable. He submitted that delay in every case always leads to coloured version of the prosecution story with padding on the part of the investigating agency. He submitted that the prompt lodging of the FIR is an important factor in the criminal trials and in support of his contentions he relied upon the judgment titled as **Gurdev Singh vs. State reported in 1963, PLR, Page 409**. He also submitted that delay in sending the special report is

also a fact to be considered in circumstantial evidence cases. He submitted that the FIR should be the substance of the summary of the occurrence containing the names of the accused, the witnesses of the occurrence, weapon used, injury attributed to the accused and motive. He also submitted that the recording of the statement forthwith and sending the same to the magistrate is a circumstance which has to be in favour of the prosecution. He referred to Section 154(2) to Section 157 of Cr.P.C. He also submitted that in this case, there was no prompt lodging of the FIR leading to coloured version. The distance between the place of the occurrence and police station which is about two kilometer and between the police station and Illaqa Magistrate being about 3 to 4 km and these facts were such that the prompt lodging of the FIR and sending the special report of the magistrate would have gone in favour of the prosecution. But in this case, the occurrence is stated to have taken place during the intervening night of 18.03.17 and 19.03.2017. The ruqa was recorded on 19.03.2017 in the form of Ex.PW1/A and was completed at 1:50 P.M and FIR was started at 1:57 P.M and completed at 2.01 P.M, but the said FIR was received in the court at 10:00 A.M on 20.03.2017. Such a delay in recording the first statement of the complainant and the FIR reaching the house of Magistrate with a delay, is a fact to be taken against the prosecution. He referred to the statement of complainant Darshan Singh, who stated in his examination, that he reached at the spot at 10:45 AM and police reached at the spot within five minutes and his statement was recorded immediately which was countersigned by his father Jaspal

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Singh and if this time line is taken into consideration the statement of complainant was recorded around 11:00 to 11:15 AM but the time mentioned on the statement is contradictory to the same. He also submitted that there are major contradictions about the proceedings conducted at the spot as in ruqa it has been stated that at the first instance the dead body was recovered and removed from the car and it was examined, but in his examination -in- chief, it has been stated that the dead body was got removed from the car by the police and it has also been stated that on examination of dead body one entry and one exist wound was found on the person of deceased Ekam Singh which is abnormal for a person with common knowledge, no person apart from an expert can tell that which wound of the gunshot is entry wound and which one is exist wound. It has also been submitted that the complainant has improved his version at times and in connivance with the police, the dead body and the car was planted at the spot. He referred to those contradictions by making reference to the cross examination of PW-1 Darshan Singh, PW-2 Jaspal Singh and PW-32 Baljinder Singh IO of the case and also to the cross-examination of PW-36 Aman Pal Singh. He further submitted that the FIR is nothing but a piece of concoctions and fabrication of the circumstances was introduced in this case which are totally different from the actual facts present on the record.

13 Another aspect on which he has relied on is that there is contradiction with regard to the recovery of the dead body, reaching the same in the hospital, inquest proceedings and the officials who had taken

the dead body and deposited the same in the mortuary. He referred to the examination of PW-32 Avtar Singh, who submitted, that the dead body reached at the hospital at 11:25 AM. He also submitted that as alleged by the prosecution the dead body was taken out by C Maninder Singh but his statement was not recorded. He also submitted that there are three versions about the recovery of the dead body. He submitted that as per the first version ASI Surjit Singh and HC Surjit Singh reached at the spot and had taken the dead body to the hospital and deposited the same in the mortuary, he referred to the application Ex.PW7/DC, he also submitted that as per the postmortem report the time of dead body being deposited in the mortuary is 11:25 AM. He also submitted that vide application dated 20.03.2017 Ex.PW17/DB the time is mentioned as 11:55 AM but the inquest report submits otherwise and as per the investigating officer the inquest report was prepared after the lodging of the FIR which is definitely after 02:00 PM, so said report definitely reflects that the faulty investigation was conducted to create the evidence in favour of the prosecution to falsely connect the accused with the crime.

14 He has submitted that there are inconsistencies in the evidence led by the prosecution. Firstly, there is a delay of three hours in lodging the FIR and there has to be a plausible explanation for the same. It has also been argued that there are three stages of recording the statement during the investigation i.e. under Section 154 Cr.PC for the recording of the FIR, under Section 161 Cr.PC for the recording of the statement of the witness, under Section 164 Cr.PC for recording the

statement of the witness by the Magistrate and in order to ensure that the earliest version was truthful, the version of the witnesses coming later on in the form of statement has to be consistent with the statement recorded at the first instance. Section 155 of the Evidence Act provides that the credit of the witness can be impeached by putting him with his former statement. Section 145 Evidence Act provides that the witness is to be given time to explain the contradictions and if the contradictions are material the credibility of the witness is to be taken on the touchstone of the same, where the contradictions are insignificant and minor, then those are to be ignored, but where the witness have changed his version time and again and made material improvements in order to create a parrot like deposition then the credibility of the witness is to be doubted.

15 Under these arguments the learned defence counsel had assailed the statements of PW-1 Darshan Singh, PW-2 Jaspal Singh and PW-32 Baljinder Singh by referring to their first statements, their later statements recorded during the investigation, their statements suffered during the trial before the Court and he has referred to those inconsistencies by referring to the statement suffered by them in the Court by stating that PW-1 Darshan Singh stating about the presence of himself and Jaspal Singh at the spot and how they reached at the spot is contradictory to the statement of other witness and defence counsel stated that as per defence infact those were the person who had brought the dead body of Ekam Singh Dhillon at the spot and implanted the same in the car and later on put the burden upon the accused. He also referred to

Ex.PW1/A i.e. the statement of Darshan Singh on the basis of which FIR was recorded and it was stated that he was informed by a friend about the occurrence and then he reached at the spot but it has nowhere being stated that who was that person who informed the complainant about the car being standing at the said place. The identity of the said person is a mystery till date. This fact has been used as a camouflage to conceal the real genesis of the facts occurred in this case. His evidence was important as he was the first link in the chain of prosecution case from where the entire proceedings in this case had started.

16 He also submitted that it has not come on record that who had first informed the police about the occurrence. He referred to the police proceedings Ex.PW32/A wherein it has been stated that a message was received from the control room about the occurrence but who informed the control room is nowhere being mentioned. He also stated that PW-18 Gurdarshan Kumar MHC received message from control room and then forwarded the same to the IO of the case who was on patrolling but when he was confronted with his affidavit Ex.PW18/A, there is no mention about information being received from control room and then giving the information to the IO and said link is found missing in this case. He also submitted that another person namely Tul Bahadur, who informed the PCR van about finding blood on the suit case and the car, have not been examined. He was a material witness although his statement under Section 164 Cr.PC was recorded in this case but the said statement not being a substantive piece of evidence cannot be taken into consideration.

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He also submitted that as per prosecution one Ravinder Singh, who was on PCR van was informed by Tul Bahadur, was not examined and since as per prosecution said Ravinder Singh had expired thus his other companion, who was a female employee, has also been not examined. There is no explanation for her non examination, she was Parveen Kaur No.718/SAS Nagar and her statement under Section 161 Cr.PC was recorded but she was not examined. He also submitted that no record from police control room was called to establish the fact that who had informed them, who was informed being on duty and what was the information. He also submitted that there is no DDR that said Ravinder Singh had given any information to the IO or any authority about the occurrence. He also submitted that the absence of said connectivity and non examination of material witnesses of this fact breaks the chain and also doubts the credibility of the version put up by the IO of the case.

17 He also stated that the preparation of the inquest report at 03:00 PM and submission of the dead body in the mortuary is also a fact to be considered in these circumstances. He also submitted that this fact has also not been disclosed whether any statement of Tul Bahadur was recorded by the PCR or not. He further submitted that the statements suffered by PW-1 Darshan Singh is an improved version stated by him before the Court. He has nowhere explained that who had seen the suit case in this case for the first time. He also submitted that there are four statements of Darshan Singh which are available on the record i.e. his first statement Ex.PW1/A recorded under Section 154 Cr.C for the registration

of FIR, Ex.DA statement dated 19.03.2017 under Section 161 Cr.PC, statement dated 29.05.2017 and statement dated 03.06.2017 Ex.DC and he also submitted that the statement dated 03.06.2017 was recorded one day prior to the presentation of the challan on 04.06.2017. He also submitted that in none of the said statements it is recorded that the police came at the spot and the dead body was taken out of the suit case by the police. He has been confronted with the statements interse and these statements are found to be contradictory to each other with concealment of material facts and improvement on the part of the witness.

18 He also submitted that the deceased was 6 feet 3 inches in height and the accused is five feet three inches in the height. The injury caused on the person of deceased is from upward to downward and the short height of the accused takes out the possibility of causing said injury, so the injury can be either self suffered or by a person who is either taller or of equal height to that of the deceased. He also argued that PW-2 Jaspal Singh had also given a contradictory and different version from the facts present on the record as in his examination -in- chief, he submitted that two constables were standing near the car when they reached there but those were not joined in the investigation of the case. This fact is not mentioned by Darshan Singh in either of his statement and no explanation has come on record who called those two police personnel at the spot.

19 He also submitted that there are four statements of Jaspal Singh during the entire investigation i.e. two statements under Section 161 Cr.PC being recorded on 19.03.2017 and one statement recorded on

03.06.2017 which are produced on record as Ex.DZ, Ex.DAA, Ex.DBB and another statement under Section 175 Cr.PC. He submitted that when the statement was confronted interse, it was found that material contradictions were there in between those statements. As material contradictions have come on record in the investigation that no blood was recovered in the car in which the dead body was found, no portion of the said car, such as in the form of seats, foot mats or any other part which could be removed was taken into possession being smeared with the blood of the deceased. There is no evidence who fired gun shot, who put the dead body in the suit case and who put the suit case in the car. The stand taken by Darshan Singh that he recovered the dead body in the presence of his father was not found mentioned till 03.06.2017, when their last statements were recorded.

20 He contradicted the above stated facts with the evidence of PW-32 Baljinder Singh who had introduced another person at the spot with name Uday Singh, who was not examined. The said fact was confronted with the police proceedings and even the IO could not explain the non examination of ASI Surjit Singh and HC Surjit Singh and it was also submitted that the IO had not mentioned in police proceedings Ex.PW32/A that he opened the car and brought out the dead body. Neither these facts were find mentioned in inquest report Ex.PW7/F nor in the summary of the case in Ex.PW32/DD. As such he submitted that there are three versions of the prosecution about the fact that who got the dead body out of the car and about the sending of dead body to the hospital. He

also referred to remand request dated 20.03.2017, 22.03.2017 and 27.03.2017 Ex.DB, Ex.DC and Ex.DD wherein there is no mention about taking out the suitcase from the case by any specific person. This fact also finds not mentioned in report under Section 173 CrPC.

21 He submitted that the fact that the information was received in the police station till 10:45 AM falsify story and make it necessary to explain how ASI Surjit Singh and HC Surjit Singh were present at the spot prior to said time. The video of the spot being recorded by PW36 Amanpal Singh clearly shows the presence of the police at the spot much prior to the fact of showing reaching of the police at the spot.

22 He also submitted that forensic examination was intentionally not got conducted at the spot as no finger prints on the car, foot prints in and around the car, finger prints on steering wheel of the car, suit case in which the dead body was found and the handle of the car at the spot were taken to ascertain the involvement of the actual accused in this case. Neither the DNA of accused was taken nor the DNA of the deceased was taken to ascertain the blood group of the blood found at the spot. He has submitted that the finger prints on the pistol which was recovered on 19.03.2017 was also not taken to ascertain the person who had fired the gun shot which had taken life of Ekam Singh. He also submitted that there was no recovery memo of recovery of suit case and dead body from the car. No memo of the recovery of blood from the door of the car was prepared. He also submitted that only one swab was used to collect blood from three places in this case.

23 He also submitted that as per first version in FIR suitcase was recovered by Darshan Singh. He submitted that the dead body was recovered from the car which was standing at open and accessible place for all and sundry. The keys of the car were not recovered from the possession of the accused rather the keys were found inside the car and the possibility of dead body being implanted by the Darshan Singh and Jaspal Singh as asserted by the defence cannot be ruled out. He also submitted that the owner of house Satinder Kumar has specially stated in his examination in chief that the in the morning the car was not present at the spot where it was found to be parked.

24 He further argued that there were material contradictions between the statement of the witnesses inter se which goes to the root of the case rendering the case of the prosecution doubtful. He referred to the judgment title as **Yudhister Vs. State of MP reported in 1971 (3) SCC Criminal Page 436** wherein the law with regard to the improvements have been settled. He referred to the improved version between PW-1 by confronted him with Ex.PW1/A, Ex.DA, Ex.DB and Ex.DC. He also referred to the contradictions by Jaspal Singh by referring to the statement Ex.PW2/A, Ex.DZ, Ex.DBB, Ex.DAA. He also referred to the cross-examination of PW-32 Baljinder Singh and referred to the cross-examination and contradictions confronted with Ex.PW32/A, Ex.PW7/F, Ex.PW7/DD, Ex.DB and Ex.DD. He also submitted that the conduct of the accused in this case was required to be taken into consideration and this fact remained unexplained that what stopped the

accused from parking the car somewhere else, it would not have been a sane act for any accused to park car containing the dead body just near the house where the accused is residing. The accused would have disposed of the body some where else. This story of the prosecution case is unnatural and improbable part. It is very hard to put single handedly the deceased in a suit case who was 6 feet 3 inches in height i.e. more than the accused, who was 5 feet 3 inches in height and the probability of dead body being planted near the house looks to be more plausible reason to somebody else to conceal his own act and shift the entire burden upon the accused.

25 He further argued that the antecedents of the Jaspal Singh father of deceased were not good. He had a criminal history of having relations with assassins of a political leader and later on having relations with those persons he was arrested investigated in that case and later on was acquitted, so he has the knowledge of criminal proceedings and as per the counsel for the accused he was well aware that accused can only be debarred from the properties of deceased if she is accused of the murder of the deceased and he used his connections with the police, with illegal designs, in order to falsely implicate the accused in this case and debar her from inheriting the property of the deceased which he had inherited from his own grand father.

26 It has been further argued that evidence of witness, who is to be believed in a murder trial, must be corroborated by medical evidence. The contradictions and discrepancies which are material in nature should

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not be part of his deposition and where the witness had tried to improve his previous version, no reliance can be placed upon the evidence of such witness. He referred to the judgment passed in **Harnam Singh vs. State of Punjab 1965 PLR 960**. He also submitted that the statement of Darshan Singh PW is full of discrepancies and as submitted by him, he reached in the house of deceased at 10:45 A.M which is contradictory to the case brought by the prosecution on the record and the version qua the involvement of Jaswinder Kaur and Vinay Partap Singh has been found to be false and the said version was not supported by any person.

27 He also submitted that the proceedings conducted by the police at the spot were doubtful as only the blood stained earth near the car was collected and no blood from the Car was picked by the investigating officer. No blood was picked from the left window of the Car and the moping cloth which was recovered and stated to be stained with blood was recovered from a place which was open and accessible to all. No blood was collected from suit case and only two parcels of the blood samples were collected. He further stated that the empty shell, fired bullet and the blood from the Almirah were taken into possession and the pistol 7.65 mm made in USA was recovered. But the time and sequence of the recoveries creates a doubt. The recoveries are stated to be made between 11:45 A.M. and 12 noon which is contradictory to the video relied upon by the prosecution. At the same very time, the dead body was dispatched. The IO cannot be at two places at the same time. The details of the FIR were mentioned on Ex.PW1/B prior to the receiving of the

FIR. Witness of said memo Surjit Singh was not examined. PW 31 ASI Avtar Singh is stated to be present at the spot and taken part in the investigation alongwith IO but none of the memos prepared at that time bears the signatures of ASI Avtar Singh. His statement under Section 161 Cr.P.C was not recorded and produced on the record. The live bullets which were recovered in this case were not produced in the court. The time line and sequence of events stated by PW-31 are contradictory to the statement of other witnesses. There was delay in recording the statement of ASI Avtar Singh which remained unexplained. DDR Ex.PW31/D1 i.e. DDR of departure of police party had not contained the fact about statements being recorded, videography being conducted at the spot and not about the fact that ASI Avtar Singh was going for the post mortem to the civil hospital. The time of recoveries is differently stated by the both witnesses of recovery i.e. Darshan Singh and Avtar Singh. Similarly, PW-32 IO Baljinder Singh of this case has nowhere stated that he had directed Amanpal Singh to click the video and photography and thereafter, he was handed over pen drive and photographs by Amanpal Singh and thereafter, he had deposited the pen drive and photographs with the malkhana MHC. He had stated about blood being collected from Car, suit case, door of the room and recovered the all vide memo Ex.PW1/H with single swab but the name of Darshan Singh was written later on, on the memos. As per the investigating officer, the FSL team reached at the spot but the evidence was not collected by FSL team. None of the members of FSL team signed any of the memos of recovery. The sample seal which was stated to be

prepared at the spot has not been produced in the court file. The blood from the suit case was taken in the form of swab which was not produced in the court and there was delay in sending the parcel by the MHC as the samples were collected on 19.03.2017 and were sent to FSL on 30.03.2017 which is evident from the date mentioned in the FSL report of the receiving of the articles. He further argued that the time line of sequence which occurred at the spot creates doubt as ASI Surjit Singh who was the first police official to reach at the spot was not examined.

28 The evidence of PW36 Amanpal Singh brought by the prosecution at belated stage of trial had opened the case of the prosecution to very serious doubt. PW1/A is stated to be scribed by HC Surjit Singh but as per record, he was not present at the spot and he was at the hospital taking dead body with him. There is doubt about the complainant and his father remaining present at the spot. The car and suit case were not sent for FSL examination nor the cyber team was called at the spot to videograph the entire proceedings and take into possession the CCTV footage of the crime scene. He further stated that pen drive upon which state is relying upon was prepared by Kuldeep Singh and not by any cyber expert. Neither the finger prints of deceased upon the car nor that of the accused upon the car have been taken into possession to ascertain who handeled the Car and the suit case for the last time by putting the dead body inside the car. He also submitted that these facts were not found mentioned in the remand request Ex.DB dated 20.03.2017, Ex.DC dated 22.03.2017, Ex.DD dated 27.03.2017. Even in these remand requests,

there is no mention about the statement of Gurniwaz Singh, minor child of accused and deceased, being recorded on 25.03.2017. In those remand requests, in order to confront the accused with the said statement and important material and relevant fact which were required to be mentioned in the remand request were intentionally not mentioned. Even, the time of the arrest of Seerat Kaur has not been mentioned in her arrest memo. There is no mention of recovery of CCTV and pen drive in the relevant DVR.

29 He also argued that even the medical evidence is not supportive of the prosecution case. He referred to one letter Ex.PW7/A where five questions were inquired from the doctor about the manner and method of the occurrence but the doctor has not given the answers to the same or a situation could be ascertained that in fact the answers given by the doctor were not suitable to the prosecution and those answers were intentionally concealed. Even the doctor was questioned about these queries put by the investigating officer but the doctor had not given any answers to those questions during the cross-examination also. He also submitted that the concerned doctor had not ascertained the track of the wound and even she accepted the opinion given in Parikh's Medical Jurisprudence where the difference between the homicidal death and suicidal death has been mentioned. He also argued that the track of the wound, the height of the accused and injured clearly reflects that it is a case of suicidal death or the injury on the person of the deceased was caused by a person who was taller in height than him. He also argued that

there was no postmortem injury on the person of the deceased. The led MO-8 recovered at the spot was not containing any blood or DNA of the deceased. No evidence was brought on the record in the form of an opinion that it passed through human body. This lead was not shown to PW-7 Dr. Mehardeep Kaur asking her opinion that the injury which took the life of Ekam was in fact possible with this bullet of 7.65 MM. No ballistic expert opinion has been taken that the injury on the person of Ekam Singh Dhillon was being caused with the gun shot fire of 7.65 MM. No expert opinion was taken with regard to the said weapon being used in committing the offence.

30 He also submitted that the identity of Tul Bahadur is doubtful in this case. All the recoveries are from the search of the house but the provisions of Section 100 of Cr.P.C were not complied with. He also argued that the independent witnesses were not joined at the time of recovery from the house.

31 He further argued that even the videos produced by the investigating agency on the record are itself contradictory. The videos are not complete material as the video between 23:18 PM to 03:38 AM in the intervening night of 18.03.2017 and 19.03.2017 is missing. He also argued that the statement of Gurniwaz Singh, when read in consonance with the evidence on the record, reflects that the child was not present in the house and as per Gurniwaz the accused told him that his father had gone to the house of his uncle Darshan Singh and this fact was disclosed at 08:30/09:30 AM and after half an hour police reached at the spot and

his statement was not recorded. Those two police officials, who are seen in the videos going upwards in the house, are neither being named in the proceedings nor examined at any point of time. Even the statement of Kuldeep Singh PW-24 states that he had not seen any car when he left the house in the morning for morning walk and even PW-36 Amanpal Singh in his examination has stated that when the police party reached at the spot some police personnel were present at that time and CCTV footage Ex.P2 reflects the same but no explanation has come on the part of the prosecution about the presence of the police at the place of occurrence at 10:18 AM and non examination of these material witnesses is a missing link in the prosecution case and forwarding no explanation by the prosecution withholding the evidence of the such material witnesses goes to the root of the case against the prosecution.

32 While arguing on the part of the motive Learned defence counsel relied upon the judgment titled as **Ram Gopal Vs State of Maharashtra reported in 1972 criminal law journal page 473** and also argued that the motive in cases of circumstantial evidence if proved assumes importance and it is an important link in the circumstantial evidences cases and it is used as an independent corroboration and if the motive is alleged it is to be proved as an incriminating circumstance against the accused. He had further argued that Darshan Singh while recording his statement Ex.PW1/A has alleged the motive of property dispute between the deceased and his in laws family. While recording Ex.DA and Ex.DB on 19.03.2017 the same version was repeated but when

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he appeared in the witness box as PW-1 he introduced different motive of illicit relations between accused Seerat Kaur and one Nimrat Deep Singh being the reason for the murder of Ekam Singh Dhillon. But neither any document was produced to prove the motive firstly alleged nor any document was produced to prove the motive secondly alleged in this case. He also argued that the second motive was introduced on 03.06.2017 i.e. one day prior to presenting the challan in the Court on 04.06.2017. He also stated that non mentioning of the second version in PW-1/A is a fact to be taken against the prosecution. He further argued that in the motive mentioned in Ex.PW1/A, no time, date and place has been mentioned when the said motive was disclosed by Ekam Singh to complainant. An improvement was made while deposing as witness in the Court that the motive was disclosed to the complainant by deceased on 18.03.2017. This fact was duly confronted by the defence to the witness in his cross-examination. As far as second motive of illicit relations and continuous talking on the mobile phone between Seerat Kaur and Nimrat Deep Singh is concerned, the prosecution has not brought on record the telephone number from which Seerat Kaur had talked with Nimratdeep Singh nor the mobile number of Nimrat Deep Singh had been brought on record. As per prosecution the mobile number of Nimrat Deep Singh was mentioned as 98140-10000 which later on came in the name of Harwinder Singh son of Jagir Singh and another number 98556-10000 stated to be of Nimrat Deep Singh is registered in the name of Supreet Kaur wife of Nimrat Deep Singh and the third alleged number of Nimrat Deep Singh has not

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been proved to be registered in his name. Similarly, PW-2 Jaspal Singh, when got recorded his statement Ex.DZ on 19.03.2017 deposed about the motive with regard to the property only but he has not stated anything about the alleged illicit relations between Seerat Kaur and Nimrat Deep Singh, even in his statement Ex.DAA he deposed similarly and as per statement Ex.DBB on 03.06.2017 the motive about the illicit relationship was introduced. He also stated that in fact Ekam Singh left the house with his children on 18.03.2017 as per the asking of his father between the time 23:18 PM till 03:00 AM qua which there is no video with the prosecution. He also argued that the intentionally the said video has not been produced on the record. He also argued rather there was a property dispute between Ekam Singh and his father Jaspal Singh and it was only due to the said fact that in order to settle the said dispute Ekam Singh was called where he died unnatural death and later on the father of deceased in connivance with police had planted the dead body outside the house of the accused. In fact the factum of the illicit relations was very well in the knowledge of the complainant and in order to take the undue benefit the said version was inserted inside the mind of the minor child by the complainant and his father. This motive introduced lateron with a delay definitely goes against the prosecution. He also submitted that the Jaspal Singh father of the deceased was involved in the nefarious activities and is of dubious character and due to said fact bickering started in the family of the Jaspal Singh on one side and his wife Hardeep Kaur and Ekam Singh Dhillon on the other side and Darshan Singh took the side of his father and this

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resulted into furious litigation between Ekam Singh and his father Jaspal Singh which resulted into death of Ekam Singh. Seerat kaur was a co-accused with Ekam Singh in cases registered against them and Jaspal Singh in order to disinherit Seerat Kaur from the properties of Ekam Singh Dhillon has falsely implicated her in the present case. The children of Ekam Singh and Seerat Kaur , being minor, could easily be moulded by Jaspal Singh in his favour, as such, the story of illicit relations of Seerat Kaur has been introduced in order to create a riffle between the children and the Seerat Kaur by taking the benefit of death of Ekam Singh. Infact both Ekam Singh Dhillon and Jaspal Singh had daggers drawn against each other. It is a fact to be noted that when the police had searched the house after the recovery of the dead body nothing belonging to the Ekam Singh Dhillon and Children was found in the house. It is nowhere mentioned in the police proceedings that Gurniwaz or Humayra were present in the house at the time of occurrence or when the police visited the house. Nowhere in the videos produced in the Court both the children are seen coming out of the house.

33 He also submitted that there is general tendency in the family of Ekam Singh Dhillon to commit suicide being short tempered and having suicidal tendency. As his own uncle and two cousins also committed suicide and even Ekam Singh Dhillon committed suicide under the pressure of his own father.

34 The next point on which the learned defence counsel has argued that the evidence of Gurniwaz Singh is not admissible in evidence

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as he is a child witness and was tutored one and his evidence was recorded with delay by introducing a new story in his statement to support the prosecution version. He referred to the judgment in case ***Bhag Singh Vs. State of Haryana reported in 1979 PLR page 265*** and also to the judgment of ***Jagjit Singh Jagga Vs. State reported in 2005(3) RCR page 647*** wherein the delay of recording the statement of child witness and he being the sole eye witness has been assailed by the Higher Courts. As per the prosecution case Gurniwaz Singh was 10 years old on the day of occurrence i.e. in year 2017. He came to depose from the house where his grandfather Jaspal Singh and uncle Darshan Singh were residing, who were inimical towards the accused. Thus the tutoring of the child witness is a fact which could not be ruled out. He further argued that there was no mention about the minor child Gurniwaz Singh in first statement Ex.PW1/A, police proceedings Ex.PW32/A, inquest proceedings Ex.PW7/F, post mortem request and even the statements of witnesses. He also submitted that there is no mention of Gurniwaz in CCTV Ex.P2 where he was not seen present in the house or coming out of the house. His sister was an important witness but was not examined by the prosecution, his statement under Section 164 Cr.PC was not recorded. His presence in the house where the occurrence is alleged to have taken place is not proved. Even the witnesses PW-1 Darshan Singh and PW-2 Jaspal Singh had not stated about Gurniwaz being present in the house nor in any of their statement recorded by the police said fact has been recorded nor IO in his examination in chief as PW32 had mentioned about

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Gurniwaz. He also submitted that PW-28 Paramjit Kaur, who recorded statement Ex.PW28/A of Gurniwaz, had nowhere stated that she was sent by PW-32 Baljinder Singh has stated that he had sent Paramjit Kaur to record the statement of Gurniwaz. The said statements were not signed by the person, Sumanjit Kaur, Manpreet Kaur, Surinderpal Kaur nor they have been examined in the Court to depose about the mental status of Gurniwaz when his statement was recorded by Paramjit Kaur. Nor that statement was put to Gurniwaz Singh when he appeared in the witness box. The facts stated by Gurniwaz Singh are belied from the circumstances present in the case. He improved his version in the Court. He remained in the house of his Bhua and lateron with his grandfather and his deposition about the facts occurred on the day of occurrence are not corroborated by any material facts and even there is doubt about his statement being recorded at the place disclosed in the statement i.e. House No.672 Phase 6 Mohali, which is the house of Darshan Singh but he stated that at that time he was residing in the house of his Bhua. His conduct at the time of occurrence, on the next day in the morning when police first came to the spot, this fact that his father died due to gunshot being disclosed to him by his bhua and non showing of his presence in the site plans prepared, non recording of his statement on 19.03.2017 are the facts which goes against the child witness rendering his statement unreliable.

35 He further argued that the call details and the mobile numbers produced on the record of the prosecution clearly reflects that the story

put forward by the prosecution is belied and the mobile numbers alleged to be belonging to be of Nimrat Deep Singh are infact not registered in his name and none of the persons in whose name the mobile phone was registered was examined to prove that the said phone numbers were being used by Nimrat Deep Singh. Moreover the call details and the locations of these persons in this case does not prove the prosecution case.

36 He further stated that the presence of PW-8 Pooja at the spot is doubtful as she has not identified her to be present in the house nor she identified the mop, which was alleged to be stained with blood. He also argued that the witnesses Ex.PW-9 Sachin Kumar, PW-10 Kamlesh Kumar, PW-11 Prithi Pal Singh, whose phones were used by Seerat Kaur to call lateron, after the alleged occurrence, did not prove the guilt of Seerat Kaur rather it is the corroborative fact to the defence of accused that she was told by Ekam Singh Dhillon to leave the house for settling the dispute with his father Jaspal Singh. He also submitted that the statement of PW-15 Pardeep Singh, PW-16 Jagir Singh, PW-17 Gurpreet Singh, PW-18 Sudarshan Singh, PW-19 Harpreet Singh, PW-20 Mukesh, PW-21 Servesh Punj and other witnesses of link evidence are not corroborating each other on material points.

37 He also submitted that the identification of Tul Bahadur, who has been stated to be the person helping the accused in putting the suit case containing the dead body of Ekam Singh in the car, and later on in informing the police is doubtful. Although he got recorded his statement under Section 164 Cr.PC with PW-35 Ms.Parul JMIC, but said

statement even if stated to be proved is not a substantive evidence against the accused as his statement can only be used for contradiction or corroboration of his own stand. He also argued that mere refusal by Seerat Kaur to undergo polygraphic test and lie detector test cannot read against her as the **Hon'ble Supreme Court of India Selvi Vs. State of Karnatka AIR 2010, SC. 1974** , law finder doc ID # 209871 had stated that *“no person can be compelled to undergo such test as the same is barred by Article 20 of Constitution of India.”*

38 He further argued that the link evidence in this case is missing as the blood samples in this case was taken into possession on 19.03.2017, those were sent to FSL on 30.03.2017. As such, there was delay in sending the samples. There was only one cotton swab sent to the FSL whereas there has to be three different swabs i.e. one from the car, one from the suit case and one from the almirah. Although swab comes out to be stained with human blood but the Serologist had to determine that the blood group of the said blood was of deceased. The blood was also not matched with each other nor the blood was matched with the blood of deceased as well as accused.

39 He further argued about the CCTV footage stating that there was only two videos Ex.P1 and Ex.P2 i.e. about the intervening night of 18.03.2017 and 19.03.2017 and the morning activity seen at the place of occurrence. He also stated that the videos of 16.03.2017 and 17.03.2017 are complete whereas the videos of 18.03.2017 and 19.03.2017 are not complete and there are certain time slots which are missing even the

certificate under Section 65-B of the Evidence Act are not as per the provisions required. He also submitted that PW-24 Kuldeep Singh, in whose house the CCTV camera was installed, have stated that on 19.03.2017 police had visited his house and seen the video. Similar is the statement of Darshan Singh PW-1 but the pen drive was handed over on 22.03.2017 but PW-32 SHO Baljinder Singh had nowhere stated about visiting house of Kuldeep Singh, watching the DVR and getting prepared the pen drives. The pen drives were handed over on 22.03.2017 to the police but as per Darshan Singh the CCTV footage was taken on the same day. The pen drives were never deposited with MHC. Infact there are contradictory versions about the inception and taking into possession the pen drives. Infact the pen drives were doctored and morphed before handing over to the police. He also argued that the facts shown in the videos as placed on the record by the prosecution put up a different story than that of the documentary story put on record by the prosecution.

40 The learned defence counsel further stated about PW-36 Aman Pal Singh by stating that the examination of this witness has nailed the coffin of prosecution story to its perfection by introducing a different version of what happened at the spot. During the investigation. He stated that Amanpal Singh had come with a case that he alongwith IO reached at the spot and as per the directions of the IO he clicked the video and even clicked the photographs but said statement is contradictory to the statement of IO PW-32 Barjinder Singh and the facts mentioned in his statement had belied the prosecution story of statement being recorded at

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01:50 PM. Inquest being conducted at 02:30PM and sending the dead body to hospital at 03:00 PM. As per video the dead body was sent to hospital at 11:08 AM introducing and supporting the version of ASI Surjit Singh conducting proceedings at the spot which opens the prosecution story to a serious doubt, clearing the fact that the dead body was already in hospital when the inquest report was prepared. So this time was consumed by the prosecution to falsely implicate the accused. So there are four versions about the dead body being sent i.e. first version that the dead body was taken out from the suit case by Darshan Singh and Jaspal Singh and second version that Barjinder Singh took out the dead body with the help of Darshan Singh and Jaspal Singh. Third version is that HC Surjit Singh and ASI Surjit Singh took out the dead body from the car and fourth version that is seen in the video produced by Aman Pal Singh the car is unlocked. Even the certificate issued by Aman Pal Singh is not as per norms.

41 Thus in the end ,the learned learned defence counsel has submitted that the entire prosecution story being full of contradictions and without corroborating each fact leads to one inference that the prosecution has miserably failed to prove its case beyond reasonable shadow of doubt. Thus a prayer has been made to acquit the accused.

42 After hearing both the parties this court finds that the following point of determination is hereby made out:

1. ***Whether on 18.02.2017 in the area of House No. 116, Phase 3B1, SAS Nagar, Mohali, accused Seerat Kaur, alongwith***

co-accused Jaswinder Kaur, and Vinay Partap Singh Brar, who have yet not been arrested were party a criminal conspiracy to commit an offence punishable with death of Ekam Singh Dhillon and in pursuance of that conspiracy you committed murder of Ekam Singh Dhillon , in the intervening night of 18.03.2017 and 19.02.2017 ?

2 Whether on the same date, time and place accused committed murder of her husband Ekam Singh Dhillon , by using Pistol 7.65 mm ?

3. Whether at the time of committing the murder, clothes of accused were soaked with blood and she thrown out the above said clothes in the area of Gurudwara Amb Sahib for causing the evidence of the commission of the murder to disappear, with the intention of screening herself from legal punishment ?

4. Whether on the same date, time and place, accused retained one pistol 7.65 mm made in USA alongwith four cartridges in her possession without having any valid licence?

Findings on point of determinations no.1 to 4

43 After hearing the arguments and the entire prosecution case and defence case put forward by both the parties. This court finds that this is a case based upon circumstantial evidence and prior to devolving upon the circumstances of this case, the law which is required to be applied to circumstantial evidence in needed to be discussed.

44 Before devolving upon the facts that what evidence has

been brought on the record by the prosecution, this court would like to discuss what parameters are required by the prosecution to prove its case where the evidence is in the form of circumstantial evidence. The Hon'ble Supreme Court of India has settled the law in case titled as ***Ramanand alias Nand Lal Bharti Vs. State of Uttar Pradesh, Criminal Appeal No. 64-65 of 2022 decided on 13.10.2022***, wherein it has been held that in case of circumstantial evidence, the following principles are to be taken into consideration:-

**PRINCIPLES OF LAW RELATING TO
APPRECIATION OF CIRCUMSTANTIAL EVIDENCE**

45. In 'A Treatise on Judicial Evidence', Jeremy Bentham, an English Philosopher included a whole chapter upon what lies next when the direct evidence does not lead to any special inference. It is called Circumstantial Evidence. According to him, in every case, of circumstantial evidence, there are always at least two facts to be Considered:

a) The **Factum probandum**, or say, the principal fact (the fact the existence of which is supposed or proposed to be proved; &

b) The **Factum probans** or the evidentiary fact (the fact from the existence of which that of the factum probandum is inferred).

46. Although there can be no straight jacket formula for appreciation of circumstantial evidence, yet to convict an accused on the basis of circumstantial evidence, the Court must follow certain tests which are broadly as follows:

1. Circumstances from which an inference of guilt is sought to be drawn must be cogently and firmly established;

2. Those circumstances must be of a definite tendency unerringly pointing towards guilt of the accused and must be conclusive in nature;

3. The circumstances, if taken cumulatively, should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else; and

4. The circumstantial evidence in order to sustain conviction must be complete and incapable of explanation of any other hypothesis than that of the guilt of the accused but should be inconsistent with his innocence. In other words, the circumstances should exclude every possible hypothesis except the one to be proved.

45 In cases where evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should, in the first instance, be fully established. Each fact to be relied upon must be proved individually. However, in applying this principle a distinction must be made between facts called primary or basic on the one hand and inference of facts to be drawn from them on the other hand. In order to see about to proof of primary facts the Court has to judge and decide the evidence qua the fact whether that evidence proves a particular fact and if the said fact is proved the question whether that facts leads to an inference of guilt of accused person should be considered while dealing with this aspect of the fact in issue the doctrine of benefit of doubt applies. The settled law is that there should not be any missing links in the case but it is not essential that each of the links must appear on the surface of the evidence adduced and some of these links can be inferred from the proved

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facts. Some times the facts are such intermingled that cast a duty upon the Court to solve the puzzle and in drawing these inferences the Court has to see with regard to the common course of natural events and to human conduct their relations to the facts of the particular case. The facts when twined together under the various presumptions of law must lead to form a chain leading to the inference that the accused had committed the offence. The court is not only to consider the effect of proved facts in deciding the sufficiency of the circumstantial evidence for the purpose of conviction but also has to consider the total cumulative effect of all the proved facts. Each one of which reinforces the conclusion of guilt and when the combined effect of all the facts taken together is conclusive in establishing the guilt of the accused. The conviction would be justified even though it may be that more of these facts by itself or themselves when taken alone are not decisive. The facts established should be consistent with the hypothesis of the guilt of the accused and should exclude every hypothesis except the one sought to be proved but this does not mean that before the prosecution can succeed in a case resting upon circumstantial alone, it must exclude each and every hypothesis suggested by the accused, howsoever, extravagant and fanciful it might be. There has to be chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused. The reference can be made to the judgment passed by the **Hon'ble Supreme Court of India in case titled as Vijay Kumar Vs.**

State reported in 2010(2) SCC page 353.

46 Under these observations, in this case the case of the prosecution entirely depends upon the circumstantial evidence. The case of the prosecution is that deceased Ekam Singh Dhillon was married with Seerat Kaur having two children from their wedlock namely Gurniwaz Singh son and Humayra daughter. It is not in dispute that both were residing on rent in the house bearing No.116, Phase 3B1, Mohali.

47 The prosecution case started with the fact that Darshan Singh Dhillon brother of deceased Ekam Singh Dhillon got recorded his statement with IO Baljinder Singh that he came to know that the car bearing No. CH-04-F-0027, make BMW, which is standing near the house of Ekam Singh Dhillon is found to be stained with blood and when the suit case was taken out, the said suit case was found to be contained dead body of Ekam Singh Dhillon inside the said suit case and it was found that there was a gun shot injury on the head of Ekam Singh Dhillon and the gun shot had pierced through his head and there was entry and exit wound. The proceedings were conducted by the police, as per the statement the name of accused Seerat Kaur surfaced to be person who has committed the murder of Ekam Singh Dhillon and in order to screen of the evidence she is stated to have kept the dead body in the suit case and then put the said suit case in the car with the help of one Tul Bahadur. It is also alleged that the said Seerat Kaur has left the house and her post occurrence conduct was questioned in this case. The motive of murder was first attributed at the first instance being the property dispute with the

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in laws family of the Ekam Singh Dhillon and lateron being the illicit relations of Seerat Kaur with one Nimrat Deep Singh. The police proceedings were videographed and even the CCTV cameras installed near the place of occurrence were watched and taken into possession. The statements of the witnesses were recorded. Post-mortem of the dead body shows the unnatural death of the deceased Ekam Singh Dhillon.

48 In order to prove it's case the prosecution was first required to prove that Ekam Singh Dhillon died unnatural death. In order to prove the offence of murder the prosecution was required to prove the ingredient mentioned in section 299 IPC and section 300 of the IPC which reads as under:

The offence of culpable homicide is defined in section 299 of the IPC and the offence of murder is defined in section 300 of the IPC, which read as under:-

Section 299:- *A person commits culpable homicide if the act by which the death is caused is done :-*

(1) With the intention of causing death.

(2) With the intention of causing such bodily injury as is likely to cause death.

(3) Knowledge - With the knowledge that the act is likely to cause death.

Section 300:- *Subject to certain exceptions culpable homicide is murder if the act by which the death is caused is done :-*

(1) With the intention of causing death.

(2) 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.(3) 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.

(4) Knowledge - With the knowledge that the act is so imminently dangerous that it must in all probability cause death or such bodily injury as is likely to cause death, and without any excuse for incurring the risk of causing death or such injury as is mentioned above.

49 So in this case in order to prove the death of Ekam Singh Dhillon being homicidal the prosecution relied upon the statement of PW-7 Dr.Manhardeep Kaur, who alongwith Dr. Kuldeep Singh and Dr. Himmat Mohan Singh Ghuman, had conducted the post mortem examination of deceased Ekam Singh Dhillon and found the following injuries on his person:

1. Entry Wound on right side 1 cm x 1 cm lacerated wound cherry red in colour 2 cm above and 2 cm in front of right pinna present with inverted margins. Abrasion collar present, blackening and tattooing present. On dissection haematoma in an area of 6 cm x 5 cm below wound present, clotted blood present. On skull margins of wound were clear inverted measuring 8 mm x 8 mm in dimensions. Clotted blood present in epidural and subdural space.

2. Exit Wound Lacerated wound on supero anterior aspect 2 cm x 0.3 cm in dimensions of left pinna with everted margins, 2 cm x 0.25 cm cartilage of pinna broken. On dissection below wound skull bone is irregularly fractured about 2 cm x 1.5 cm and multiple small broken pieces of skull bone could be felt. Underlying scalp haematoma in an area on 7 cm x 6 cm present. Underlying linear fracture of bone present. Margins of

wound were everted. On exploring with deep probe, it could be easily passed from one to another wound through brain matter. Track of entry to exit wound is from right to left and above downwards going from right to left cerebrum.

3. Right upper eye lid swollen and reddish colour bruise 4 cm x 2 cm.

And the cause of death has been given by the Board of Doctors is as under:

The cause of death in our opinion was Coma due to fire arm bullet injury which was antemotem in nature and sufficient to cause death in natural course of life.

50 The learned defence counsel while arguing on this medical aspect has stated that infact the deceased Ekam Singh Dhillon had not died at the hands of Seerat Kaur as the place of injury on his head, the trajectory of his wound, the weapon used and the manner in which the injury was caused and height of deceased being 6'3" and height of Seerat kaur being 5'3" rules out the possibility of Seerat kaur being the assailant. He further argued that the injury on the person of Ekam Singh Dhillon can be either self suffered or it can be by a person who is taller height than Ekam Singh Dhillon.

51 He has cross examined the doctor on material aspects by asking her that the clotted blood could have been the blood which had come out from injury No.1 and 2 and injury No.3 could be in most probability the result of injuries No.1 and 2. The doctor has agreed with the contents of Modi's Medical Jurisprudence that the

blackening can be found if a fire arm like shot gun is discharged from a distance of not more than of a 3 feet and a revolver or a pistol discharged within about 2 feet and scorching in the case of later fire arm is observed within few inches while some evidence of scorching in case of shot gun may be found at even one to three feet. The doctor also agreed with the recitals mentioned in the Parikh's Medical Book of Jurisprudence, Forensic Medicine and toxicology with regard to question No.4.28 at page 4.50 and 4.51 and the said document was placed on record in the form of Ex.PW7/DD.

52 Learned defence counsel in all probability had argued that this case is a case of suicide as during arguments he had pointed towards the suicidal tendency in the family of the deceased. That fact is to be decided lateron, as from here the point is to be decided is whether as per medical evidence it was a suicide or a murder. The doctor has also given an opinion in answer to the question put by the defence that there was a blackening as well as tattooing and it was a close range firing. The entry wound was on the right side and exit wound on the left side and it was a case of single fire injury and there is less likelihood of injury having been self inflicted but remote possibility cannot be ruled out.

53 In order to ascertain whether as per medical evidence the injury on the person of the deceased was homicidal or suicidal this Court has gone through the postmortem report, where the injury shows that the gun shot was fired from a very close range and the

trajectory of the gun shot fire was from upward to downward and from right to left. The defence had relied upon the **Parikh's Text Book of Medical Jurisprudence and Forensic Medicine and Toxicology** and placed the same on record in the form of Ex.PW7/DD. The table on Ex.PW7/DD is as under.

1.	Victim	Generally adult male	Any
2.	Site	Side of temple, center of forehead, roof of mouth, under the chin, front and left side of chest, occasionally the epigastrium	Any part of the body
3.	Distance	Contract a very close shot	Usually distant shot but occasionally medium or close shot
4.	Direction	Consistent with self firing	Any
5.	Number of shots	Generally one but may be more, Hesitation shots may have been fired at random	Any number of shots
6.	Cadaveric spasm	Rarely, a weapon may be firmly grasped by cadaveric spasm, difficult to simulate by a murderer to give an impression of suicide	Weapon may be missing or may not be found. No cadaveric spasm.
7.	Scene of crime	No evidence of disorder generally	Evidence of disorder and struggle may be there

and even in the book **The Essentials of Forensic Medicine and Toxicology 33rd addition** by **Dr.K.S.Narayan Reddy** the following table has been mentioned to differentiate between suicidal,

accidental and homicidal fire arm wounds.

TABLE

	Trait	Suicide	Accident	Homicide
1.	Site of entrance wound	Head or heart	Any area	Any area
2.	Shot distance	Contact or very close range	Close or very close range	Any range
3.	Direction	Upward or backward	Any direction	Usually upward
4.	Number of wounds	Usually one	One	One to many
5.	Hand pressing trigger	Powder residue present	Powder residue present	Powder residue absent
6.	Position of the weapon	Found at the scene	Found at the scene	Not found at the scene
7.	Scene	Usually in his own house	In his house or while hunting etc	Any place
8.	Sex	Usually males	Usually males	Any sex
9.	Motive	Insanity, incurable illness, financial loss, etc	Nil	Gang feuds, robbery, revenge etc.

54 So from these two tables it is clear that the place of injury, the distance from which the gun shot has been fired and trajectory of the gun shot clearly reflects if it is a homicidal or suicidal death. The Hon'ble Supreme Court of India in case titled as **Mohammad Mian Vs. State of UP** reported in Law finder doc id#247200 in paragraph No.14 while referring to the **Modi's Medical Jurisprudence and Toxicology 23rd addition at page 724** where it

has been held that

Direction from which the weapon was fired.

“the question regarding the direction of fire whether from right to left or from front to back is of medico legal importance. To ascertain this it is necessary to know the position of the victim at the time of discharge of the bullet, when a straight line drawn between the entrance and exit wound and prolonged in front generally indicates the line of the direction. In some cases it is difficult to determine the direction as the bullet is so often deflected by the tissues and its course is very irregular, also when the bullet wobbles’ and the Hon’ble Supreme Court of India has also observed that the trajectory of the bullet alone would be a safe basis for accessing the entire evidence more particularly as the projectiles could have been deflected from their through path by the bones of the tissues that come along the way.”

55 Similarly in ‘**Vaibhav Vs. The State of Maharashtra**’ reported in Law finder doc id #2737486 the Hon’ble Supreme Court of India has held that *when the journey of the bullet is analyzed after it exited from the lower part of the skull and the trajectory of the bullet. In gun shot cases wherein the nature of death, whether it is suicidal, accidental or homicidal is not ascertainable from direct evidence, multiple factors are taken into account for arriving at a conclusion. Such factors include, but are not limited to, the point of entrance, the size of wound, direction of wound, position*

of wound, possible distance of gun shot, number of wounds, position of weapon, trajectory of bullet after entering into human body, position of exit wound (if bullet has exited). Direction of Exit wound, direction of the bullet after exit, distance travel by the bullet after exit, nature of final impact on surface (if any) etc. All such factors to the extent of their applicability of facts of the case need to be examine by the Court after arriving at a judicial finding of the Court.

56 Taking into consideration the above stated judgments and the observation of the authors relating to the medical jurisprudence and the postmortem report of the deceased and the facts present on the record, whereby, during the investigation in the room, where the deceased was residing, one empty cartridge and one bullet was found and recovered as MO-7 and MO-8 vide memos Ex.PW1/F and Ex.PW1/G and the blood stains being found on the door of almirah taken with swab MO-11 taken into possession vide memo Ex.PW11/H, the revolver and the photographs showing the bullet mark on the door of the Almirah which are Ex.PW36/7 and Ex.PW36/8 showing the bullet marks clearly shows that bullet has been fired inside the room where the deceased and the accused were residing. Thus, the fact of entry point of the bullet, exit point of the bullet and the bullet thereafter hitting the point on the door shown in photographs above stated and then recovery of empty shell and led inside the room clearly shows that the deceased had not died suicidal

death. Merely the trajectory of the bullet being seen to be from upward to downward, even if admitted, will not prove this fact that the deceased fired the gun shot upon him or a taller person had fired the gunshot upon his person. Had it been so the doctor while noting down the entry wound would have mentioned the same in his recording of the injury. The trajectory of the bullet between entry and exit wound shows multiple small broken pieces of skull bone which could have been the reason of changing the course of bullet when it passed through the head of the deceased. Thus the trajectory cannot alone be a factor which can take the case from a murder to suicide. Moreover, as per the opinion mentioned in the above table of the authors in the suicide case the direction is always shown to be upward or backward. The trajectory of the bullet being downward can be also possible when the deceased is sitting and the gunshot is fired by the assailant while standing. The powder residue of the gun shot is always present on the fingers of the person or hand of the person who has caused the gun shot fired but in this case the doctor has not found any gun powder on the hands of the deceased nor any such question has been put or suggestion being put to the doctor that there was some gun powder on the hands of the deceased to bring the factor of gunshot being fired by Ekam Singh. As such all these discussions collectively takes this Court to a considered opinion that this is not a case of suicide rather it is case where the death of Ekam Singh Dhillon is homicidal in nature.

57 The next question which arises here is that if it is a homicidal death then who has caused the said death by firing the gunshot. Admittedly there is no direct evidence brought on the record in the form of an eye witness account that Seerat Kaur had fired the gunshot which caused the death of Ekam Singh Dhillon. But this Court has to look upon the circumstances available on the record with the parameter that whether these circumstances are enough to take this court to a considered opinion that it was only Seerat Kaur and nobody else who has caused the death of Ekam Singh Dhillon by firing a gunshot upon him. Men may lie but the circumstances will not. The circumstances surrounding the offence speaks for itself. Under the light of these observations this Court devolves upon the circumstances present in this case.

58 The first circumstance which in this case is required to be decided for deciding the culpability of Seerat Kaur in this case is that the occurrence in this case is stated to have happened in the intervening night of 18.03.2017 and 19.03.2017 and it is also stated that the occurrence had taken place inside the house where Ekam Singh Dhillon and Seerat Kaur were residing as tenants. This fact is not denied by anybody that both Ekam Singh Dhillon, Seerat Kaur and their children started residing in the said house as tenants in House No.116, Phase 3B1, Mohali and this fact is admitted as being proved by owner of the house namely Satinder Kumar who appeared as PW-12 and stated that he is owner of the house and the residential

portion consisting of two rooms situated on the first floor of the house was rented to Ekam Singh Dhillon and Seerat Kaur in the first week of March 2017 and they were residing as husband and wife alongwith their children. Moreover the evidence of PW-8 Pooja, who is domestic helper, also proves the residing of Ekam Singh Dhillon and Seerat Kaur in the said house. PW-20 Mukesh Kumar also corroborates this fact alongwith PW-24 Kuldeep Singh, who is residing just opposite to the said house. PW-30 Navdeep kaur, who was residing on the second floor of the same house also deposed on the same lines. Thus this fact is duly proved on the record that both Ekam Singh Dhillon and Seerat Kaur were residing on the first floor of the said house.

59 As far as Seerat Kaur is concerned the defence has not denied her presence in the house on the intervening night when the occurrence in this case is stated to have taken place and where she was residing with the deceased at relevant point of time. As far as deceased Ekam Singh Dhillon and both Gurniwaz Singh and Humayra were concerned the prosecution had stated that after returning from Gurdwara Sahib on 18.03.2017 both the children and Ekam Singh Dhillon remained present at the house. Where as the case of the defence is that after Ekam Singh Dhillon alongwith Seerat Kaur and their children returned in the house and he had talk with his father and he left the house to meet his father and after that he again returned after settling the matter with his father and took both his

children with him as per the wish of his father Jaspal Singh by leaving Seerat Kaur alone in the house and there was a settlement between Seerat Kaur and Ekam Singh Dhillon that Seerat Kaur will leave the family for some time and Ekam Singh Dhillon will live with his father alongwith his children and since Ekam Singh Dhillon alongwith his children had left the house as such there was no occasion for Seerat Kaur to commit the murder of Ekam Singh Dhillon inside that house rather another aspect of this case comes into picture that when Ekam Singh Dhillon had taken the children to the house of his father and during the settlement process either he was killed or he committed suicide and after the death of Ekam Singh Dhillon his dead body was implanted in order to falsely implicate Seerat Kaur so that she could not stand in the way of property and Jaspal Singh. As far as the children are concerned it is stated that they were residing with their grandfather after the death of Ekam Singh Dhillon and they were not seen anywhere in the video recorded on 19.03.2017 when the police proceedings were conducted in this case so the non showing in the videos is a fact supporting the case of defence.

60 In order to ascertain the presence of Ekam Singh Dhillon in the house the prosecution was required to prove that he actually entered the house and thereafter never left the house. As far as the entering of Ekam Singh Dhillon in the house is concerned the video dated 18.03.2017 which started from 08:10 AM, clearly reflects that

at about 08:20 PM Seerat Kaur alongwith her two children is seen climbing the stairs and entering the portion where they were residing and after two minutes deceased is seen entering the house at about 08:22 PM. This court has seen the entire videos on the computer system of the court, wherein the deceased is not seen leaving the house at any point of time. Rather one male person is seen entering the house at about 10:39 PM and in that case the call records between Ekam Singh Dhillon and his father from the number of Seerat Kaur bearing number 98760-69932, 70876-96532 are to be considered and the call of Jaspal Singh was at 10:50 PM and the call duration is shown to be 104 seconds and thereafter at 11:05 PM the said phone was switched of as there was no further call. As shown in the video and timing of the call suggests that after 10:50 PM Ekam Singh Dhillon has not left the house.

61 As far as the contention of the learned defence counsel is concerned about the missing video in the pen drive from 11:00 PM till 03:00 AM in the morning on the next date i.e. 19.03.2017 is concerned, the prosecution has sent the DVRs to FSL Mohali for ascertaining whether there was any tampering with the said video or not. The FSL after checking the said video had sent the detailed report to the investigating agency bearing examination report No.CFSL(C) /908/17/PHY/322/17/1520 dated 31.10.2017 wherein the CFSL had given the report about the existence of the CCTV footage in the DVR and had not found that any of the DVR was ever

tampered with. So since at the last point the deceased is seen entering the house and thereafter there is no evidence that the deceased left the house thereafter and it has been asserted by the defence that the deceased Ekam Singh Dhillon left the house during the period between 11:00 PM to 03:00 AM on the next day, as such, the defence had to bring on record the positive evidence of the same. There was no effort on the part of defence to bring on record any specific mobile number being used by Ekam Singh Dhillon or the locations of the same proving that Ekam Singh Dhillon left the house and his location was in the house of his father. Where as the prosecution has brought on record the mobile numbers, the call details and locations of the accused and deceased on the record. The defence was required to prove the presence of Ekam Singh Dhillon outside the house after 11:00 PM. This is not a case, where the mobile number of the deceased was not known to the accused, who is his wife and even Gurniwaz had disclosed the mobile number of Ekam Singh Dhillon in his statement recorded to the police. As such, the defence on this point failed to bring on record any thing suggesting the presence of deceased outside the house at the time of alleged occurrence.

62 As far as the presence of the children namely Gurniwaz Singh and his sister is concerned the video shows there presence inside the house and they are never being shown leaving the house at any point of time. In that case the evidence of PW-12 Satinder

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Kumar, who is the owner of the house becomes important as his presence was never denied by the defence in the house and when he appeared in the witness box although he admitted the presence of Ekam Singh Dhillon and Seerat Kaur in the house but he resiled from his statement qua some part of his deposition and he was declared hostile and his statement cannot be brushed aside as per the law settled by Hon'ble Supreme Court of India in **Attar Singh Versus State of Maharashtra 2013(2) R.C.R.(Criminal) 294** where it was held that *Hostile witness. Evidentiary value. When a witness is declared hostile and when his testimony is not shaken on material points in the cross-examination, there is no ground to reject his testimony in toto. The Court is not precluded from taking into account the statement of a hostile witness altogether and it is not necessary to discard the same in toto and can be relied upon partly. If some portion of the statement of the hostile witness inspires confidence, it can be relied upon. He cannot be thrown out as wholly unreliable - Further held :-*

(i) Merely because a witness becomes hostile it would not result in throwing out the prosecution case, but the Court must see the relative effect of his testimony. If the evidence of a hostile witness is corroborated by other evidence, there is no legal bar to convict the accused.

Further held that

1. Evidentiary value of testimony of hostile witness and Law summed up :-

(i) It is difficult to overlook the evidence of a witness was declared hostile when his testimony is not shaken on material points in the

cross-examination, there is no ground to reject his testimony in toto.

(ii) If some portion of the statement of the hostile witness inspires confidence, it can be relied upon - He cannot be thrown out as wholly unreliable.

(iii) If some portion of the statement of the hostile witness inspires confidence it can be relied upon and the witness cannot be termed as wholly unreliable.

(iv) Hostile witness is not necessarily a false witness. Granting of a permission by the Court to cross-examine his own witness does not amount to adjudication by the Court as to the veracity of a witness. It only means a declaration that the witness is adverse or unfriendly to the party calling him and not that the witness is untruthful.

63 As such his statement cannot be discarded merely on the ground that he was declared a hostile witness, his statement is to be read very carefully and the fact which came in favour of the prosecution as well as defence are required to be weighed and then the corroborating and contradictory statements are to be taken as such. During the cross-examination by Additional. PP for the State, he had stated that wife of Ekam Singh Dhillon i.e. Seerat Kaur was not present in the house in the morning on the relevant day but her children were present in the house and during his cross examination by the defence no suggestion was put bthat the children were not present in the house. As such the presence of the children in the house is also proved as per the owner of the house who is a neutral person.

64 Moreover, Gurniwaz Singh who appeared as PW-23 was

examined and his statement Ex.PW28/A on 25.03.2017 in which he has stated about the mobile numbers of his parents and that of his mother as 98760-69932, his father as 98760-70532 and of his mother Seerat Kaur as 70876-69532 and he also stated that after returning from Gurdwara Sahib, he remained at the house and his father came back in the house and never left the house. As such, the children as well as Ekam Singh are also proved to be present in this house.

65 In order to ascertain the locations of the accused and deceased the call details of their mobile numbers are also very important. The following chart will reveal the mobile numbers used by the relevant persons in this case and the persons in whose names the said mobile number is registered:

Sr. No.	Name	Mobile Numbers	Exhibit
1	Jaswinder Kaur (Seerat mother)	9915347068	Ex. PW4/G CAF Ex. PW4/H Call Details
2	Ajitender Mofer (Seerat's Mama)	9814087912	Ex. PW6/P CAF Ex. PW6/R Call Details
3	Seerat (Old No)	9876069932	Ex. PW4/K CAF Ex. PW4/L Call Details
4	Seerat & Ekam No.	9876070532	Ex. PW4/M CAF Ex. PW4/N Call Details
5	Seerat's & Ekam New Number	7087696532	Ex. PW4/I CAF to Ex. PW4/J Call Details
6	Prithpal Singh (Samsung Store)	9814089781 0172-4009178	Ex. PW4/S Ex. PW4/T

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	owner phone number		Ex. PW4/U Ex. PW4/V
7	Kamlesh Kumar (Salon Worker) From This Phone Number Seerat Called her mother	9988083650	
8	Nimar (Seerat's Friend)	9814010000	Ex. PW6/X CAF to Ex. PW6/Z Call Details
9	Cell ID Location Chart of the phone number of Jaswinder Kaur, Seerat		Ex. PW4/U

Details of Mobile Number and their owners and regarding calls details of dated 18.03.2017 & 19.03.2017

Sr. No.	Details	Time and Date	Exhibit
1	9915347068 (Seerat's Mother) talking with M. No. 9815100019 Nimar	22:53 (371 seconds) 19.03.2017	Ex. PW4/G to Ex. PW4/H
2	7087696532 (Seerat Message at Mobile No. 9814010000 Nimar)	08:00 p.m. 17.03.2017 (SMS Messages)	Ex. PW4/I to Ex. PW4/J
3	9814010000 (Nimrat Message at Mobile No. 7087696532)	08:04 p.m. 17.03.2017 (Location Kansal) (SMS Messages)	Ex. PW6/X to Ex. PW6/Z
4	9815572032 (Bagicha Singh call at mobile No. 8146371199 Pappi Massi)	19.03.2017 (Location 3B1) near the place of occurrence (SMS Messages)	Ex. PW4/A To Ex. PW4/B
5	9915347068 (Seerat Mother calling Nimar at M. No. 9814010000 Several calls and SMS message by Seerat to Nimar from	19.12.2016 05.01.2017	Ex. PW4/G To Ex. PW4/H

	her mother's mobile		
6	Call from Mofar Mama of Seerat landline number 0172-2698094 to Pappi Massi M. No. 98146371199	07:45 a.m. 19.03.2017	
7	Call from Pappi Massi M. No. 8146371199 to Seerat's mother M. No. 99153470168 several calls	9:15 a.m. 10-10:10 a.m. ringing 4 to 7 minutes 19.03.2017	Ex. PW4/O Ex. PW4/P
8	Nimar M. No. 9814010000 several calls at M. No. 9876200008/9646800 08 (several calls and messages)	09:00 to 11:30 p.m. 18.03.2017	Ex. PW6/X Ex. PW6/AA Ex. PW6/Z
9	Phone Number of PW Prithpal Singh was used by Seerat i.e. 0172-4009178 to M.P. and Nikki at M. No. 9814015338/9316159 140	10:46 to 11:05 19.03.2017 10:30 to 11:15 a.m. (3 to 4 calls by Seerat) 19.03.2017	Ex. PW4/S Ex. PW4/T Ex. PW4/U Ex. PW4/V
10	Kamlesh Saloon Worker M. No. 9988083650 was used by Seerat to Seerat mother at M. No. 9915347068 and M. No. 9316159140 and 9814015338 Nikki	11:30 p.m. to 12:30 19.03.2017 Total nine calls and the call record is exhibit	Ex. PW6/BB Ex. PW6/CC Ex. PW6/DD Ex. PW6/EE Ex. PW6/FF
11	Seerat Cell ID Location and Nimar Cell ID Location of the mobile number used by him are at the same tower.	3:00 to 4:45 p.m. 19.03.2017	

Details of Seerat and Ekam's Mobile Number

about their location being produced on record

1. Working Mobile No. 7087696532 Ex. PW4/I as per CAF record this number exist in the name of Seerat and this number was working in the call record Ex. PW4/J and the last SMS was received on dated 18.03.2017 at 23:05 and the location no. ID No. 606511818 which is of Phase-3, Mohali and earlier to that at 22:50 min call has been received from mobile no. 9988324348 (used by Jaspal Singh) and the call duration 104 second Cell ID No. 6065-11818 and prior to that call was made on 19.20 at mobile no.9814458245 after 23:05 min there is no call received or made. PW2 Jaspal Singh has categorically in his examination in chief dated 14.02.2018, at about 10:55 p.m. on 18.03.2017 I had made phone call from mobile no. bearing 9988324348 to Seerat Mobile No. 7087696532 and Seerat had picked up the phone call and I asked her to handover phone to Ekam. When Ekam came on line he apprised me that Seerat is not handing over the mobile phone having question, message to him, he also stated that he shall gave me call after sometime and that as per call record of this mobile number relevant date 17/18.03.2017 and location of the above said mobile number on 17.03.2017 at Tower ID 6065-11818 from 10:26 to 16:34 which is of Phase 3B1 Spice Sharing 25 KVA Page 247/248 of Ex. PW4/U and thereafter at Tower ID 6063-48418 at 17:14 to 17:24 thereafter at 18:19 and till 19:02 at Tower ID 6071-13208 which is Indus ID No. IN1027763, H. No. 1261, Sector 34-C, Chandigarh thereafter at 19.02 at 19:39 at Tower ID 6065-13676 which is Village Sohana Tehsil & District Mohali relevant Page No. 248 of Ex. PW4/U and from 19:46 to 21:41 at Tower ID 6065-11818 which is Phase 3B1 Spice Sharing 25 KVA Page 247/248 of Ex. PW4/U

2. That Tower ID of dated 18.03.2017 from 07:06 AM to 13:27 Am at Tower ID 6065-11818 which is Phase 3B1 Spice Sharing 25 KVA Page 247/248 of Ex. PW4/U and thereafter at 13:34 at

Tower ID 6065-41107/6065-41106 which is Mr. Pathak 098189981188, SCF 32, Phase 3B2 Mohali relevant entry at Page No. 250 of Ex. PW4/U and at 13:35 at Tower ID 6065-411107 and 6065-4326, 6065-4329 till 13:43, which is SCF No. 92, Phase 3B2 Mohali relevant entry at Page No. 250 of Ex. PW4/U, thereafter at 15:15 to 16:51 at Tower ID 6065-11818, 6065-11817 which is of Phase 3B1 Spice Sharing 25 KVA Page 247/248 of Ex. PW4/U at 18:38 at Tower ID 6071-13208, 6069-14308 till 18:56, which is Indus ID H. No.1261, Sector 34, Chandigarh and SCO No. 218, Sector 34, Chandigarh relevant entry at Page No. 257, thereafter at 18:59 to 19:02 at Tower ID 6069-8759, thereafter at 19:20 at Tower ID 6071-9067 which is of SCO No.1, Inner Market, Sector 20-D, Chandigarh relevant entry page No. 266, thereafter there is no call record from 19:20 till 22:49 and 22:50 call has been received from Mobile No. 9988324348 at 22:50 and the Tower ID 6065-11818 which is Phase 3B1 Spice Sharing 25 KVA Page No. 247/248 of Ex. PW4/U where Ekam and Seerat was residing. After receiving this call the mobile phone of Seerat is switched off at 23:05 P.M and the last location of this mobile phone is at Tower ID 6065-11818, that Jaspal Singh PW2 have categorically stated in his evidence on dated 14.02.2018 at Page No.4 regarding making call at Mobile No. 9988324348 at 22:50 p.m. at Mobile No. 7087696532 and talking with Seerat and Ekam and at that time location of Mobile user is at Phase-3A Mohali and during cross examination Seerat has not explained under what circumstances this call was received and if Ekam was not at home then why Jaspal Singh had called at the above said number i.e. 7087696532 she has not even denied or give suggestion that above said number was not in her possession or any other way to counter this call. The last call received prior to death by Seerat and Ekam is at that number and the above said phone

number was in possession of Seerat and same has been not given to the prosecution to the investigation agency nor the whereabouts of this number has been disclosed.

- 3. That as per call record of this mobile number two messages were exchanged between Seerat and Nimar on 17.03.2017 at 20:01 and 20:04. The mobile no. of Nimar is 9814010000 which is Ex. PW6/X to Ex. PW6/Z.*
- 4. Seerat/Ekam was also using Mobile No. 9876069932 and the CAF in this regard is Ex. PW4/K which is in the name of Seerat and call detail is Ex. PW4/L but above said mobile phone was switched off and after 01.02.2017 there is no call record of the above said number, that the above said number was ever been used.*
- 5. Seerat and Ekam having other mobile no. 9876070532 and the CAF of this regard is Ex. PW4/M and the call record of the above said number is Ex. PW4/N one page only as this number was though used by Ekam but no calls from 01.06.2016 to 31.03.2017 as this mobile number was changed. That as per call record*

66 The above stated mobile numbers and the call details clearly shows that on the relevant night the tower locations shows the presence of Ekam Singh Dhillon and Seerat Kaur alongwith their children in the house.

67 Since the circumstances always reveals the truth from the act and conduct of the parties prior to occurrence, during the period of occurrence and after the occurrence and it gains significant importance in circumstantial evidence cases. In this case the conduct of Seerat Kaur in the early morning on 19.03.2017 is an important factum to be considered. The prosecution has brought on record the

video of next day morning which shows that Seerat Kaur is seen dragging one black colour attache case and throwing the same from the stairs around 08:25 AM and then taking the same out of the house and placing near the car which was standing after passing one house in an open area. Thereafter, she is returning back to the house and seen mopping the stairs which clearly shows that in spite of having a house maid, who is seen in the video inside the house, Seerat Kaur was mopping the stairs herself and the explanation given by Seerat Kaur in this case was that due to the heavy attache case her hand got injured and the blood had fallen on the stairs which she was mopping with the help of a cloth. The said mopping cloth was later on thrown by Seerat Kaur outside the house and then later on recovered by the police. But one fact the defence could not explain that if that big attache case was containing clothes of Seerat Kaur what was the necessity for Seerat Kaur to throw that attache case from stairs and later on leaving the house without that attache case and even her relatives, who were seen in the said video, had not taken the said attache case with them, what happened with that attache case was required to be explained by Seerat Kaur but no such explanation has come on the record. It would have been easy for the defence to produce said attache case as an evidence in their favour or by examining the witness who had taken the said attache case with him.

68 Thus collectively these facts when considered by this

court reveals one thing that on the fateful night the deceased was present in the house. The attache case was thrown by Seerat Kaur looks to be the same attache case in which the dead body of Ekam Singh Dhillon was recovered as both were of black colour and mopping done by Seerat Kaur also creates doubt about the screening of dead body by her. As such, these circumstances being in the special knowledge of Seerat Kaur the burden has reversed upon her to explain these facts and circumstances. Section 106 of the Indian Evidence Act read as under:

106. Burden of proving fact especially within knowledge- *when any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.*

69 By invoking section 106 in this case the facts which have come on record as discussed above clearly shows that certain facts were required to be explained by Seerat Kaur in this case. She was required to prove that Ekam Singh Dhillon had left the house during the intervening night of 18.03.2017 and 19.03.2017 and even the children left with him. The video clearly shows the blood stains inside the room, a fired bullet inside the room, which contains an empty shell and a led of the bullet and bullet hitting the almirah.

70 The principal underline section 106 of the Evidence Act is that the burden to establish those fact, which are within his personal knowledge is cast on the person concerned and if he fails to establish or explain those facts, an adverse inference may be drawn against

him. In this case the CCTV footage produced on the record, when seen by this Court, reveals the presence of Seerat Kaur in the house, her throwing the attache, mopping the stairs, placing the attache inside the car with help of some person, throwing away the mop containing the blood stains and the situation and the articles recovered inside the room, where the accused and the deceased were residing, presence of children inside the room and the statement of Gurniwaz were the factums which were required to be explained by the defence. The reference can be made to law laid down by Hon'able Supreme Court of India in **The State Of Madhya Pradesh vs Balveer Singh (2025 INSC 261)** wherein it has been held that:

Section 106 of the Evidence Act referred to above provides that when any fact is especially within the knowledge of any person, the burden of proving that fact is upon him. The word "especially" means facts that are pre-eminently or exceptionally within the knowledge of the accused. The ordinary rule that applies to the criminal trials that the onus lies on the prosecution to prove the guilt of the accused is not in any way modified by the rule of facts embodied in Section 106 of the Evidence Act. Section 106 of the Evidence Act is an exception to Section 101 of the Evidence Act. Section 101 with its illustration

(a) lays down the general rule that in a criminal case the burden of proof is on the prosecution and Section 106 is certainly not intended to relieve it of that duty. On the contrary, it is designed to meet certain exceptional

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cases in which it would be impossible or at any rate disproportionately difficult for the prosecution to establish the facts which are, “especially within the knowledge of the accused and which, he can prove without difficulty or inconvenience”.

69. In *Shambhu Nath Mehra v. The State of Ajmer* reported in AIR 1956 SC 404, this Court while considering the word “especially” employed in Section 106 of the Evidence Act speaking through Vivian Bose, J., observed as under: -

“9. [...] The word “especially” stresses that it means facts that are pre-eminently or exceptionally within his knowledge. If the section were to be interpreted otherwise, it would lead to the very startling conclusion that in a murder case the burden lies on the accused to prove that he did not commit the murder because who could know better than he whether he did or did not.

It is evident that that cannot be the intention & the Privy Council has twice refused to construe this section, as reproduced in certain other Acts outside India, to mean that the burden lies on an accused person to show that he did not commit the crime for which he is tried. These cases are Attygalle v. The King, 1936 PC 169 (AIR V 23) (A) and Seneviratne v. R. 1936-3 All ER 36 ATP. 49 (B).”

70. The aforesaid decision of *Shambhu Nath* (supra) has been referred to and relied upon in *Nagendra Sah v. State of Bihar* reported in (2021) 10 SCC 725, wherein this Court observed as under: -

“22. Thus, Section 106 of the Evidence Act will apply to those cases

where the prosecution has succeeded in establishing the facts from which a reasonable inference can be drawn regarding the existence of certain other facts which are within the special knowledge of the accused. When the accused fails to offer proper explanation about the existence of said other facts, the court can always draw an appropriate inference.”

71 Under the above stated discussions and the facts coming on the record in the form of call details, locations and the video which has been produced on the record, the prosecution and the defence had put up their case by stating that the circumstances in this case lies in their favour. As such, this court is going to devolve upon the facts and circumstances which are heavily relied upon by both the parties on the touchstone of the credibility as the above stated discussion about the circumstantial cases requires that the prosecution is required to prove it's case beyond reasonable shadow of doubt by proving it's case to the effect that it was none else other than the accused who is liable and guilty for the offence committed in this case. Whereas the accused was required to prove certain things to the preponderance of the probability by explaining those circumstances.

72 The first contention which has been raised over here in this case by the defence while assailing the prosecution case is that there was no prompt lodging of the FIR, as the circumstances surrounding the recording of the first statement of the complainant

and the registration of the FIR are challenged by the defence mainly on the ground that there was delay in recording the FIR. It has been stated that the time gap between the occurrence and the statement by the police should be minimal one and the spontaneous version made with the police is more reliable, the delay will lead to a coloured version and prompt lodging of the FIR is always the true version of the case, where there is a delay, then chances of the coloured version are on higher side. He also submitted that safeguards of prompt lodging of the FIR are always in favour of the prosecution. He stated that occurrence in this case is stated to be on the intervening night of 18.03.2017 and 19.03.2017 and the ruqa in this case was recorded at 01:50 PM and FIR was started at 01:57 PM and completed at 02:01 PM whereas as per Darshan Singh, who is complainant in this case, reached at the spot at 10:45 AM and after him the police reached within 5 minutes and his statement was recorded immediately, which was countersigned by Jaspal Singh, as such, the statement was recorded in between 11:00 to 11:15 AM and that difference of time between 11:00 AM to 02:00 PM remained unexplained. He referred to the statement of Darshan Singh, Jaspal Singh and IO PW-32 Baljinder Singh and stated that there are contradictory versions with regard to the occurrence coming to the knowledge of the police for the first time. As per PW-32 he received the information at 10:45 AM about the occurrence, when he was present alongwith PW-36 Amanpal Singh. The distance between place of occurrence and the

place where the IO was present alongwith his police party, between the place of occurrence and police station was such that minimal time could have been taken to record the FIR, but in this case there was three hours delay in the recording of FIR which was taken by the prosecution to concoct a false story and then implicate the accused. It has also been stated that there is evidence in the form of videos that police party reached much prior to the complainant at the place of occurrence. He also stated that Tul Bahadur, who is stated to be the person, whose help had been taken by the accused for placing the dead body in the car had informed PCR van and the PCR van further informed the control room and the control room further informed the MHC and then MHC informed the IO. But no evidence is on the record to prove this sequence of events in this case as neither Tul Bahadur was examined nor Ravinder Singh, who is stated to be incharge of PCR van along with one female employee LC Parveen Kaur, was examined nor any record from control room was called at the spot nor any DDR about Ravinder Singh giving information to the MHC has been produced on the record. As such, this fact belies the entire prosecution version. In support of his contentions the learned defence counsels has relied upon the following judgment:

“Gurdev Singh and others Vs The State”(1963 PLR 409)
wherein it has been held that *First Information Report - Delay in lodging - Effect - FIR not only gets bereft of its spontaneity, danger also creeps in of the introduction of coloured versions, thought out stories and*

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twists to actual facts - Interested parties can then be sounded and some of them shown as false witnesses - Likewise, some innocent persons can be roped in and named as culprits as a result of much thought, consultation and discussion. “Bhag Singh Vs State of Haryana”(1979 PLR 265) wherein it has been held that Para 10. Delay in lodging the first information reports quiet often result to embellishment which is a creature of after-thought. On account of delay, the report not only gets bereft of the advantage of spontaneity, danger creeps in of the introduction of coloured version, exaggerated account or connected story as a result of deliberation and consultation, it is therefore, essential that the delay in lodging of the first information report should be satisfactorily explained. “Pritpal Singh Vs State of Punjab” (1987(2) R.C.R. (Criminal) 68) wherein it has been held that Indian Penal Code, Section 302 - Murder - Delay of 4 hours in lodging F.I.R. and further delay of 3 hours and 50 minutes in sending report to Ilaqa magistrate - Delay not explained - Held, though delay in lodging FIR is not fatal, it robs the prosecution story of its spontaneity - It lays it open to the charge that garbled version of facts have been put up, false witnesses have been introduced and innocent persons have been accused - A delayed report enjoins the court to sift the prosecution evidence with still greater care and caution.

In case titled as “Naresh Vs State of Punjab” (1997(1) R.C.R. (Criminal) 18) it has been held that Indian Penal Code, Section 302 - Murder - Accused acquitted on the grounds of (i) delay in recording FIR though information reached the investigating officer shortly after incident,

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(ii), Further delay of 4½ hours in sending Special report to Magistrate who resided ½ kilometre away - No independent witness joined when accused made disclosure statement about weapon of offence - Presence of P.Ws. was not natural at the place of occurrence. In case titled as, “Devender alias Latkan Vs State of Haryana” (2016(4) R.C.R. (Criminal) 974) it has been held that Occurrence in question had taken place on 10.12.2005 at about 10.30 p.m. - ASI recorded statement of complainant - On its basis, formal FIR came to be registered at Police Station - There was delay of about 4 to 5 hours in receipt of the special report by the Area Magistrate - Residence of the Area Magistrate was at a distance of 1½ kms. from the Police Station - If that be so, the special report ought to have been in the hands of the Area Magistrate by 2.30 a.m. - Fact remains that the special report was received by the Area Magistrate at 7.00 a.m. - Same indicates that the report/FIR had been ante-timed and this delay used by the complainant party so as to make due deliberations and consultations and then to name the accused as the culprits on account of previous enmity between the parties, material in that regard having already been brought on record, and to an extent admitted by the complainant party - It cannot be said that the prosecution has been able to prove its case against the appellants beyond reasonable doubt - Appellant acquitted of charges - Appeal dismissed. In case titled as, “Mohd. Muslim Vs State of Uttar Pradesh (Now Uttrakhand)” (2023(3) Crimes 58) it has been held that B. Indian Penal Code, 1860, Section 302 – Criminal Procedure Code, 1973, Section 154 -

Murder - Ante-timed FIR and interpolation - Original FIR shows that '1' was converted into '9' and '5' was rounded off to '0' - Yet Trial Court observed that interpolation as 'AM' was used, implying that FIR was lodged in morning - Held, observation of trial court was erroneous and was made ignoring fact that word 'PM' was also interpolated and converted into 'AM' - Reason for ante-timing FIR was to justify prosecution's case that deceased was attacked when he was going to attend Court proceedings, which can only be in morning and not in afternoon - But if incident occurred in morning before 9:00 AM dead body would be sent to mortuary immediately and not late in evening - Further as per deceased's son he reached police station at 9:50 AM - Thus, no possibility of written FIR being registered at 9:00 AM - Chick FIR report sent to Court after delay of about 4 days - Hence, FIR was ante-timed."

73 On the other hand the learned Addl. PP for the State has stated that there was no delay in recording the FIR in this case. He stated that the information was given by the Tul Bahadur to the Ravinder Singh incharge of the PCR van, which was duly forwarded by him to the control room and the control room further forwarded the said information to the MHC of the police station, who had further sent the information to the IO of the case, who reached at the spot, after reaching at the spot he inspected the place of occurrence, taken out the dead body from the attache case and as then statement of the complainant was recorded. The place of occurrence shows that

the dead body was packed in a attache case, so the mental condition of the complainant being brother of the deceased and Jaspal Singh his father was such that seeing their own blood in a dead condition and that too being packed in a suitcase could have easily effected the mind of the complainant party and they would have taken some time to become normal. As such, it cannot be said that the said time was taken to concoct a story and then falsely implicate the actual culprit. It is a fact that the accused was not present in the house when the dead body was recovered. As such, the prosecution has stated that there was no delay in recording the FIR. The prosecution has relied upon the following judgments”

Hon’ble Supreme Court of India in case titled as Anand Mohan vs State Of Bihar 2012 (7) SCC 225 has held that “*30. We now come to the main contention on behalf of the defence that the High Court should have totally discarded the prosecution story once it held that the evidence creates a reasonable suspicion about the FIR being ante-dated and ante-timed. In none of the cases cited by the defence, we find that this Court has discarded the entire prosecution story only on the ground that the FIR was ante dated and ante timed. In Ganesh Bhavan Patel v. State of Maharashtra (supra) relied on by the defence this Court considered the inordinate delay in recording the statements of witnesses under [Section 161 Cr.P.C.](#) and other circumstances along with the fact that the FIR was lodged belatedly without proper explanation and then held that the prosecution case was not reliable. Again, in [Marudanal Augusti v. State of](#)*

Kerala (supra) cited by the defence, this Court disbelieved the prosecution story not because of unexplained delay in the dispatch of the FIR to the Magistrate only but also because the FIR which contained graphic details of the occurrence with the minutest details did not mention the names of the witnesses and there were other infirmities to throw serious doubt on the prosecution story. In Awadesh v. State of M.P. (supra) relied on by the defence, besides finding that the delay in lodging the FIR was suspicious, this Court also found that the empty cartridges were recovered from the place of occurrence one day after the incident and the medical evidence established that the witnesses had not actually seen the incident and considering all these circumstances this Court held that the prosecution had not proved the case beyond reasonable doubt. This Court has, on the other hand, held in State of M.P. v. Mansingh and others [(2003) 10 SCC 414] that if the date and time of the FIR is suspicious, the prosecution version is not rendered vulnerable but the court is required to make a careful analysis of the evidence in support of the prosecution case. Thus, we will have to make a careful analysis of the evidence in this case to find out how far the prosecution case as alleged in the FIR is true.”

74 After hearing both the parties this Court finds that it is the settled law that as per Section 154 Cr.P.C as and when any information is received by a police officer qua the occurrence of any cognizable offence it is his duty to record the same in the form of an FIR and to proceed further. As per the law relied upon by the defence the prompt lodging of an FIR is always a stamp of truth but every

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case has its own circumstances and every delay in lodging the FIR cannot be a ground to doubt the entire prosecution case and discard the same. Reliance can be placed on the judgment titled as **Sahebrao Vs. State reported in AIR 2006 Supreme Court page 2006, similarly in Budh Singh Vs. State reported in AIR 2006 supreme Court page 2500.** It has been held that only unexplained delay in lodging FIR may be fatal for the prosecution.

75 The law has not fixed any time for lodging the FIR hence a delayed FIR is not illegal. Of course, a prompt and immediate lodging of the FIR is the ideal as that would give the prosecution a twin advantage. First is that it affords commencement of the investigation without any time lapse. Second, is that it expels the opportunity of any possible concoction of a false version. When there is criticism on the ground of delay in lodging the FIR, the court has to look into the reason for such delay. The object of insisting upon the prompt lodging of the FIR is to obtain the earliest information regarding the circumstance in which the crime was committed, including the names of the actual culprits and the parts played by them, including the weapon used and other circumstances but where there is a delay in lodging the FIR it often results in embellishment which is a creature of an after thought. A number of circumstances are to be kept in mind while dealing with the delay in lodging the FIR. The reliance can be placed upon the judgment **Ram Dass Vs. State reported in 2007 (2) Supreme Court Cases page 170**

wherein it has been held that though delay in lodging the FIR may not by itself be fatal to the case of the prosecution but that Court of fact has be considered in the light of the totality of the evidence, whether the delay adversely affects the case of the prosecution that is matter of appreciation of the evidence.

76 Thus applying the above stated law cited by both the parties and observations to the facts of this case, this Court finds that the sequence of the events which have come across the evidence led by the parties that firstly the person namely Tul Bahadur informed the PCR van on which Ravinder Singh was incharge and he further informed the control room about the car standing with blood stains on it and about the attache case being placed in the said car and then the information was sent to the MHC who further informed the IO and IO after reaching at the spot started the proceedings and the statement of the complainant was recorded at 01:50. Though the evidence from the point, when Tul Bahadur informed the police till the point the MHC received the information has not been brought on record, but that delay was used by the prosecution for concocting a story is a fact to be considered when the entire evidence is being perused by the court and even the contention of the defence that the special report reached the magistrate on the next day that is on 20.03.2017 is concerned such delay in all the circumstances will not be helpful to the defence in the light of the circumstances present on the record and reliance can be placed upon the law laid down by

Hon'ble Supreme Court of India in case titled as Brahm Swaroop & Anr vs State Of U.P (AIR 2011 SUPREME COURT 280) wherein it has been held that *Delay in sending report to the Magistrate :*

11. Undoubtedly, there is delay of 5 days in sending the Special Report. This Court in *Badam Singh v. State of M.P.*, (2003) 12 SCC 792, while considering this issue held that where the investigating officer categorically stated that he was not in a position to give any explanation for the delay in sending the Special Report, it may be fatal to the prosecution's case. 12. However, a larger Bench of three Judges in *Balram Singh & Anr. v. State of Punjab*, (2003) 11 SCC 286, held as under:

"10.....we notice that in reality there is no delay in preparing the FIR but there was some delay in transmitting the said information to the Jurisdictional Magistrate. Having been satisfied with the fact that the FIR in question was registered in the morning of 6-5- 1990, we do not think that the delay thereafter in communicating it to the Jurisdictional Magistrate on the facts of this case, has really given any room to doubt that the said document (FIR) was created after much deliberations. At any rate, while considering the complaint of the appellants in regard to the delay in the FIR reaching the Jurisdictional Magistrate, we will have to also bear in mind the creditworthiness of the ocular evidence adduced by the prosecution and if we find that such ocular evidence is worthy of acceptance, the element of delay in registering a complaint or sending the same to the Jurisdictional Magistrate by itself would not in any manner weaken the prosecution case."

13. In *State of Rajasthan v. Teja Singh & Ors.*, (2001) 3 SCC 147, this Court held that the receipt of special report by the Magistrate is a question of fact and the prosecution may explain the delay in sending the special report. However, the explanation so furnished by the prosecution must be

convincing and acceptable. The same view has been re-iterated in [Ramesh Baburao Devaskar & Ors. v. State of Maharashtra](#), (2007) 13 SCC 501.

14. In [Sarvesh Narain Shukla v. Daroga Singh & Ors.](#), AIR 2008 SC 320, this Court held that delay in forwarding the Special Report to the Magistrate could not raise a suspicion that FIR had been written later and was ante-timed. Suspicion of manipulation of the documents prepared during the initial investigation would not dislodge the documentary and oral evidence on the spontaneity of the lodging of the FIR.

15. In [Aqeel Ahmad](#) (supra), this Court held that the forwarding of the report to the Magistrate is indispensable and absolute and it must be sent at the earliest, promptly and without any undue delay as the purpose is to avoid the possibility of improvement in the prosecution's case and the introduction of a distorted version by deliberations and consultation and to enable Magistrate concerned to keep a watch on progress of investigation. However, no rule of universal application can be laid down that whenever there is some delay in sending the FIR to the Magistrate, the prosecution version becomes unreliable. It would depend upon the facts of each case. If there has been some lapse on the part of the Investigating Officer that would not affect the credibility of the prosecution's witnesses.

16. In [State of Kerala v. Anilachandran @ Madhu & Ors.](#), AIR 2009 SC 1866, this Court placed reliance upon its earlier judgments in [Pala Singh v. State of Punjab](#), AIR 1972 SC 2679; and [Sarwan Singh v. State of Punjab](#), AIR 1976 SC 2304 and held that the police should not unnecessarily delay sending the FIR to the Magistrate as the delay affords the opportunity to introduce improvement and embellishment thereby resulting in a distorted version of the occurrence. However, in case the prosecution offers a satisfactory explanation for the delay, the court has to test it. An un-explained delay by itself may not be fatal, but it is certainly a relevant aspect which can be taken note of while considering the role of the accused persons for the offence.

A similar view has been re-iterated in [Pandurang Chandrakant Mhatre &](#)

Ors. v. State of Maharashtra, (2009) 10 SCC 773.

17. In *Akbar Sheikh & Ors. v. State of W.B., (2009) 7 SCC 415*, this Court held as under:

"44. Submission of Mr Ghosh that the first information report is ante-timed cannot be accepted. It is possible that PW 1 because of lapse of time has made certain statements which go beyond the record viz. holding of inquest before the FIR was recorded. The number of accused persons in the first information report might have also been put by the investigating officer at a later point of time. The fact that the post-mortem examination had been held on 16-5-1982 itself goes a long way to establish the genesis of the occurrence. While saying so, we are not unmindful of the fact that the first information report was sent to the Magistrate after twenty-four hours. But then, in a case of this nature such a delay may not, by itself, be held to be fatal" Hon'ble Supreme Court of India in case titled as *Bhajan Singh @ Harbhajan Singh & Ors vs State Of Haryana (AIR 2011 SUPREME COURT 2552)*, has held that

15. Thus, from the above it is evident that the *Cr.P.C* provides for internal and external checks: one of them being the receipt of a copy of the FIR by the Magistrate concerned. It serves the purpose that the FIR be not anti-timed or anti-dated. The Magistrate must be immediately informed of every serious offence so that he may be in a position to act under *Section 159 Cr.P.C.*, if so required. *Section 159 Cr.P.C.* empowers the Magistrate to hold the investigation or preliminary enquiry of the offence either himself or through the Magistrate subordinate to him. This is designed to keep the Magistrate informed of the investigation so as to enable him to control investigation and, if necessary, to give appropriate direction. It is not that as if every delay in sending the report to the Magistrate would necessarily lead to the inference that the FIR has not been lodged at the time stated or has been anti-timed or anti-dated or investigation is not fair and forthright. Every such delay is not fatal unless prejudice to the

accused is shown. The expression 'forthwith' mentioned therein does not mean that the prosecution is required to explain delay of every hour in sending the FIR to the Magistrate. In a given case, if number of dead and injured persons is very high, delay in dispatching the report is natural. Of course, the same is to be sent within reasonable time in the prevalent circumstances. However, un- explained inordinate delay in sending the copy of FIR to the Magistrate may affect the prosecution case adversely. An adverse inference may be drawn against the prosecution when there are circumstances from which an inference can be drawn that there were chances of manipulation in the FIR by falsely roping in the accused persons after due deliberations. Delay provides legitimate basis for suspicion of the FIR, as it affords sufficient time to the prosecution to introduce improvements and embellishments. Thus, a delay in dispatch of the FIR by itself is not a circumstance which can throw out the prosecution's case in its entirety, particularly when the prosecution furnishes a cogent explanation for the delay in dispatch of the report or prosecution case itself is proved by leading unimpeachable evidence. Hon'ble Supreme Court of India in case titled as Guiram Mondal vs State Of West Bengal 2013 (15) SCC 284, has held that

12. This Court in [State of Jammu and Kashmir v. S. Mohan Singh and Another](#) (2006) 9 SCC 272 held that the mere delay in sending the First Information Report to a Magistrate cannot be a ground to throw out prosecution case if the evidence adduced is otherwise found credible and trustworthy. We are of the view that the High Court has rightly held that there is no reason to hold that the FIR was a fabricated document or anti dated or anti timed.

Hon'ble Supreme Court of India in case titled as Rabindra Mahto & Anr vs State Of Jharkhand (AIR 2006 SUPREME COURT 887), has held that

There cannot be any manner of doubt that [Section 157](#) of Criminal Procedure Code requires sending of an FIR to the Magistrate forthwith which reaches promptly and without undue delay . The reason is obvious

to avoid any possibility of improvement in the prosecution story and also to enable the Magistrate to have a watch on the progress of the investigation. At the same time, this lacuna on the part of the prosecution would not be the sole basis for throwing out the entire prosecution case being fabricated if the prosecution had produced the reliable evidence to prove the guilt of the accused persons. The provisions of Section 157, Cr. P.C. are for the purpose of having a fair trial without there being any chance of fabrication or introduction of the fact at subsequent stage of investigation. The cases cited by the learned counsel for the appellants do not lay down any law that simply because there is a delay in lodging the FIR or sending it to the Magistrate forthwith, the entire case of the prosecution has to be discarded. The decisions rendered by this Court and relied upon by the learned counsel for the appellant would only show that this will be a material circumstance which will be taken into consideration while appreciating the evidence on record.

77 As such, in the light of the above stated judgments this Court is to weigh whether prosecution story brought forward by the police is such that the delay was used to concoct the same. As such, this court in the light of above stated discussions is required to consider the entire evidence with more care and cautions. Under these observations the further evidence brought by the prosecution and the defence is discussed.

78 The next contention which is raised here is that there are material contradictions between the statements of the witnesses interse and even between the statements of witnesses at different stages. The learned defence counsels had opened the arguments on this point by referring to the statement of PW-1 Darshan Singh, PW-2 Jaspal Singh and PW-32 Barjinder Singh IO of this case.

79 He has submitted that all the three witnesses, when came into the witness box, gave three different versions of the case about the fact that how the occurrence came to the knowledge of the complainant and how it came to the knowledge of investigating agency. As per the complainant party, in statement Ex.PW1/A, Darshan Singh has stated that he received a phone call from his friend about the occurrence and there after he alongwith his father reached at the spot, but said friend neither has been named in any of the statements or said friend has ever got recorded his statement with the police or in the Court that how he came to know about the occurrence and from which number he has informed the complainant and his identity being not disclosed during the proceedings and his non examination by the prosecution creates a doubt and fortifies the defence version that it was the complainant party who had implanted the dead body in the Car. Both Darshan Singh and Jaspal Singh had not explained this fact and as far as the information to the police is concerned, as discussed above, the information flowed from Tul Bahadur to PCR then to control room and then to the MHC in the police station and then to the IO.

80 As far as the taking out of the dead body is concerned Darshan Singh had stated that he alongwith his father had taken out the attache case containing the dead body from the car and as per the IO, he alongwith the help of other police officials had taken out the dead body from the car and as per the video the dead body was taken

out from the car by Darshan Singh with the help of two police officials and said fact was admitted by PW-36 Aman Pal Singh. The police remained silent about the fact that who had seen the attache case first in the car. There is also a contradiction about police reaching at the spot. As per the police papers and proceedings recorded in this case, IO alongwith the police reached around 11:00 AM, whereas video shows the presence of other police officials at the spot prior to the reaching of even complainant and IO with his party which creates a dent in the prosecution story. Non explanation of ASI Surjit Singh and HC Surjit singh reaching at the spot, conducting the proceedings and their non examination during the trial and withholding them as a witness, although they were the material witness in the case, creates another dent in the prosecution story. He further argued that the contradictions in the preparation of inquest report, sending of the dead body to the hospital for the purpose of postmortem, late recording of the statements of material witnesses such as Gurniwaz Singh, whose statement was recorded on 25.03.2017, are material contradictions. Contradiction about the video being recorded at the spot and non deposit of these pen drives with the MHC. Non mentioning of the material facts by the witnesses. The investigating officer not deposing about the video being recorded by Aman Pal and checking of the CCTV footage on the day of occurrence itself and not mentioning about the statement of Gurniwaz being recorded by SI Paramjit Kaur and the conduct of

the witnesses at the spot clearly brings out material contradictions inter-se the witnesses and the faulty investigation on the part of the investigating officer of this case. He relied upon the following judgments:

- 1) 1971(3) SCC 436 titled as Yudhistir Vs State of Madhya Pardesh”**
- 2) 1979 PLR 265 titled as, “Bhag Singh Vs State of Haryana”** wherein it was held that *C. Criminal trial - Medical evidence - In direct conflict with the ocular testimony - Effect - Shows that the eye witnesses were not shy of making material improvements at the trial and were capable of moulding their statements.*
- 3) 2016(4) R.C.R.(Criminal) 747 titled as “Harbeer Singh VS Sheeshpal and ors.”** wherein it was held that *Criminal Procedure Code, 1973 Sections 162 and 161 Improvement by a witness in his statement recorded under Section 161 of Cr.P.C. - There was a delay of 15-16 days from the date of the incident in recording the statements of two P.Ws and the same was sought to be explained by reference to the fact that the family had to sit for shock meetings for 12 to 13 days - 2014 (1) RCR (Criminal) 212 : 2013 (6) Recent Apex Judgment (RAJ) 555 Relied.*
- 4) 2017(2) R.C.R.(Criminal) 432 titled as “Krishegowda & ors Vs State of Karnataka”** wherein it was held that *Criminal Trial - In the criminal case, discrepancies in the evidence of witness is bound to happen because there would be considerable gap between the date of incident and the time of deposing evidence before the Court, but if these contradictions create such serious doubt in the mind of the Court about the truthfulness of the witness and it appears to the Court that there is clear improvement, then it is not*

safe to rely on such evidence.

5) 2024 (1) AICLR 871 titled as, “Darshan Singh vs State of Punjab” wherein it was held that *Criminal Procedure Code, 1973 Section 161 Statement of sister of deceased and her husband - Reliability - Presence of accused with co-accused at the time incident - Held, incident took place on intervening night of 18.05.1999/ 19.05.1999 - Both accused with co-accused were seen leaving - house of accused in early hours of day – Statement of sister of deceased that her husband saw accused with co-accused present in accused house when he returned from his office on 18.05.1999, cannot visit due to possibility of flare-up among family members - Next morning sister of deceased visited house only to find deceased lying dead, both accused pushed her aside and left in jeep – All these facts not stated in her statement made under Section 161 Cr.P.C. – Accused had strained relationship with sister's husband - During cross examination it was elicited that sister of deceased saw accused with co-accused administering poison in mouth of deceased - Similarly, statement of sister's husband under Section 161 CrP.C. omitted to state that (i) he saw accused with co-accused entering the house of appellant in jeep, (ii) sister's husband advised sister not to visit house of accused since there is possibility of some dispute arising - Sister left house to visit her sister after serving tea to 4her husband - Further, suggestion was put that deceased committed suicide – As per independent witness in morning he saw co-accused and accused going in jeep covered by black cloth - He returned to bus stop from where he heard news of murder of deceased by accused – Statement of independent witness that he heard that had killed accused killed his wife was omitted in his statement made to police - During cross examination it was elicited that jeep with black cloth was opened from both sides - Whether such omissions vitiates the*

prosecution case - Therefore, statement of sister of deceased and her husband not reliable.

81 On the other hand the counsel for the complainant while assisting the Addl. PP for the State had submitted that the contradiction stated by the defence are not material contradictions. These contradictions are bound to occur in the normal course of proceedings. The occurrence in this case belongs to year 2017 and evidence in this case was recorded at a later stage and due to period passing on during that time, these contradiction are bound to occur and these contradictions are not material one hitting the base of the prosecution case. As such, he stated that this contention will not be of any help to the defence. He relied upon the following judgments:

Hon'ble Supreme Court of India in case titled as State Of U.P vs Naresh And Ors (2011 AIR SCW 1877) has held that *25. In all criminal cases, normal discrepancies are bound to occur in the depositions of witnesses due to normal errors of observation, namely, errors of memory due to lapse of time or due to mental disposition such as shock and horror at the time of occurrence. Where the omissions amount to a contradiction, creating a serious doubt about the truthfulness of the witness and other witnesses also make material improvement while deposing in the court, such evidence cannot be safe to rely upon. However, minor contradictions, inconsistencies, embellishments or improvements on trivial matters which do not affect the core of the prosecution case, should not be made a ground on which the evidence can*

be rejected in its entirety.

The court has to form its opinion about the credibility of the witness and record a finding as to whether his deposition inspires confidence.

"Exaggerations per se do not render the evidence brittle. But it can be one of the factors to test credibility of the prosecution version, when the entire evidence is put in a crucible for being tested on the touchstone of credibility." Therefore, mere marginal variations in the statements of a witness cannot be dubbed as improvements as the same may be elaborations of the statement made by the witness earlier. The omissions which amount to contradictions in material particulars i.e. go to the root of the case/materially affect the trial or core of the prosecution's case, render the testimony of the witness liable to be discredited. [Vide: State Represented by Inspector of Police v. Saravanan & Anr., AIR 2009 SC 152; Arumugam v. State, AIR 2009 SC 331; Mahendra Pratap Singh v. State of Uttar Pradesh, (2009) 11 SCC 334; and Dr. Sunil Kumar Sambhudayal Gupta & Ors. v. State of Maharashtra, JT 2010 (12) SC 287].

Hon'ble Supreme Court of India in case titled as Kamla Kant Dubey vs State Of U.P.& Ors 2015 (11) SCC 145, has held that "17.

It is settled principle that a conviction can well be founded on the testimony of a single witness if the court finds his version to be trustworthy and corroborated by record on material particulars[1]. We find on the touchstone of these principles the testimony of PW1 is completely trustworthy. Out of three infirmities found by the High Court,

one regarding place of occurrence is not correct at all. So far as other two infirmities are concerned, it is well accepted principle that the first information report need not contain every single detail and every part of the case of the prosecution. However, assuming them to be improvements, in our view the basic substratum of the matter does not get affected by such improvements at all. Even after segregating the part which appears to be introduced as improvement, the testimony of PW1 is clear and creditworthy. The feature that there was strong motive for the respondents to commit the murder in question is also clear from the record and the trial court had accepted that the respondents had strong motive to commit the crime. The finding as regards motive has not even been touched by the High Court. While PW1 narrated facts regarding civil litigation, the fact that the respondents accused were being tried for the murder of his father and that there was a separate case instituted against them for having assaulted Brahmadeen, he was not countered in cross-examination.”

82 I have devolved upon the arguments of both the parties, though there is on the record that PW-1 Darshan Singh and PW-2 Jaspal Singh had stated about the fact that they had taken out the dead body at the first instance and the IO having stated that he had taken out the dead body at the first instance and video showing the presence of the all the above stated witnesses at the spot and clearly showing the taking out of the dead body from the attache, so this contradiction cannot be said to effect the prosecution case as the

recovery of the dead body from the car is not disputed by anybody. Moreover, the non examination of ASI Surjit Singh and HC Surjit Singh, who had taken the dead body to the hospital and conduct of the IO and the timings mentioned in this case about the investigation being done on the different time in the documents and actual investigation being conducted on a different time is although a contradiction, but the said faults committed by the IO cannot be attributed to the victims of the crime. While deciding a criminal case the Courts are not only to weigh the evidence from the angle of the accused but also from the angle of the complainant party. Faulty investigation although is a fact which is to be considered during the proceedings of the case but at the same time it is to be seen whether that had caused any prejudice to the accused and on the same footing no prejudice should also be caused to the prosecution. The entire sequence of events on paper and what has been shown in the videos produced in the record draws a picture where the contradiction is about the timings of the proceedings and it is not the case of the defence that those proceedings were not conducted. Had those proceedings were not conducted in this case prejudice would have been caused to the accused but here the only contradiction is with regard to the time of recovery of the dead body, sending the same to the hospital for PMR, recording of the statement of the witness, collecting of the evidence on the place of occurrence. But nowhere it is stated by the defence that no proceedings had ever taken place.

These proceedings are being seen in the videos produced on the record. As such, the defence was required to prove on record that a prejudice had definitely been caused to the defence by such proceedings, which in the opinion of this court is not caused in the light of the law relied upon by the prosecution. Faulty investigation is although a fact which creates doubt in the mind of the Court about the authenticity of the proceedings but where the contradiction is about the timing of the same, the same does not effect the otherwise cogent evidence produced on the record. As such, no benefit can be given to the defence for faulty investigation, as in this case, the other circumstances which are present on the record as discussed above are proved by the prosecution. Reference can be made to the following judgments:

Hon'ble Supreme Court of India in case titled as Lakshmi & Ors vs State Of U.P (AIR 2002 SUPREME COURT 3119) has held that *Every faulty investigation or padding in evidence cannot by itself lead to total demolition of prosecution case if it can otherwise stand ignoring these fallacies.* Further **Hon'ble Supreme Court of India in case titled as Dharmendrasinh @ Mansing Ratansinh vs State Of Gujarat (AIR 2002 SC 1937)** has held that *as observed earlier the discrepancy in regard to the lodging, of the FIR is certainly there and the conduct of the Investigating Officer in carrying out the investigation of the case has also been commented upon by the trial court but we are of the view that the consequences of such discrepancies or defective or doubtful*

*investigation is not necessarily only one leading to discredit the main prosecution case if the prosecution evidence inspires confidence and circumstances lead to such a conclusion and the prosecution story rings true. No doubt that in that event it would be necessary to evaluate as to what extent such faulty investigation or discrepant statement on certain facts relating thereto, shall cause damage to the prosecution case as a whole. In the judgment of the High Court a few decisions on the point with their relevant observations made thereunder have been referred to which we may to reproduce. They are as follows: "In *State of Rajasthan versus Kishore*[1996 SCC (Cr1) 646] has pointed out that mere fact that the investigating officer committed irregularity or illegality during the course of investigation would not and does not cast doubt on the prosecution case nor trust worthy and reliable evidence can be cast aside to record acquittal on that account. In that case piece of evidence was not considered by the High Court but it fell it doubtful like *Doubting Thomas* with vacillating mind to accept the prosecution case for the reasons which the Apex Court pointed out were invalid reasons and has wrongly given benefit of doubt to the respondent. Suffice it to say that in the instant case, there is sufficient, reliable, trustworthy and acceptable evidence and therefore the discrepancy pointed out is of no importance and does not affect the prosecution case and therefore, not only the evidence was rightly accepted by the trial court but the trial court on appreciation of evidence and circumstance, made the order. Though there had been any fault or negligence in conducting the investigation, that too by itself, be*

*not sufficient to dislodge the prosecution case as a whole. The chances of making some embellishment here and there in the statement are not ruled out even in cases of otherwise truthful and reliable witnesses. The concept of falsus in uno and falsus in omnibus" has been discarded long ago. Therefore in such circumstances the Court may have to scrutinize the matter a bit more closely and carefully to find out as to how far and to what extent the prosecution story as a whole is demolished or it is rendered unreliable. For this purpose the statement of the witnesses will have to be considered along with other corroborating evidence and independent circumstances so as to come to a conclusion that the contradiction in the statement of a witness could be considered as an embellishment by the witness under one or the other belief or notion or it is of a nature that the whole statement of the witness becomes untrustworthy affecting the prosecution case as a whole. The same principle will apply to a faulty or tainted investigation. Other relevant facts and circumstances cannot be totally ignored altogether. While appreciating the matter one of the relevant consideration would be that chances of false implication are totally eliminated and the prosecution story as a whole rings true and inspire confidence. In such circumstances despite the contradictions of the defective or tainted investigation, a conviction can safely be recorded. Further **Hon'ble Supreme Court of India in Rotash vs State Of Rajasthan (2007 AIR SCW 44)** has held that "Even if it is accepted that there was deficiencies in investigation as pointed out by the High Court, that cannot be a ground to*

*discard the prosecution version which is authentic, credible and cogent. Non-examination of Hira Lal is also not a factor to cast doubt on the prosecution version. He was not an eyewitness, and according to the version of PW 8 he arrived after PW 8. When PW 8 has been examined, the non- examination of Hira Lal is of no consequence.” Further Supreme Court of India in case titled as **Ram Singh @ Chhaju vs State Of H.P (2010 AIR SCW 1396)**, has held that “13) It was contended by the learned counsel for the appellant that the blood stained clothes which were said to have been handed over to the Officer-in-Charge at the Police Station by the husband of the victim were not sent for chemical examination and, therefore, the corroboration with which such evidence could offer was absent. In our view, the failure of the investigating agency cannot be a ground to discredit the testimony of the victim. The victim had no control over the investigating agency and the negligence, if any, of the investigating officer could not affect the credibility of the statement of PW-1 - the victim. Having regard to the facts and circumstances of this case, we are satisfied that on the basis of the evidence on record, the conviction of the appellant can be sustained.” Further Supreme Court of India in **Mahendra Singh vs State Of M.P CASE NO.: Appeal (crl.) 486 of 2007** has held that it is also well-known that deficiency in investigation shall not stand in the way of the court in arriving at a finding of guilt if it is otherwise found to have been proved. Further Hon’ble Supreme Court of India in case titled as **Amar Singh vs Balwinder Singh & Ors (AIR 2003 SUPREME***

COURT 1164), has observed as under “*In Karnel Singh v. State of M.P. (1995) 5 SCC 518 it was held that in cases of defective investigation the court has to be circumspect in evaluating the evidence but it would not be right in acquitting an accused person solely on account of the defect and to do so would tantamount to playing into the hands of the investigating officer if the investigation is designedly defective. In Paras Yadav & Ors. v. State of Bihar (1999) 2 SCC 126 while commenting upon certain omissions of the investigating agency, it was held that it may be that such lapse is committed designedly or because of negligence and hence the prosecution evidence is required to be examined de hors such omissions to find out whether the said evidence is reliable or not. Similar view was taken in Ram Bihari Yadav v. State of Bihar (1998) 4 SCC 517 when this Court observed that in such cases the story of the prosecution will have to be examined de hors such omissions and contaminated conduct of the officials, otherwise, the mischief which was deliberately done would be perpetuated and justice would be denied to the complainant party and this would obviously shake the confidence of the people not merely in the law enforcing agency but also in the administration of justice. In our opinion the circumstances relied upon by the High Court in holding that the investigation was tainted are not of any substance on which such an inference could be drawn and in a case like the present one where the prosecution case is fully established by the direct testimony of the eye-witnesses, which is corroborated by the medical evidence, any failure or omission of the investigating officer cannot render the prosecution case*

doubtful or unworthy of belief.”

Thus this faulty investigation in this case cannot be a sole fact to deny the entire case of the prosecution and the benefit of the same cannot be given to the defence in the light of the other evidence produced on the record rather this can be considered as a not proper following of the procedure of the law in this case which cannot come in the way of deciding the case on the basis of other evidence available on the record as the court is required to look into other facts present on the record as *Falsus in Uno Falsus In Omnibus* is not applicable in India.

83 The next contention raised here is that the motive has not been proved in this case by the prosecution. While arguing on the part of the motive learned defence counsel has relied upon the judgment titled as **Ram Gopal Vs State of Maharashtra reported in 1972 criminal law journal page 473** and also argued that the motive in cases of circumstantial evidence if proved, assumes importance and it is an important link in the circumstantial evidences cases and it is used as an independent corroboration and if the motive is alleged it is to be proved as an incriminating circumstance against the accused. He had further argued that Darshan Singh while recording his statement Ex.PW1/A has alleged the motive of property dispute between the deceased and his in laws family. While recording Ex.DA and Ex.DB on 19.03.2017 the same version was repeated but when he appeared in the witness box as PW-1 he introduced different

motive of illicit relations between accused Seerat Kaur and one Nimrat Deep Singh being the reason for the murder of Ekam Singh Dhillon , but neither any document was proved to prove the motive firstly alleged nor any document was produced to prove the motive secondly alleged in this case. He also argued that the second motive was introduced on 03.06.2017 i.e. one day prior to presenting the challan in the Court on 04.06.2017. He also stated that non mentioning of the second version in Ex.PW-1/A is a fact to be taken against the prosecution. He further argued that the motive mentioned in Ex.PW1/A, there is no time, date and place has been mentioned when the said motive was disclosed to Ekam Singh Dhillon by complainant. An improvement was made while deposing as witness in the Court that the motive was disclosed to the complainant by deceased on 18.03.2017. This fact was duly confronted by the defence to the witness in his cross-examination. As far as second motive of illicit relations and continuous talking on the mobile phone between Seerat Kaur and Nimrat Deep Singh concerned the prosecution has not brought on record the telephone number from which Seerat Kaur had talked with Nimrat Deep Singh nor the mobile number of Nimrat Deep Singh had been brought on record. As per prosecution the mobile number of Nimrat Deep Singh was mentioned as 98140-10000 which later on came in the name of Harwinder Singh son of Jagir Singh and another number 98556-10000 stated to be of Nimrat Deep Singh is registered in the name of

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Supreet Kaur wife of Nimrat Deep Singh and the third alleged number of Nimrat Deep Singh has not been proved to be registered in his name. Similarly, PW-2 Jaspal Singh, when got recorded his statement Ex.DZ on 19.03.2017, he deposed about the motive with regard to the property only, but he has not stated anything about the alleged illicit relations between Seerat Kaur and Nimrat Deep Singh even in his statement Ex.DAA he deposed similarly and as per statement Ex.DBB on 03.06.2017 the motive about the illicit relationship was introduced. He also stated that infact Ekam Singh Dhillon left the house with his children on 18.03.2017 as per the asking of his father between the time between 23:18 PM till 03:00 AM qua which there is no video with the prosecution. He also argued that intentionally the said video has not been produced on the record. He also argued rather there was a property dispute between Ekam Singh Dhillon and his father Jaspal Singh and it was only due to the said fact that in order to settle the said dispute Ekam Singh Dhillon was called by his father in his house and where he died unnatural death and lateron the father of deceased in connivance with police had planted the dead body outside the house of the accused. Infact the factum of the illicit relations was very well in knowledge of the complainant and in order take the undue benefit the said version was inserted inside the mind of the minor child by the complainant and his father. This motive introduced later on with a delay definitely goes against the prosecution. He also submitted that Jaspal Singh

father of the deceased was involved in the nefarious activities and is of dubious character and due to said fact bickering started in the family of the Jaspal Singh on one side and his wife Hardeep Kaur and Ekam Singh Dhillon on the other side and Darshan Singh took the side of his father and this resulted into furious litigation between Ekam Singh Dhillon and his father Jaspal Singh which resulted into death of Ekam Singh Dhillon. Seerat Kaur was a co-accused with Ekam Singh Dhillon in cases and Jaspal Singh in order to disinherit her from the properties of Ekam Singh Dhillon has falsely implicated her in the present case. The children of Ekam Singh Dhillon and Seerat Kaur being minor could easily be moulded by Jaspal Singh in his favour, as such, the story of illicit relations of Seerat Kaur has been introduced in order to create a ruffle between the children and the Seerat Kaur by taking the benefit of death of Ekam Singh Dhillon. Infact both Ekam Singh Dhillon and Jaspal Singh had daggers drawn each other. It is a fact to be noted that when the police had searched the house after the recovery of the dead body nothing belonging to the Ekam Singh Dhillon and children found in the house. It is nowhere mentioned in the police proceedings that Gurniwaz or Humayra were present in the house at the time of occurrence or when the police visited the house. Nowhere in the videos produced in the Court both the children are seen coming out of the house. The defence counsel has relied upon the following law in his support:

1) 1972 CriLJ 473 titled as, “Ramgopal Vs State of Maharashtra.”

2) 2021 CriLJ 317 titled as, “Sri. K. Subramani @ Mani S/o Krishnappa Vs The State of Karnataka By Sarjapura P.S Through CPI Atibele P.S Attibele-562107.”

3) 2025 (1) R.C.R.(Criminal) 140 titled as, “Nusrat Parween Vs State of Jharkhand.” wherein it has been held that *B. Indian Penal Code, 1860, Section 302 - Murder by manual strangulation – Motive - Ongoing squabbles between close relatives residing under one roof are nothing out of usual and may give rise to an inference that all was not well within the family - Merely because such quarrels were going on between the accused and deceased, that by itself could not be a ground to impute motive to the accused for murder - There was no quarrel on the day of the incident - Most important document i.e. complaints made by deceased under section 107 never brought on the record - Motive attributed to the accused that they wanted to usurp the property could not be established by unimpeachable evidence – Prosecution unable to prove the motive for the murder beyond all manner of doubt.*

84 On this point the learned Addl. PP for the State while assisted by counsel for the complainant has argued that the motive in this case which is alleged at the first instance was infact the motive behind the occurrence and this fact has been admitted by the accused

that she knows about the properties being purchased in the name of her mother and even qua the motive came to the light after the statement of Gurniwaz was recorded by the police qua the illicit relations between Seerat Kaur and Nimrat Deep Singh and her call details clearly reflects her continuous calling, messaging with Nimrat Deep Singh, fortifies the contentions of the prosecution. The evidence had been brought on record that even on night of occurrence, there was call between Nimrat Deep Singh and Seerat Kaur and after that the phone of Seerat Kaur was switched off and next day new phone was purchased by Seerat Kaur and thereafter she continuously called her relatives and Nimrat Deep Singh. Her post occurrence conduct in purchasing a new phone and even not calling her own husband after she left the house is a fact to be considered against her. The motive stands proved from these circumstances as such the contention of the defence counsel could not be made helpful to it. It is also argued that the FIR is not encyclopedia of all the facts and the evidence of the witnesses was recorded after the investigation has been completed in this case and the facts about Nimrat Deep Singh etc were lateron collected during the investigation when the call details of the Seerat were obtained.

85 After considering arguments of the both the parties on this point, this Court finds that the motive for the commission of an offence, no doubt assumes greater importance in cases depending on the circumstantial evidence. But where the other case of the

prosecution establishes certain facts then non disclosure or late disclosure of the motive during the investigation proceedings is not relevant. In this case at the first instance the complainant was in the knowledge of the fact about property being purchased in the name of mother of Seerat Kaur by Ekam Singh Dhillon and the admitted facts came on the record were that Ekam Singh Dhillon was working in Assam from where he shifted to Punjab and started working here, he used to purchase the properties, even his car was in the name of his own mother-in-law. On 18.03.2017 the property dispute between Ekam Singh Dhillon and his father was to be settled and this fact is corroborated from the call made by Jaspal Singh on the phone of Seerat Kaur around 10:00 PM and leaving of house by Ekam Singh Dhillon and returning to the house after meeting his father is an admitted fact and later on during the investigation, when the statement of Gurniwaz was recorded on 25.03.2017, the fact about her relations with Nimrat Deep Singh for the first time came on record and the fact of visiting the Gurudwara and their the quarrel between Ekam Singh Dhillon and Seerat Kaur qua Nimrat deep Singh had come on record and thereafter when the call details were obtained in this case it was surfaced that she was on the continuous connection with Nimrat Deep Singh through calls and messages and even the last call on 18.03.2017 at about 11:00PM from the mobile of Seerat Kaur was to Nimrat Deep Singh and after that the phone was switched off. The location of the accused and deceased alongwith

their children at Gurudwara sahib is also proved. On the next day she purchased a new phone which was never denied by her and then even she made calls from the phone of PW Prithi Pal singh and the worker in the salon on the mobile phone of her relatives and Nimrat Deep Singh but she could not explain why she has not called her own husband whose mobile number was with her. Her such conduct clearly reflects that she had relation with Nimrat Deep Singh and her relations with Ekam Singh were not cordial. Moreover, it is settled law that motive always lies deep in the mind of the accused. A motive to commit a murder or offence can be ascertained from the circumstances of the case. The reference can be made to the following judgments:

Hon'ble Supreme Court of India in case titled as Mulakh Raj Etc vs Satish Kumar And Others AIR 1992 SUPREME COURT 1175 *held that where the case is based on circumstantial evidence and motive being absent, the prosecution failed to establish this important link in the chain of circumstances to connect the accused. We find no force in the contention. Undoubtedly in cases of circumstantial evidences motive bears important significance. Motive always locks up in the mind of the accused and some time it is difficult to unlock. People do not act wholly without motive. The failure to discover the motive of an offence does not signify its non-existence. The failure to prove motive is not fatal as a mater of law. Proof of motive is never an indispensable for conviction. When facts are clear it is immaterial that no motive has been proved.*

Therefore, absence of proof of motive does not break the link in the chain of circumstances connecting the accused with the crime, nor militates against the prosecution case. The Hon'ble Supreme Court of India in the case titled as Sathya Narayan vrs. State rep. by Inspector of Police, reported in (2012) 12 SCC 627, has held that in the case of circumstantial evidence, motive also assumes significance since absence of motive would put Court on its guard and cause it to scrutinize each piece of evidence closely in order to ensure that suspicion, omissions or conjectures do not take place of proof.

86 By applying the above said law to the facts of this case, this court finds in the light of above said facts that the motive in this case with the accused have been proved from the version of her own son and she has not come up with any explanation about her conduct prior to, during the relevant period and post occurrence of the alleged occurrence as she failed to explain the calls between herself and Nimratdeep Singh and the calls made by her after the occurrence to her family members sans Ekam Singh and the explanation not coming on the record is an additional link to prove the motive.

87 The next contention which has been raised during the arguments is that the statement of Gurniwaz Singh being the child witness cannot be read into evidence and his statement is a product of tutoring by Darshan Singh and Jaspal Singh. The Ld defence counsel on this point has submitted that the evidence of Gurniwaz is not admissible in evidence as he is a child witness and was tutored one

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and his evidence was recorded with delay by introducing a new story in his statement to support the prosecution version. He referred to the judgment in case *Bhag Singh Vs. State of Haryana reported in 1979 PLR page 265* and also to the judgment of *Jagjit Singh Jagga Vs. State reported in 2005(3) RCR page 647* wherein the delay of recording the statement of child witness and he being the sole eye witness has been assailed by the Higher Courts. As per the prosecution case Gurniwaz Singh was 10 years old on the day of occurrence i.e. year 2017. He came to depose from the house where his grandfather Jaspal Singh and uncle Darshan Singh were residing, who were inimical towards the accused. Thus the tutoring of the child witness is a fact which could not be ruled out. He further argued that there was no mention about the minor child Gurniwaz being present in the house in first statement Ex.PW1/A, police proceedings Ex.PW32/A, inquest proceedings Ex.PW7/F, post mortem request and even the statements of witnesses. He also submitted that there is no mentioned of Gurniwaz CCTV Ex.P2, where he was not seen present in the house or coming out of the house. His sister was an important witness but was not examined by the prosecution his statement under Section 164 Cr.PC was not recorded. His presence in the house where the occurrence is alleged to have taken place is not proved. Even the witnesses PW-1 Darshan Singh and PW-2 Jaspal Singh had not stated about Gurniwaz being present in the house nor in any of their statement recorded by the police said fact has been

recorded nor IO in examination in chief as Ex.PW32 had mentioned about Gurniwaz. He also submitted that PW-28 Paramjit Kaur who recorded statement Ex.PW28/A of Gurniwaz had nowhere stated that she was sent by PW-32 Barjinder Singh has stated that he had sent Paramjit kaur to record the statement of Gurniwaz. The said statements were not signed by the person, Sumanjit Kaur, Manpreet Kaur, Surinderpal kaur nor they have been examined in the Court to depose about the mental status of Gurniwaz when his statement was recorded by Paramjit Kaur. Nor that statement was put to Gurniwaz Singh when he appeared in the witness Box. The facts stated by Gurniwaz Singh are belied from the circumstances present in the case. He improved his version in the Court. He remained in the house of his Bhua and later on with his grandfather and his deposition about the facts occurred on the day of occurrence are not corroborated by any material facts even there is doubt about his statement being recorded at the place disclosed in the statement i.e. House No.672 Phase 6 Mohali which is the house of Darshan Singh but he stated that at that time he was residing in the house of his Bhua. His conduct at the time of occurrence, on the next day in the morning when police first came to the spot, this fact that his father died due to gunshot being disclosed to him by his bhua, non showing of his presence in the site plans prepared, non recording of his statement on 19.03.2017 are the facts which goes against the child witness rendering his statement unreliable. He referred to the following

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judgments in his defence. 1979 PLR 265 titled as, “Bhag Singh Vs State of Haryana” wherein was held that *Criminal Trial - Evidence of child witness - Reliability of - There is always the danger in accepting the evidence of such a witness that he might have been coached to give out a version by persons who may have influence on him.* 1992 (1) Crimes 434 titled as, “Ratan, Singh Vs State of Madhya Pradesh.” wherein it was held that *Indian Penal Code, 1860, Section 302 - Criminal Procedure Code, 1973, Sections 161 and 164 - Murder of wife by husband - Their son aged 8 years, is eye witness - Delay in recording of statement of the child witness - Medical evidence not corroborating his testimony - Child tutored by his maternal grand Parents - Conviction for murder can not be based on the sole testimony of such a child eye witness - Appeal allowed - Conviction set aside.* 2005 (3) R.C.R. (Criminal) 647 titled as, “Jagjit Singh @ Jagga Vs State of Punjab” wherein it was held that *Criminal Procedure Code, Section 161 - Indian Penal Code, Section 302 - Murder case - Delay of 3 days in recording the statement of a P.W. who was sole witness - Delay creates doubt when there is sole eye-witness - In the instant case witness was a child of 7 years - It is possible she was tutored by her father - Evidence not relied upon - Conviction set aside.* 2019 (2) R.C.R. (Criminal) 290 titled as, “Digamber Vaishnav & Anr vs State of Chhattisgarh” And Sisir Paul v. State of West Bengal, (Calcutta)(DB) : Law Finder Doc Id # 1977768 wherein it was held that *Indian Penal Code, 1860 Sections 498A/302/34 Evidence of minor child witness (P.W.10) - Reliability -*

Evidence of child witness must be scrutinized with care to rule out tutoring - Inconsistent statements by the minor child regarding the involvement of accused persons in setting her mother on fire render her evidence unreliable - Court observed that tutoring by maternal uncle (P.W.2) likely influenced statements made by the minor child.

88 On the other hand learned Addl. PP for the State being assisted by counsel for the complainant has stated that the evidence of Gurniwaz is an important factor in bringing home the guilt of accused. His presence in the house is natural and being proved from the videos produced on the record. His statement was recorded on 25.03.2017 by SI Paramjit Kaur who appeared as PW-28 and proved on record his statement, which was recorded by her in the presence of two witnesses and later on he appeared in the witness box and deposed about the facts seen by him which are proving the presence of Seerat Kaur and Ekam Singh Dhillon in the house at the night time. He also proved the occurrence, his conduct is natural one. Another factor which is to be considered herein is that he before deposing in the Court requested the Court to talk with Seerat Kaur who is his mother and even after talking to her he deposed against her. No child who had already lost his father will depose against his own mother. In their support they referred to the following judgments.

Hon'ble Supreme Court of India in Yogesh Singh vs Mahabeer Singh & Ors AIR 2016 SC (CRIMINAL) 1521, has held that

Testimony of Child Witnesses

22. *It is well-settled that the evidence of a child witness must find adequate corroboration, before it is relied upon as the rule of corroboration is of practical wisdom than of law.*

23. *However, it is not the law that if a witness is a child, his evidence shall be rejected, even if it is found reliable. The law is that evidence of a child witness must be evaluated more carefully and with greater circumspection because a child is susceptible to be swayed by what others tell him and thus a child witness is an easy prey to tutoring. Further Supreme Court of India in **The State Of Madhya Pradesh vs Balveer Singh (2025 INSC 261)** laid down principles for the evaluating evidence of the child witness as under :*

The appreciation of testimony of a witness is a hard task. There is no fixed or straight jacket formula for appreciation of the ocular evidence. The judicially evolved principles for appreciation of ocular evidence in a criminal case can be enumerated as under: -

a. While appreciating the evidence of a witness, the approach must be whether the evidence of the witness read as a whole appears to have a ring of truth. Once that impression is formed, it is undoubtedly necessary for the Court to scrutinize the evidence more particularly keeping in view the deficiencies, drawbacks and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is against the general tenor of the evidence given by the witness and whether the earlier evaluation of the evidence is shaken as to render it unworthy of belief.

b. If the Court before whom the witness gives evidence had the opportunity to form the opinion about the general tenor of evidence given by the witness, the appellate court which had not this benefit will have to attach due weight to the appreciation of evidence by the Trial Court and unless there are reasons weighty and formidable it would not be proper to reject the evidence on the ground of minor variations or infirmities in the matter of trivial details.

c. When eye-witness is examined at length it is quite possible for him to make some discrepancies. But courts should bear in mind that it is only when discrepancies in the evidence of a witness are so incompatible with the credibility of his version that the court is justified in jettisoning his evidence.

d. Minor discrepancies on trivial matters not touching the core of the case, hyper technical approach by taking sentences torn out of context here or there from the evidence, attaching importance to some technical error committed by the investigating officer not going to the root of the matter would not ordinarily permit rejection of the evidence as a whole.

e. Too serious a view to be adopted on mere variations falling in the narration of an incident (either as between the evidence of two witnesses or as between two statements of the same witness) is an unrealistic approach for judicial scrutiny.

f. By and large a witness cannot be expected to possess a photographic memory and to recall the details of an incident. It is not as if a video tape is replayed on the mental screen.

g. Ordinarily it so happens that a witness is overtaken by events. The witness could not have anticipated the occurrence which so often has an element of surprise. The mental faculties therefore cannot be expected to be attuned to absorb the details.

h. The powers of observation differ from person to person. What one may notice, another may not. An object or movement might emboss its image on one person's mind whereas it might go unnoticed on the part of another.

i. By and large people cannot accurately recall a conversation and reproduce the very words used by them or heard by them. They can only recall the main purport of the conversation. It is unrealistic to expect a witness to be a human tape recorder.

j. In regard to exact time of an incident, or the time duration of an occurrence, usually, people make their estimates by guess work on the spur of the moment at the time of interrogation. And one cannot expect people to make very precise or reliable estimates in such matters. Again, it depends on the time-sense of individuals which varies from person to person.

k. Ordinarily a witness cannot be expected to recall accurately the sequence of events which take place in rapid succession or in a short time span. A witness is liable to get confused, or mixed up when interrogated later on.

l. A witness, though wholly truthful, is liable to be overawed by the court atmosphere and the piercing cross examination by counsel and out of

nervousness mix up facts, get confused regarding sequence of events, or fill up details from imagination on the spur of the moment. The subconscious mind of the witness sometimes so operates on account of the fear of looking foolish or being disbelieved though the witness is giving a truthful and honest account of the occurrence witnessed by him.

m. A former statement though seemingly inconsistent with the evidence need not necessarily be sufficient to amount to contradiction. Unless the former statement has the potency to discredit the later statement, even if the later statement is at variance with the former to some extent it would not be helpful to contradict that witness.

n. The evidence of an interested and/or related witnesses should not be examined with a coloured vision simply because of their relationship with the deceased. Though it is not a rule of law, it is a rule of prudence that their evidence ought to be examined with greater care and caution to ensure that it does not suffer from any infirmity. The court must satisfy itself that the evidence of the interested witness has a ring of truth. Only if there are no contradictions and the testimony of the related/interested witness is found to be credible, consistent and reasonable, can it be relied upon even without any corroboration. At the end of the day, each case must be examined on its own facts. There cannot be any sweeping generalisation.

58. We summarize our conclusion as under: -

1) The Evidence Act does not prescribe any minimum age for a witness, and as such a child witness is a competent witness and his or her evidence

and cannot be rejected outrightly.

(II) As per [Section 118](#) of the Evidence Act, before the evidence of the child witness is recorded, a preliminary examination must be conducted by the Trial Court to ascertain if the child-witness is capable of understanding sanctity of giving evidence and the import of the questions that are being put to him.

(III) Before the evidence of the child witness is recorded, the Trial Court must record its opinion and satisfaction that the child witness understands the duty of speaking the truth and must clearly state why he is of such opinion.

(IV) The questions put to the child in the course of the preliminary examination and the demeanour of the child and their ability to respond to questions coherently and rationally must be recorded by the Trial Court. The correctness of the opinion formed by the Trial Court as to why it is satisfied that the child witness was capable of giving evidence may be gone into by the appellate court by either scrutinizing the preliminary examination conducted by the Trial Court, or from the testimony of the child witness or the demeanour of the child during the deposition and cross-examination as recorded by the Trial Court.

(V) The testimony of a child witness who is found to be competent to depose i.e., capable of understanding the questions put to it and able to give coherent and rational answers would be admissible in evidence.

(VI) The Trial Court must also record the demeanour of the child witness during the course of its deposition and cross-examination and whether the

evidence of such child witness is his voluntary expression and not borne out of the influence of others.

(VII) There is no requirement or condition that the evidence of a child witness must be corroborated before it can be considered. A child witness who exhibits the demeanour of any other competent witness and whose evidence inspires confidence can be relied upon without any need for corroboration and can form the sole basis for conviction. If the evidence of the child explains the relevant events of the crime without improvements or embellishments, the same does not require any corroboration whatsoever.

(VIII) Corroboration of the evidence of the child witness may be insisted upon by the courts as measure of caution and prudence where the evidence of the child is found to be either tutored or riddled with material discrepancies or contradictions. There is no hard and fast rule when such corroboration would be desirable or required, and would depend upon the peculiar facts and circumstances of each case.

(IX) Child witnesses are considered as dangerous witnesses as they are pliable and liable to be influenced easily, shaped and moulded and as such the courts must rule out the possibility of tutoring. If the courts after a careful scrutiny, find that there is neither any tutoring nor any attempt to use the child witness for ulterior purposes by the prosecution, then the courts must rely on the confidence-inspiring testimony of such a witness in determining the guilt or innocence of the accused. In the absence of any allegations by the accused in this regard, an inference as to whether

the child has been tutored or not, can be drawn from the contents of his deposition.

(X) The evidence of a child witness is considered tutored if their testimony is shaped or influenced at the instance of someone else or is otherwise fabricated. Where there has been any tutoring of a witness, the same may possibly produce two broad effects in their testimony; (i) improvisation or (ii) fabrication.

(i) Improvisation in testimony whereby facts have been altered or new details are added inconsistent with the version of events not previously stated must be eradicated by first confronting the witness with that part of its previous statement that omits or contradicts the improvisation by bringing it to its notice and giving the witness an opportunity to either admit or deny the omission or contradiction. If such omission or contradiction is admitted there is no further need to prove the contradiction. If the witness denies the omission or contradiction the same has to be proved in the deposition of the investigating officer by proving that part of police statement of the witness in question. Only thereafter, may the improvisation be discarded from evidence or such omission or contradiction be relied upon as evidence in terms of [Section 11](#) of Evidence Act.

(ii) Whereas the evidence of a child witness which is alleged to be doctored or tutored in toto, then such evidence may be discarded as unreliable only if the presence of the following two factors have to be established being as under: -

Opportunity of Tutoring of the Child Witness in question whereby certain foundational facts suggesting or demonstrating the probability that a part of the testimony of the witness might have been tutored have to be established.

This may be done either by showing that there was a delay in recording the statement of such witness or that the presence of such witness was doubtful, or by imputing any motive on the part of such witness to depose falsely, or the susceptibility of such witness in falling prey to tutoring. However, a mere bald assertion that there is a possibility of the witness in question being tutored is not sufficient.

Reasonable likelihood of tutoring wherein the foundational facts suggesting a possibility of tutoring as established have to be further proven or cogently substantiated. This may be done by leading evidence to prove a strong and palpable motive to depose falsely, or by establishing that the delay in recording the statement is not only unexplained but indicative and suggestive of some unfair practice or by proving that the witness fell prey to tutoring and was influenced by someone else either by cross-examining such witness at length that leads to either material discrepancies or contradictions, or exposes a doubtful demeanour of such witness rife with sterile repetition and confidence lacking testimony, or through such degree of incompatibility of the version of the witness with the other material on record and attending circumstances that negates their presence as unnatural.

(XI) Merely because a child witness is found to be repeating certain parts

of what somebody asked her to say is no reason to discard her testimony as tutored, if it is found that what is in substance being deposed by the child witness is something that he or she had actually witnessed. A child witness who has withstood his or her cross-examination at length and able to describe the scenario implicating the accused in detail as the author of crime, then minor discrepancies or parts of coached deposition that have crept in will not by itself affect the credibility of such child witness.

(XII) Part of the statement of a child witness, even if tutored, can be relied upon, if the tutored part can be separated from the untutored part, in case such remaining untutored or untainted part inspires confidence.

The untutored part of the evidence of the child witness can be believed and taken into consideration or the purpose of corroboration as in the case of a hostile witness.”

89 After hearing both the parties on this point and referring to the judgments relied upon, this Court finds that the child witness is a competent witness and his evidence cannot be brushed aside in a casual manner by stating that he is child witness with every possibility of being tutored. The courts are always put on guard while weighing the evidence of child witness. His presence at the spot, his conduct during the occurrence and his post occurrence conduct are relevant facts which are to be taken into consideration while considering the credibility of a child witness. If the court finds that the said witness is a credible witness being deposing about the facts and circumstances of the case is corroborated to the other facts on the

record. Then the statement of the child witness is to be considered truthful. No specific behaviour can be attributed to a child of tender age who had undergone the trauma of being a witness of the occurrence involving the death of his father. The reliance can be placed upon the judgment of Hon'ble **Supreme Court of India** in case titled as **State Of Karnataka vs Shantappa Madivalappa Galapuji & Ors (AIR 2009 SUPREME COURT 2144)** wherein it has been held that "*the position in law relating to the evidence of child witness has been dealt with by this Court in [Nivrutti Pandurang Kokate and Ors. v. State of Maharashtra \(2008 \(12\) SCC 565\)](#), and [Golla Yelugu Govindu v. State of Andhra Pradesh \(2008 \(4\) SCALE 569\)](#).*

6. [The Indian Evidence Act, 1872](#) (in short "[the Evidence Act](#)") does not prescribe any particular age as a determinative factor to treat a witness to be a competent one. On the contrary, [Section 118](#) of the Evidence Act envisages that all persons shall be competent to testify, unless the court considers that they are prevented from understanding the questions put to them or from giving rational answers to these questions, because of tender years, extreme old age, disease -- whether of mind, or any other cause of the same kind. A child of tender age can be allowed to testify if he has intellectual capacity to understand questions and give rational answers thereto. This position was concisely stated by Brewer, J. in [Wheeler v. United States \(159 US 523\)](#). The evidence of a child witness is not required to be rejected per se, but the court as a rule of prudence considers such evidence with close scrutiny and only on being convinced

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about the quality thereof and reliability can record conviction, based thereon. [See [Suryanarayana v. State of Karnataka](#) (2001 (9) SCC 129)]

7. In [Dattu Ramrao Sakhare v. State of Maharashtra](#) [(1997) 5 SCC 341] it was held as follows: (SCC p. 343, para 5): "A child witness if found competent to depose to the facts and reliable one such evidence could be the basis of conviction. In other words even in the absence of oath the evidence of a child witness can be considered under [Section 118](#) of the Evidence Act provided that such witness is able to understand the questions and able to give rational answers thereof. The evidence of a child witness and credibility thereof would depend upon the circumstances of each case. The only precaution which the court should bear in mind while assessing the evidence of a child witness is that the witness must be a reliable one and his/her demeanour must be like any other competent witness and there is no likelihood of being tutored."

The decision on the question whether the child witness has sufficient intelligence primarily rests with the trial Judge who notices his manners, his apparent possession or lack of intelligence, and the said Judge may resort to any examination which will tend to disclose his capacity and intelligence as well as his understanding of the obligation of an oath. The decision of the trial court may, however, be disturbed by the higher court if from what is preserved in the records, it is clear that his conclusion was erroneous. This precaution is necessary because child witnesses are amenable to tutoring and often live in a world of make-believe. Though it is an established principle that child witnesses are dangerous witnesses as

they are pliable and liable to be influenced easily, shaken and moulded, but it is also an accepted norm that if after careful scrutiny of their evidence the court comes to the conclusion that there is an impress of truth in it, there is no obstacle in the way of accepting the evidence of a child witness.”

90 So relying upon the above stated judgments and the law cited in this case by both the parties and the arguments addressed by both the parties and law produced on the record, the statement of Gurniwaz was to be scrutinized very carefully as he is a child witness whose age at the time of occurrence was 10 years. His presence in the house is not doubted as he is seen entering the house alongwith his mother and younger sister in the video produced on the record of 18.03.2017. Later on although as per the defence he is not seen leaving the house at any point of time with his father or any of the persons or the police, but the statement of PW-12 Satinder Kumar when read in consonance with the facts on the record that the wife of Ekam Singh Dhillon was not present in the house in the morning on that day but her children were present in the house is taken in context of the presence of this witness in the house, presence of Gurniwaz in the house from 08:30 PM on 18.03.2017, when he entered the house alongwith his mother and sister, till the time he was taken to the house of his paternal aunt, which has never been denied by the defence, is proved on the record to be present in that house during the night where the occurrence had taken place. Later on

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during investigation, his statement Ex.PW28/A was recorded which was recorded in Punjabi and signed by Gurniwaz and signed at number of places and was recorded by ASI Paramjit Kaur in which his statement was recorded in the form of question answers and he had given the answers in a rational way and deposed about the occurrence being taken place in the house during the night time. He heard the thud of fire and even shriek of his father and he even inquired from his mother about the same but he was not told anything about the occurrence by his mother and he deposed that his mother told him that his grandmother (nani) will take him to her house and this fact is corroborated from the evidence of PW-9 Sachin Kumar, who is owner of the Salon, stating she was talking on the phone of PW Kamlesh and then was stating that children and the articles may be taken away. The said fact is duly corroborated by PW-10 Kamlesh Kumar who in his examination in chief had corroborated that Seerat Kaur after taking her mobile phone had called on number 99880-83650 which belongs to Jaswinder Kaur mother of Seerat Kaur and she was asking that the children and the articles on the night may be taken away. Thus clearly revealing that Gurniwaz was very much present in the house. Thus the presence of Gurniwaz during the fateful night in the house has been established and he was deposing against his own mother, with whom he had talk prior to deposing on 28.07.2021 and this fact is recorded by the Court where the witness was allowed to meet his own mother in the court room, is a fact to be

considered as if there was any threat to the child witness he would have revealed to his mother , who could have brought the same to the knowledge of the court and even during the entire arguments or the stand taken by the defence what was the conversation between the accused and her son in the court was not brought on the record. Thus the entire conduct of the witness during the occurrence and later on when his statement was recorded in this case and even before the Court and when his statement was recorded and considered, clearly makes out a case that this witness was not a tutored one. Merely the fact that he was residing with his Bhua and coming from the house of grandfather and his paternal uncle, who were complainants in this case is not a fact which will brush aside his otherwise cogent evidence. There was no other place for him to reside after the death of his own father and mother being lodged in the jail. No child will depose against his own mother and this fact cannot be ignored here. Thus the contentions of the learned defence counsel is not acceptable qua the credibility of Gurniwaz and evidence is considered to be the most material evidence in the circumstances of this case.

91 The next witness against whom the defence has taken up the case is Tul Bahadur. He also submitted that another person namely Tul Bahadur who informed the PCR van about finding blood on the suit case and the car have not been examined. He was a material witness although his statement under Section 164 Cr.PC was recorded in this case but the said statement not being a substantive

evidence cannot be taken into consideration. He also submitted that he is the person who has been referred by the prosecution to be the person who had helped Seerat Kaur in placing the attache case containing the dead body in the car and after finding the blood on the attache case, he informed the PCR van about the same. The defence had stated that since he had not been examined in the Court, the defence have been deprived of right of his cross-examination to test the credibility of that witness. As such, his statement under Section 164 Cr.PC being recorded by PW-35 Ms. Parul Ld JMIC cannot be read into evidence as the settled law being that the statement of said witness under Section 164 Cr.PC can be considered for the purpose of contradiction or corroboration by the Court.

92 On the other hand the learned Addl. PP for the State argued that the presence of Tul Bahadur on the spot as being shown in the videos produced on the record is duly proved and as he was the person who informed Ravinder Singh, the incharge of the PCR about the occurrence and set the law into motion. His statement although cannot be read independently as his statement in evidence, but under the provisions of Section 32 of the Indian Evidence Act, his statement recorded by the Magistrate can be considered and is an additional link in establishing the case of the prosecution.

93 After hearing the parties on this point this court finds that indeed prosecution case is that Tul Bahadur was the person who was asked by Seerat Kaur to place the attache in the Car and his statement

was also got recorded with the Magistrate by the investigating agency. During the appreciation of the evidence and while perusing the the court proceedings it shows that he was present in the court for recording his evidence on 21.08.2017, 29.08.2017, 20.09.2017, 25.10.2017 and thereafter he was not available. The court has issued his bailable warrants and non bailable warrants time and again to procure his presence but every time the reports have come on the record that the witness had left for his native village in Nepal and despite best efforts his presence could not be procured by the investigating agency despite the warrants issued by the Court time and again. Even his open warrants were issued. So for all intents and purposes his presence could not be procured despite best efforts of the court as well as prosecution. The prosecution had examined PW-35 Ms. Parul, the then JMIC, who had recorded statement of Tul Bahadur under section 164 Cr.P.C and she deposed about the recording of the statement by her by following the proper procedure of law which has never been challenged by the defence. She proved the statement of Tul Bahadur as Ex.PW35/5. The proceedings recorded by her are being perused by this court and finds that prior to recording the statement, Tul Bahadur was given 15 minutes time to think that whether he wants to record his statement or not. Even thereafter prior to recording the statement he was again explained that he is not bound to make any statement but he showed his willingness to get his statement recorded. The proceedings are

recorded by the learned Magistrate and she was cross-examined on the said point and even deposed that Tul bahadur was not appeared to be tutored by the police. In the light of said correct procedure being adopted by the learned Magistrate the statement of Tul Bahadur when perused by this court clearly states that he had placed the attache case alongwith Seerat Kaur in the car but the blood stains on the attache or and even on the hands of Tul Bahadur and Seerat Kaur made him suspicious and then he disclosed the said fact to one Balwant Singh who advised him to disclose the fact to the police and Tul Bahadur informed the police about the occurrence to taken place in his presence. Now the question arises that whether the said statement of Tul Bahadur in the absence of his non examination in the Court can be read in favour of the prosecution or not. Reference can be made in this case to **Section 32 of the Indian Evidence Act**, which comes to the aid of the Court and which provides that the statements, written or verbal of relevant facts made by a person who is dead or who cannot be found or who has become incapable of giving evidence or whose attendance cannot be procured without an amount of delay or expense, which under the circumstances of the Court appears to the Court unreasonable, or themselves relevant facts when it relates to the cause of death.

94 The Indian Evidence Act provides that the hear say evidence is not to be considered but where the act and conduct of the party and oral or written version of that party being recorded during

the regular proceedings is proved on the record being made by that person, then the said statement can be used for corroboration. Reference can be made to the judgment passed by Hon'ble Chattisgarh High Court in Samar Vijay Singh Tomar And Another vs State Of Chhattisgarh CRA No 594 of 2000 wherein it has been held that Section 6 of the Evidence Act is an exception to the rule of evidence that hearsay evidence is not admissible. The test for applying the rule of res-gestae is that the statement should be spontaneous and should form part of the same transaction, ruling out any possibility of concoction. In *Gentela Vijayavardhan Rao Vs. State of Andhra Pradesh* reported in A.I.R.-1996-S.C.-2791 para-15, it was held as follows: Section-6 of the Evidence Act and some of the succeeding sections embody the rule of admission of evidence relating to what is commonly known as res gestae. They are in the nature of exception to "hearsay" rule. Section-6 permits proof of collateral statements which are so connected with the facts in issue as to form part of the same transaction. Whether the statement made by a witness was a part of the same transaction or not is to be considered in the light of the circumstances of each case. The principle is that it should be so intimately connected with the fact in issue as to be a spontaneous utterance inspired by the excitement of the occasion or a spontaneous reaction thereof, there being no opportunity for deliberately fabricating the statement. In other words, the statement which is a part of res gestae does not narrate a past

event, but it is the event itself speaking through a person thus excluding the possibility of any design behind.

95 In this case it has come on the record that during the proceedings of the trial the presence of Tul Bahadur could not be procured as he went missing and efforts were made and reports were produced in the court about the non availability of Tul Bahadur but at the same time the prosecution has proved on record that he appeared before the Magistrate PW-35 Ms Parul, JMIC and got recorded his statement under section 164 Cr.PC and the observation of the learned Magistrate being that Tul Bahadur was not tutored one and learned Magistrate following the proper procedure for recording his statement to the facts of the case gives authenticity to the statement suffered by Tul Bahadur before the learned Magistrate. These facts disclosed in the statement though independently not to be taken into consideration but at the same time by invoking and applying Section 32 of the Indian Evidence Act to the said statement, the same can be corroborative piece of evidence providing corroboration of facts mentioned in the statements recorded in the prosecution case. Thus by virtue of section 32 of the Indian Evidence Act statement of Tul Bahadur can be taken into consideration in reaching at a conclusion about the facts involved in this case being corroborative evidence of the facts proved by the prosecution.

96 The next contention which is raised in this case that prosecution has filed an application before the Court of learned

Magistrate for conducting the polygraphic test of accused Seerat Kaur but when she was produced before the Court to take her test she refused to undergo polygraphic test and suffered a statement whereby she refused to undergo polygraphic test. In this contest prosecution examined PW-35 Ms. Parul JMIC who has recorded the statement of Seerat Kaur regarding her refusal to undergo polygraphic test. The statement dated 22.03.2017 has been proved on record as Ex.PW35/4.

97 The prosecution on this point has submitted that the refusal by the accused is a circumstance to be read against her and adverse inference has to be drawn against her for refusal to undergo polygraphy test.

98 On the other hand the counsel for the accused has submitted that the settled law is that nobody should be compelled to be a witness against him and the law is very well settled in this context.

99 After hearing both the parties, this court finds that qua polygraphic test the law is very well settled that without the consent of accused no such test can be conducted. The reliance can be placed upon the judgment: **In Selvi & Ors vs State Of Karnataka & Anr AIR 2010 SC 1974, law finder doc ID # 209871** wherein it has been held that *“In light of these conclusions, we hold that no individual should be forcibly subjected to any of the techniques in question, whether in the context of investigation in criminal cases or otherwise. Doing so would*

amount to an unwarranted intrusion into personal liberty. However, we do leave room for the voluntary administration of the impugned techniques in the context of criminal justice, provided that certain safeguards are in place. Even when the subject has given consent to undergo any of these tests, the test results by themselves cannot be admitted as evidence because the subject does not exercise conscious control over the responses during the administration of the test. However, any information or material that is subsequently discovered with the help of voluntarily administered test results can be admitted, in accordance with [Section 27](#) of the Evidence Act, 1872. The National Human Rights Commission had published 'Guidelines for the Administration of Polygraph Test (Lie Detector Test) on an Accused' in 2000. These guidelines should be strictly adhered to and similar safeguards should be adopted for conducting the 'Narcoanalysis technique' and the 'Brain Electrical Activation Profile' test. The text of these guidelines has been reproduced below:

(i) No Lie Detector Tests should be administered except on the basis of consent of the accused. An option should be given to the accused whether he wishes to avail such test.

(ii) If the accused volunteers for a Lie Detector Test, he should be given access to a lawyer and the physical, emotional and legal implication of such a test should be explained to him by the police and his lawyer.

(iii) The consent should be recorded before a Judicial Magistrate.

(iv) During the hearing before the Magistrate, the person alleged to have agreed should be duly represented by a lawyer.

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(v) *At the hearing, the person in question should also be told in clear terms that the statement that is made shall not be a 'confessional' statement to the Magistrate but will have the status of a statement made to the police.*

(vi) *The Magistrate shall consider all factors relating to the detention including the length of detention and the nature of the interrogation.*

(vii) *The actual recording of the Lie Detector Test shall be done by an independent agency (such as a hospital) and conducted in the presence of a lawyer.*

(viii) *A full medical and factual narration of the manner of the information received must be taken on record.*

In **AMLESH KUMAR versus THE STATE OF BIHAR (2025 INSC 810)** it has been held that *“The accused has a right to voluntarily undergo a narco- analysis test at an appropriate stage. We deem it appropriate to add, that the appropriate stage for such a test to be conducted is when the accused is exercising his right to lead evidence in a trial. However, there is no indefeasible right with the accused to undergo a narco- analysis test, for upon receipt of such an application the concerned Court, must consider the totality of circumstances surrounding the matter, such as free consent, appropriate safeguards etc., authorizing a person to undergo a voluntary narco-analysis test.”*

100 Thus the law being very well settled that nobody can be compelled to undergo said test as such the statement of Seerat kaur

will not be a fact in favour of prosecution to be considered.

101 The next contention which is raised over here is that the link evidence is missing in this case. It is further argued that the link evidence in this case is missing as the blood samples in this case was taken into possession on 19.03.2017, those were sent to FSL on 30.03.2017. As such, there was delay in sending the samples. There was only one cotton swab sent to the FSL whereas there has to be three different swabs i.e. one from the car, one from the attache and one from the almirah. Although swab comes out to be stained with human blood but the Serologist had to determine that the blood group of the said blood was of deceased or accused. The blood was also not matched with each other nor the blood was matched with the blood of deceased as well as accused. The defence has relied upon the case titled as, “Vijay Singh Vs State of M.P.” 2005 CrLJ 299 wherein it has been held that *Evidence Act, 1872, Section 27 - Search and seizure - Accused alleged to have caused death of deceased with gun shots - Empty cartridge and fired bullet sent to Forensic Science Laboratory 10 days after its seizure - Delay in sending said articles and where during this period said articles were kept unexplained - Cannot be said that articles which were seized were same articles which were sent to ballistic expert - Judgement and conviction set aside.* He further relied upon the case titled as, “Surender @ Babli Vs State (NCT) of Delhi – Respondent” 2012(3) RCR(Criminal) 831 wherein it has been held that “**Para-2** *The incident*

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happened on the 8th of February, 2011 and the postmortem examination was conducted on the same day and the spent bullet recovered from the dead body of the deceased. It is also clear that the said bullet had been deposited in the police malkhana soon after its removal from the dead body. The weapon was allegedly recovered at the instance of the appellant on the 28th of February, 2001 as per the prosecution story, but curiously enough the bullet as well as the weapon were despatched to the laboratory together on the 3rd of April, 2001. We are unable to fathom as to why the investigating agency did not deem it proper to send the bullet to the laboratory soon after its recovery and the fact that they chose to wait for the weapon of offence to be recovered, casts a clear doubt as to the sanctity of the recovery. And in 2014(3) R.C.R.(Criminal) 744 titled as “Parkash Vs State of Karnataka.” wherein it has been held that

Evidence Act, Section 45 - Indian Penal Code, Section 302 - Blood group - Murder case based on circumstantial evidence - One of the evidence against accused was that blood group of deceased was AB and clothes of accused also had stained of group AB - This fact cannot connect the accused with murder - There are millions of people who have the blood group AB and it is quite possible that even accused had the blood group AB -

(i) A serological comparison of the blood of deceased and accused and the blood stains on his clothes was necessary and that was absent from the evidence of the prosecution. And in 2020(3) Law Herald 2623 titled as “Gurvinder Singh alias Givi Vs State of Punjab” wherein it has been

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held that *Criminal Procedure Code, 1973 Section 293 Indian Penal Code, 1860 Section 302 Murder - Recovery of Weapon of offence - FSL Report - It stated that exhibits (iron rod) stained with human blood - Whether the blood stains matched with the blood group of either of the deceased, was not indicated by the FSL - Therefore, report of the FSL cannot be said to have clinched the issue regarding the use of the iron rod as the murder weapon in relation to the homicidal death of the deceased - No independent witnesses to the recovery were examined at the trial, throwing into doubt the manner of the recovery of the iron rod near the water tank - Non-examination of the tubewell operator who was residing in a room in the park, further throws doubt on the alleged recovery.*

102 On the other hand the learned Addl. PP for the State being assisted by the counsel for the complainant has submitted that the collection of the samples at the spot and thereafter the fact that the reports were obtained from the FSL are of no help to the accused as asserted by the counsel for the accused. No delay was caused in sending the samples the proceedings were correctly initiated at the spot. The proceedings clearly shows that the bag, in which the dead body of Ekam Singh was found, was containing human blood. Even the blood collected from the spot also came to be human blood and even the blood stains were collected inside the room where the occurrence has taken place also found to be human blood merely stating that the said blood was not stated to be of deceased will not be a circumstance to be taken into consideration moreover merely

stating that there was a delay in sending the samples will not be a factor to be considered herein. As no prejudice has been caused to the accused. The sample reached the FSL and the prosecution by examining the MHC and the sample carriers proved the fact that the samples reached the FSL without being tampered by anybody. As such, the said contention of the defence is liable to be discarded. He relied upon the following law wherein **Supreme Court of India in Ram Singh @ Chhaju vs State Of H.P 2010 AIR SCW 1396**, has held that *13) It was contended by the learned counsel for the appellant that the blood stained clothes which were said to have been handed over to the Officer-in-Charge at the Police Station by the husband of the victim were not sent for chemical examination and, therefore, the corroboration with which such evidence could offer was absent. In our view, the failure of the investigating agency cannot be a ground to discredit the testimony of the victim. The victim had no control over the investigating agency and the negligence, if any, of the investigating officer could not affect the credibility of the statement of PW-1 - the victim. Having regard to the facts and circumstances of this case, we are satisfied that on the basis of the evidence on record, the conviction of the appellant can be sustained.*

103 After hearing both the parties on this point and going through the contentions of both the parties, this court finds that after collecting the samples the same were deposited by IO with the MHC

Sudarshan Kumar who appeared as PW-18 and by tendering his affidavit in the court mentioning about the deposit of the case property, sending the samples to the FSL and receiving the reports. The samples were sent through PW-17 C Gurpreet Singh and PW-26 C Gurdit Singh both deposed about the samples being deposited with FSL in intact condition and even the reports of FSL reflects that the samples were received by them in intact condition ruling out the tempering. As such, no prejudice is stated to be caused to the defence by any such delay in sending the samples.

104 The next contentions which has been raised over here is the admissibility of the videos recorded in this case. It has been further argued that even the videos produced by the investigating agency on the record are itself contradictory. The videos are not complete material as video between 23:18 PM to 03:38 AM in the intervening night of 18.03.2017 and 19.03.2017 is missing. He further argued about the CCTV footage stating that there was only two videos Ex.P1 and Ex.P2 i.e. about the intervening night of 18.03.2017 and 19.03.2017 and the morning activity seen at the place of occurrence. He also stated that the videos of 16.03.2017 and 17.03.2017 are complete whereas the videos of 18.03.2017 and 19.03.2017 are not complete and there are certain time slots which are missing even the certificate under Section 65 B of the evidence Act are not as per the provisions required. He also submitted that PW-24 Kuldeep Singh, in whose house the CCTV camera was

installed, have stated that on 19.03.2017 police had visited his house and seen the video. Similar is the statement of Darshan Singh PW-1 but the pen drive was handed over on 22.03.2017 but PW-32 SHO Baljinder Singh had nowhere stated about visiting house of Kuldeep Singh, watching the DVR and getting prepared the pen drives. The pen drives were handed over on 22.03.2017 to the police but as per Darshan Singh the CCTV footage was taken on the same day. The pen drives were never deposited with MHC. Infact there are contradictory versions about the inception and taking into possession the pen drives. Infact the pen drives were doctored and morphed before handing over to the police. He also argued that the facts shown in the videos as placed on the record by the prosecution put up a different story than that of the documentary story put on record by the prosecution.

105 The learned defence counsel further stated about PW-36 Aman Pal Singh by stating that the examination of this witness has nailed the coffin of prosecution story to its perfection by introducing a different version of what happened at the spot during the investigation. He stated that Amanpal Singh had come with a case that he alongwith IO reached at the spot and as per the directions of the IO he clicked the video and even clicked the photographs but said statement is contradictory to the statement of IO PW-32 Baljinder Singh. The facts mentioned in his statement had belied the prosecution story of statement being recorded at 01:50 PM. Inquest

being conducted at 02:30PM and sending the dead body to hospital at 03:00 PM. As per video the dead body was sent to hospital at 11:08 AM introducing and supporting the version of ASI Surjit Singh conducting proceedings at the spot which opens the prosecution story to a serious doubt, clearing the fact that the dead body was already in hospital when the inquest report was prepared. So this time was consumed by the prosecution to falsely implicate the accused. So there are four versions about the dead body being sent i.e. first version that the dead body was taken out from the attache by the Darshan Singh and Jaspal Singh second version that Baljinder Singh took out the dead body with the help of Darshan Singh and Jaspal Singh. Third version is that HC Surjit Singh and ASI Surjit Singh took out the dead body from the car and fourth version that is seen in the video produced by Aman Pal Singh and the car is unlocked. Even the certificate issued by Aman Pal Singh is not as per norms. He also submitted that certificates under Section 65 B of the evidence act submitted by the PWs are also not as per the norms. He relied upon the following judgments ;

In case titled as, “Arjun Panditrao Khotkar vs Kailash Kushanrao Gorantyal and Ors” 2020(3) R.C.R.(Civil) 256 it has been held that *Evidence Act, 1872 Section 65B(4) Electronic evidence - Proof - Certificate required is condition precedent to admissibility of evidence by way of electronic record – Oral evidence in place of such certificate cannot possibly suffice as Section 65B(4) is mandatory requirement of*

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law - Section 65B(4) of Evidence Act clearly states that secondary evidence is admissible only if led in manner stated and not otherwise - To hold otherwise would render Section 65B(4) otiose - Anvar P.V. v. P.K. Basheer, 2014(4) RCR (Civil) 504 lay down correct law - Judgment in Tomaso Bruno v. State of UP, 2015(1) RCR (Criminal) 678 and Shafhi Mohammad v. State of Himachal Pradesh, (2018) 2 SCC 801 being per incuriam, do not lay down law correctly therefore overruled.

In case titled as **“Naresh @ Nehru Vs State of Haryana.”** 2024(1) AICLR 381 it has been held that *Indian Penal Code, 1860, Section 302 read with Section 149 - Evidence Act, 1872, Section 65B - Murder with gun shots - Electronic evidence - CCTV footage - Evidence in question appears to come from witness who made video from mobile phone of CCTV footage and claimed to have handed over recorded CD to police on specific date - Police did not send video (CD) to Forensic Science Laboratory for analysis, which may raise questions about chain of custody and handling of evidence - Neither laptop nor mobile phone used to create video was produced by prosecution, and they were not seized by police during investigation - Evidence provided by witness inconsistent and lacking clarity, which can cast doubt on its reliability - Further, certificate prepared under Section 65B of Evidence Act in context of electronic evidence, but there are concerns about its preparation by police official who not examined - Therefore, trial court played CD and made observation that is deemed significant, although content of*

that observation is not provided.

106. The learned Addl. PP for the State while being assisted by learned counsel for the complainant had submitted that the said contentions of the defence are liable to be rejected in the context of this case as Kuldeep Singh who had given the CCTV footage and was residing just in front of the house where the occurrence has taken place is not a technical hand. There is no evidence on the record that he was inimical towards the deceased or was closed to the complainant party. He had installed the CCTV cameras in the house which were later on checked by the police and from the recordings of the above stated CCTV camera, the case was solved by the police. The installation of the cameras was natural conduct on the part of Kuldeep Singh and he handed over the CCTV footage to the police like a good citizen. The certificates signed by him contains the requisite ingredients required under Section 65 B of the Evidence Act. There is nothing on the record to show that there was any tampering with the CCTV footage at the hands of Kuldeep Singh. Moreover, the video in the pen drives shows that activity happening inside the house of said person. As such, the contentions of the accused are not helpful to him. The technicalities of the law in the presence of cogent evidence cannot be allowed to negate the proved facts and circumstances on the record.

107 After hearing on this point and going through the record it is a fact to be noted that in this case during the investigation the

police had collected the CCTV footage from the house of PW-24 Kuldeep Singh, which is situated in front of house, where the occurrence is stated to have taken place. The other videos which have been produced on record was stated to be record by PW-36 HC Aman Pal, who is stated and found to be present at the spot with the IO. In the videos which are being received from Kuldeep Singh by the IO during the investigation, it is revealed that the videos are of CCTV camera installed in his house and are of 16.03.2017 and 17.03.2017, 18.03.2017 and 19.03.2017 and the relevant portion being videos of the intervening night starting from the evening of 18.03.2017 till the morning activity being done on 19.03.2017. The main contention which has been raised over here is that the certificate issued by Kuldeep Singh owner of the house is not as per the norms of section 65 B of the Indian Evidence Act which provides that where electronic evidence is being submitted in the Court then a certificate is to be given and prosecution is required to prove that the said video was not tampered with at any point of time. During the proceedings of this case in order to put this contention and controversy at rest an opinion was obtained by IO of this case. The FSL after checking the said video had sent the detailed report to the investigating agency bearing examination report No.CFSL(C) /908/17/PHY/322/17/1520 dated 31.10.2017 wherein the CFSL had given the report about the existence of the CCTV footage in the DVR and had not found that any of the DVR was ever tampered with. As far as the contention of

the defence counsel is concerned about the time and when the CCTV footage was seen and obtained by the investigating agency is concerned and the contradiction has brought on record between the statement of the witnesses, that contention pales into insignificance as nowhere it has been proved that Kuldeep Singh was inimical towards the accused and was close to the complainant party as he is not related to anyone and he is just residing opposite to the house where the occurrence had taken place. He had helped the police in investigation by providing the access to the CCTV cameras installed in his house and then allowing the investigating officer and providing him with the videos and even deposing about the same in the Court. He was subject to the lengthy cross examination on the technical grounds but he has deposed about the material facts. It is not the case of the defence that no CCTV camera was not installed in the said house rather they are contesting the same on the ground that technically the CCTV footage was not proved. Kuldeep Singh is a layman not knowing about the technicalities of the law. He had no motive with him to tamper with the videos available in the hard drive of the CCTV cameras installed in his house and had no motive to falsely implicate Seerat Kaur. As such, the technicalities of law cannot be allowed to come in the way of justice and these technicalities cannot be read against Kuldeep Singh whose evidence is otherwise reliable and natural as he only deposed about CCTV cameras. Moreover Pooja who appeared as witness and was domestic

helper in the house has deposed about being present in the house and the other domestic servants also deposed on the same lines and moreover Seerat Kaur is clearly identifiable in the videos and she had nowhere denied her identity in the videos.

108 After hearing both the parties and going through the record and in the light of above said discussions, this court reaches at a conclusion that in this case the case was resting upon circumstantial evidence and the place of occurrence is the house where the deceased Ekam Singh Dhillon and the accused Seerat kaur were residing with their children. The occurrence had taken place on the intervening night of 18.03.2017 and 19.03.2017. The presence of Ekam Singh, Seerat Kaur and their children Gurniwaz Singh and Humayra is duly proved in the said house. The videos produced on the record clearly shows that Seerat Kaur had thrown one attache case from the stairs and then the said attache case was taken outside the house and as per the statement of Tul Bahadur he had placed the attache alongwith Seerat Kaur in the car and thereafter on seeing the blood Seerat Kaur tried to gave explanation that it was her blood due to injury on her finger and later on she returns to the house and seen mopping away the blood stains and after that her uncle Bagicha Singh alongwith his wife are seen reaching in the house and after some time they are leaving with certain articles. The presence of domestic servants Pooja etc are also proved from the videos recorded in this case. Thereafter the accused is seen leaving the house

alongwith one bag in her hand and thereafter she reaches the shop of PW Prithi Pal Singh from where she purchased a mobile phone and thereafter she had gone to the salon where she had head wash and even during that period she is seen calling by using the landline number of Prithi Pal Singh and mobile phone of employee of the salon from which she had made the calls and after that she never returned to the house where she was residing. Evidence is also brought on record that she had left one bag with clothes in it near Gurdwara Sri Amb Sahib which were later on burnt by one police personnel. In the meantime behind her back at the spot the dead body of Ekam Singh Dhillon is recovered from the bag which was placed in the Car as submitted by the prosecution and police proceedings were conducted.

109 The evidence lead and discussed above clearly proves that Ekam Singh Dhillon died unnatural death being murdered and the situation inside the room where he was residing clearly proves that the occurrence took place inside that house as the blood stains were found there, empty bullet shell was found there, led of the bullet was found there, bullet hitting the almirah and making a hole in the door of the almirah is also found there, thus for all intents and purposes this Court is of the considered view that the occurrence took place inside the house where the deceased and accused were residing.

110 This has also been proved on the record that on the fateful night Seerat Kaur and Ekam Singh Dhillon were present in the

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house alongwith Gurniwaz Singh and their minor daughter as such, the burden had shifted upon Seerat Kaur to explain how Ekam Singh Dhillon turned into a dead body by invoking provisions of section 106 of the Evidence act as discussed above.

111 In the light of these facts the post occurrence conduct of Seerat Kaur gains importance as **the Hon'ble Punjab & Haryana High Court (Division Bench)** in case titled as **Kuldip Sham Vs. State of Punjab reported in Law finder doc ID # 291340** has held that *when there is no eye witness to the occurrence and prosecution evidence is based solely on circumstantial evidence the motive and conduct of the accused are of paramount importance to establish the guilt.*

112 In view of the above stated judgment the conduct of the accused and the circumstances showing her call details and the conduct shown by her gains importance to connect her with the case and see the truthfulness of the prosecution allegations. The call details on the record shows that she remained in the constant touch with her mother relatives and Nimrat Deep Singh. The following tables will clear the call details duly proved by the prosecution by examining the relevant witnesses; The prosecution by examining PW-3 Rajesh Mittal, PW-4 Munish Bindra, PW-5 Amit Dabra, PW-6 Jagbir Singh have proved the ownership of the mobile numbers and the called details between accused and her relatives and the locations which duly proves the conduct of the accused. The tables are as

under:

Details of Mobile Number and their owners and regarding calls details of dated 18.03.2017 & 19.03.2017

Sr. No.	Details	Time and Date	Exhibit
1	9915347068 (Seerat's Mother) talking with M. No. 9815100019 Nimar	22:53 (371 seconds) 19.03.2017	Ex. PW4/G to Ex. PW4/H
2	7087696532 (Seerat Message at Mobile No. 9814010000 Nimar)	08:00 p.m. 17.03.2017 (SMS Messages)	Ex. PW4/I to Ex. PW4/J
3	9814010000 (Nimrat Message at Mobile No. 7087696532)	08:04 p.m. 17.03.2017 (Location Kansal) (SMS Messages)	Ex. PW6/X to Ex. PW6/Z
4	9815572032 (Bagicha Singh call at mobile No. 8146371199 Pappi Massi)	19.03.2017 (Location 3B1) near the place of occurrence (SMS Messages)	Ex. PW4/A To Ex. PW4/B
5	9915347068 (Seerat Mother calling Nimar at M. No. 9814010000 Several calls and SMS message by Seerat to Nimar from her mother's mobile)	19.12.2016 05.01.2017	Ex. PW4/G To Ex. PW4/H
6	Call from Mofar Mama of Seerat landline number 0172-2698094 to Pappi Massi M. No. 98146371199	07:45 a.m. 19.03.2017	
7	Call from Pappi Massi M. No. 8146371199 to Seerat's mother M. No. 99153470168 several calls	9:15 a.m. 10-10:10 a.m. ringing 4 to 7 minutes 19.03.2017	Ex. PW4/O Ex. PW4/P
8	Nimar M. No. 9814010000 several calls at M. No. 9876200008/964680008 (several calls and messages)	09:00 to 11:30 p.m. 18.03.2017	Ex. PW6/X Ex. PW6/AA Ex. PW6/Z

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9	Phone Number of PW Prithpal Singh was used by Seerat i.e. 0172-4009178 to M.P. and Nikki at M. No. 9814015338/9316159140	10:46 to 11:05 19.03.2017 10:30 to 11:15 a.m. (3 to 4 calls by Seerat) 19.03.2017	Ex. PW4/S Ex. PW4/T Ex. PW4/U Ex. PW4/V
10	Kamlesh Saloon Worker M. No. 9988083650 was used by Seerat to Seerat mother at M. No. 9915347068 and M. No. 9316159140 and 9814015338 Nikki	11:30 p.m. to 12:30 19.03.2017 Total nine calls and the call record is exhibit	Ex. PW6/BB Ex. PW6/CC Ex. PW6/DD Ex. PW6/EE Ex. PW6/FF
11	Seerat Cell ID Location and Nimar Cell ID Location of the mobile number used by him are at the same tower.	3:00 to 4:45 p.m. 19.03.2017	

Details of Mobile Number and their owners/be used.

Sr. No.	Name	Mobile Numbers	Exhibit
1	Jaswinder Kaur (Seerat mother)	9915347068	Ex. PW4/G CAF Ex. PW4/H Call Details
2	Ajitender Mofer (Seerat's Mama)	9814087912	Ex. PW6/P CAF Ex. PW6/R Call Details
3	Seerat (Old No)	9876069932	Ex. PW4/K CAF Ex. PW4/L Call Details
4	Seerat & Ekam No.	9876070532	Ex. PW4/M CAF Ex. PW4/N Call Details
5	Seerat's & Ekam New Number	7087696532	Ex. PW4/I CAF to Ex. PW4/J Call Details
6	Prithpal Singh (Samsung Store) owner phone	9814089781 0172-4009178	Ex. PW4/S Ex. PW4/T

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	number		Ex. PW4/U Ex. PW4/V
7	Kamlesh Kumar (Salon Worker) From This Phone Number Seerat Called her mother	9988083650	
8	Nimar (Seerat's Friend)	9814010000	Ex. PW6/X CAF to Ex. PW6/Z Call Details
9	Cell ID Location Chart of the phone number of Jaswinder Kaur, Seerat		Ex.PW4/U

Jaswinder Kaur Calls to Pappi Massi
9915347068 to 8146371199

On 19.03.2017

1 – Call – Jaswinder Kaur to Pappi Massi (M. No. 8146371199) at 07:49 a.m. for 117 seconds

1 – Call – Pappi Massi to Jaswinder Kaur at 07:27 a.m. for 115 seconds

1 – Call – from Jaswinder Kaur to Pappi Massi at 09:46 a.m. for 96 seconds

1 – Call – from Jaswinder Kaur to Pappi Massi at 09:50 a.m. for 45 seconds

1 – Call – from Pappi Massi to Jaswinder Kaur at 09:51 a.m. for 408 seconds

At this time Pappi Massi and Bagicha Singh were at House No. 116, 3B1, Seerat's House.

Total 5 calls from Jaswinder to Pappi as per CCTV Footage dated

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19.03.2017 Ex. P1 & P2.

Jaswinder Kaur to **Pappi Massi**

From Landline number of uncle of Seerat Kaur

0172-2740659 to 8146371199

1 – Call – at 10:22 a.m. for 169 seconds

1 – Call – at 10:27 a.m. for 37 seconds

Calls made by Jaswinder Kaur from Mofars Landline to Pappi Massi, after Pappi Massi had left 116, 3B1, on 19.03.2017 morning, after collecting bag and other item from Seerat. This all shows conspiracy as Seerat has switched off her Mobile No. 7087696532 and as per call details of this mobile number Ex. PW4/J there are no calls incoming or outgoing after 11:30 a.m. on 18.03.2017.

113 The relevant call record on dated 19.03.2017 of Mobile No. 8146371199 Inderjit Kaur Massi of Seerat CAF is Ex. PW4/O and recall record is Ex. PW4/P and as per this call record on 19.03.2017 at 07:49 above said phone number has received call from Mobile No. 9915347068 Seerat's mother and the relevant Cell ID is 2071-15273 and thereafter at 09:27, the call was made at the above said 991534768 and the relevant Cell ID is 2065-11813 and there are number of calls exchanged between mobile number of Seerat's mother, mobile no. 9814015338 (Mahinder Singh, Seerat's Massar), 9316159140 (Seerat Massi) and the Cell ID location of the above said mobile number from 09:27 to 09:51 has remained at Tower ID 2065-1183, 2066-65273, 2065-48763, 2065-48763,

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2050-59373. The Cell ID location of the above said phone number is 2065-48763.

Call details of Bagicha Singh

114 Mobile No. 9815572032 (Bagicha Singh) mobile location came alongwith Pappi Massi at 3B1, Mohali on 19.03.2017. The CAF is Ex. PW4/A and call record is Ex. PW4/B. As per call record Ex. PW4/B has received phone calls from various mobile number and the Cell ID location of this mobile on 19.03.2017 from 08:49 to 9:28 is at Cell ID 6071-15278 and 6065-11818 which is Phase 3B1 Mohali, Spice Sharing 25 KVA Page No. 247/248 of Ex. PW4/U till 09:57 am on dated 19.03.2017. The Cell ID location of this mobile number and Seerat mobile number 6065-11818 i.e. Phase 3B1, Mohali where Seerat is residing same and as per CCTV Footage Ex. P1 & P2 is seen coming with his wife at Seerat's home after 8:45 am and thereafter leaving with a bag.

The call details of Nimarat Deep Singh from mobile number 981401000 to Mobile No. 9646800008 of his relative namely Raj Jit Singh.

Total 4 calls made and received between both on 18.03.2017

1 Call – Rajjit to Nimar – 19:49 p.m. for 21 seconds

1 Call – Rajjit to Nimar – 21:07 p.m. for 32 seconds

1 Call – Nimar to Rajjit – 21:11 p.m. for 35 seconds

1 Call – Rajjit to Nimrat – 12:39 a.m. for 32 seconds

Last call at 12:39 a.m. midnight of 18 and 19.03.2017, whereas location of Nimar shows his presence around 3B1

Mohali.

Call details of Seerat Kaur and Ekam's Mobile Number

Working Mobile No. 7087696532 Ex. PW4/I as per CAF record this number exist in the name of Seerat and this number was working in the call record Ex. PW4/J and the last SMS was received on dated 18.03.2017 at 23:05 and the location no. ID No. 606511818 which is of Phase-3, Mohali and earlier to that at 22:50 min call has been received from mobile no. 9988324348 (used by Jaspal Singh) and the call duration 104 second Cell ID No. 6065-11818 and prior to that call was made on 19.20 at mobile no.9814458245 after 23:05 min there is no call received or made. PW2 Jaspal Singh has categorically in his examination in chief dated 14.02.2018, at about 10:55 p.m. on 18.03.2017 I had made phone call from mobile no. bearing 9988324348 to Seerat Mobile No. 7087696532 and Seerat had picked up the phone call and I asked her to handover phone to Ekam. When Ekam came on line he apprised me that Seerat is not handing over the mobile phone having question, message to him, he also stated that he shall gave me call after sometime and that as per call record of this mobile number relevant date 17/18.03.2017 and location of the above said mobile number on 17.03.2017 at Tower ID 6065-11818 from 10:26 to 16:34 which is of Phase 3B1 Spice Sharing 25 KVA Page 247/248 of Ex. PW4/U and thereafter at Tower ID 6063-48418 at 17:14 to 17:24 thereafter at 18:19 and till 19:02 at Tower ID 6071-13208 which is Indus ID No. IN1027763, H. No. 1261, Sector 34-C, Chandigarh thereafter at 19.02 at 19:39 at Tower ID 6065-13676 which is Village

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Sohana Tehsil & District Mohali relevant Page No. 248 of Ex. PW4/U and from 19:46 to 21:41 at Tower ID 6065-11818 which is Phase 3B1 Spice Sharing 25 KVA Page 247/248 of Ex. PW4/U.

That Tower ID of dated 18.03.2017 from 07:06 AM to 13:27 Am at Tower ID 6065-11818 which is Phase 3B1 Spice Sharing 25 KVA Page 247/248 of Ex. PW4/U and thereafter at 13:34 at Tower ID 6065-41107/6065-41106 which is Mr. Pathak 098189981188, SCF 32, Phase 3B2 Mohali relevant entry at Page No. 250 of Ex. PW4/U and at 13:35 at Tower ID 6065-411107 and 6065-4326, 6065-4329 till 13:43, which is SCF No. 92, Phase 3B2 Mohali relevant entry at Page No. 250 of Ex. PW4/U, thereafter at 15:15 to 16:51 at Tower ID 6065-11818, 6065-11817 which is of Phase 3B1 Spice Sharing 25 KVA Page 247/248 of Ex. PW4/U at 18:38 at Tower ID 6071-13208, 6069-14308 till 18:56, which is Indus ID H. No.1261, Sector 34, Chandigarh and SCO No. 218, Sector 34, Chandigarh relevant entry at Page No. 257, thereafter at 18:59 to 19:02 at Tower ID 6069-8759, thereafter at 19:20 at Tower ID 6071-9067 which is of SCO No.1, Inner Market, Sector 20-D, Chandigarh relevant entry page No. 266, thereafter there is no call record from 19:20 till 22:49 and 22:50 call has been received from Mobile No. 9988324348 at 22:50 and the Tower ID 6065-11818 which is Phase 3B1 Spice Sharing 25 KVA Page No. 247/248 of Ex. PW4/U where Ekam and Seerat was residing. After receiving this call the mobile phone of Seerat is switched off at 23:05 P.M and the last location of this mobile phone is at Tower ID 6065-11818, that Jaspal Singh PW2 have categorically stated in his evidence on dated

14.02.2018 at Page No.4 regarding making call at Mobile No. 9988324348 at 22:50 p.m. at Mobile No. 7087696532 and talking with Seerat and Ekam and at that time location of Mobile user is at Phase-3A Mohali and during cross examination Seerat has not explained under what circumstances this call was received and if Ekam was not at home then why Jaspal Singh had called at the above said number i.e. 7087696532 she has not even denied or give suggestion that above said number was not in her possession or any other way to counter this call. The last call received prior to death by Seerat and Ekam is at that number and the above said phone number was in possession of Seerat and same has been not given to the prosecution to the investigation agency nor the whereabouts of this number has been disclosed.

That as per call record of this mobile number two messages were exchanged between Seerat and Nimar on 17.03.2017 at 20:01 and 20:04. The mobile no. of Nimar is 9814010000 which is Ex. PW6/X to Ex. PW6/Z.

115 Seerat Kaur/Ekam Singh Dhillon was also using Mobile No. 9876069932 and the CAF in this regard is Ex. PW4/K which is in the name of Seerat and call detail is Ex. PW4/L but above said mobile phone was switched off and after 01.02.2017 there is no call record of the above said number, that the above said number was ever been used. Seerat and Ekam having other mobile no. 9876070532 and the CAF of this regard is Ex. PW4/M and the call record of the above said number is Ex. PW4/N one page only as this number was though used by Ekam but no calls from

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01.06.2016 to 31.03.2017 as this mobile number was changed. That as per call record The Calls made from Mobile No. 9988083650 phone being used by Kamlesh Kumar working at Jukero Salon on dated 19.03.2017 where Seerat as per her statement u/s 313 Cr.P.C at Page No. 14 had gone for pedicure. As per Call detail of Mobile No.9915347068 as per CAF Ex. PW4/G the above said phone number is in the name of Jaswinder Kaur mother of Seerat and call record from period 01.06.2016 to 31.03.2017 is Ex. PW4/H. As per this call record dated 19.03.2017 call was made at Mobile No. 8146371199 which is in the name of Inderjit Kaur (Sister of Jaswinder Kaur). The relevant time period is 11:57 on 19.03.2017 as Jaswinder Kaur mother of Seerat has received call from mobile no. 9988083650 (Kamlesh) and she made outgoing call at 11:57 at above said number 11:57. The details of call made and received on 19.03.2017 by Jaswinder Kaur is attached with this.

116 These call details and locations being corroborative by prosecution by examination PW-9 Sachin Kuamr who appeared and deposed about the he is owner of Jukero Salon where Seerat reached about 11:00 AM and got her head wash, which was done by PW-10 Kamlesh Kumar, who deposed that during the said process Seerat Kaur had got his mobile and made calls from his number on mobile no.99880-83650 and even he produced the video. PW-11 Prithi Pal Singh deposed that on the said day i.e. on 19.03.2017 the lady namely Seerat Kaur purchased one mobile phone make Samsung from him and she made calls from his landline number 4009178. The details of which have been

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mentioned above and the purchase of the mobile phone has been corroborated by PW-21 Servesh Punj, who proved the transaction of mobile being purchased. Thus these facts collectively proved that Seerat Kaur tried to act normally but her conduct in only calling her family members and not Ekam at any point of time goes against her if there were cordial relations between the two she must have called Ekam Singh from her mobile phone and inquire about her children, who as per defence were with Ekam Singh after leaving the house. The said conduct of the accused is suspicious one and once it is corroborated with the facts proved by the prosecution on the record of her act and conduct in the house brings her within the four corners of the suspicion of being the perpetrator of the crime. Reliance can be placed upon the judgment titled as **Joydeep Neogi Vs. State of W.B, 2010(68) ACC 227(SC)** wherein it has been observed that *A criminal trial is not an inquiry into the conduct of an accused for any purpose other than to determine his guilt. It is not disputed piece of conduct which is not connected with the guilt of the accused is not relevant. But at the same time, however, unnatural, abnormal or unusual behavior of the accused after the offence may be relevant circumstance against him. Such conduct is inconsistent with his innocence. So the conduct which destroys the presumption of innocence can be considered as relevant and material. For example, the presence of the accused for a whole day in a specific place and misleading the PWs to search in other place and not allowing them to search in a specific place certainly creates a cast iron cloud over the innocence of the accused*

person.

117 The law has been very well settled to appreciate the evidence in cases based upon circumstantial case as Hon'ble **Supreme Court of India** in case titled as **Munna Lal VS. The State of Uttar Pardesh (CRIMINAL APPEAL NO.490 OF 2017)** has held that *before embarking on the exercise of deciding the fate of these appellants, it would be apt to take note of certain principles relevant for a decision on these two appeals. Needless to observe, such principles have evolved over the years and crystallized into 'settled principles of law'. These are:*

(a). Section 134 of Indian Evidence Act, 1872, enshrines the well-recognized maxim that evidence has to be weighed and not counted. In other words, it is the quality of evidence that matters and not the quantity. As a sequitur, even in a case of murder, it is not necessary to insist upon a plurality of witnesses and the oral evidence of a single witness, if found to be reliable and trustworthy, could lead to a conviction.

(b). Generally speaking, oral testimony may be classified into three categories, viz.:

- (i) Wholly reliable;
- (ii) Wholly unreliable;
- (iii) Neither wholly reliable nor wholly unreliable.

The first two category of cases may not pose serious difficulty for the court in arriving at its conclusion(s). However, in the third category of cases, the court has to be circumspect and look for corroboration of any material particulars by reliable testimony, direct or circumstantial, as a requirement of the rule of prudence.

(c). *A defective investigation is not always fatal to the prosecution*

where ocular testimony is found credible and cogent. While in such a case the court has to be circumspect in evaluating the evidence, a faulty investigation cannot in all cases be a determinative factor to throw out a credible prosecution version.

(d). Non-examination of the Investigating Officer must result in prejudice to the accused; if no prejudice is caused, mere non-examination would not render the prosecution case fatal.

(e). Discrepancies do creep in, when a witness deposes in a natural manner after lapse of some time, and if such discrepancies are comparatively of a minor nature and do not go to the root of the prosecution story, then the same may not be given undue importance.

118 In the light of this judgment the facts which are being proved by the prosecution on record when taken into the consideration to complete the chain of circumstances in this case leading to the perpetrator of the crime in this case. This court reached at the conclusion that proving of presence of accused and deceased in the same house, being last seen together in the video, the evidence of the child witness Gurniwaz Singh and specially being the son of the accused, facts disclosed by Gurniwaz Singh, recovery of the weapon of the offence from the house, fired lead and empty shells, the reports of the FSL that the weapon of the offence being in the working condition and firing of the recovered bullet from the said gun, presence of blood inside the house, on the stairs which was mopped by Seerat Kaur herself, recovery of blood stained mop near the house, recovery of the dead body from the attache in the car, statement of Tul Bahadur that he helped Seerat Kaur in placing the attache case on the rear seat of the car, post occurrence conduct of Seerat Kaur , are the

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relevant factors which creates a chain of events and taking this Court to only one inference that there was only Seerat Kaur who was responsible for the murder of Ekam Singh Dhillon. She has not come up with an explanation against these facts except the denials and trying to put the burden upon the father and brother of Ekam Singh Dhillon who came after the occurrence was surfaced and came to their knowledge. It is her own stand that the property matter between Ekam Singh Dhillon and his father was settled but she kept mum on her relations with Nimrat Deep Singh and had not given any explanation about the said allegations made by the prosecution. The statement of father and brother of the deceased cannot be merely set aside on the ground that they were interested witness. Reference can be made on the judgment of Hon'ble **Supreme Court of India in case titled as Periyasamy vs State Rep. By The Inspector Of Police 2024 INSC 212** wherein it has been held that *It is a well recognised principle in law that the non-examination of independent witnesses would not be fatal to a case set up by the prosecution. The difference between a witness who is "interested" and one who is "related" stand explained by a Bench of three learned Judges in [State of Rajasthan v. Kalki](#)16 (1981) 2 SCC 752 has held that "7. ... "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 eyewitness in the circumstances of a case cannot be said to be*

“interested.” We may refer to the observation in [Sarwan Singh v. State of Punjab](#)¹⁷ as under to appreciate the evidentiary value of such testimonies: – “...Moreover, it is not the law that the evidence of an interested witness should be equated with that of a tainted evidence or that of an approver so as to require corroboration as a matter of necessity. The evidence of an interested witness does not suffer from any infirmity as such, but the courts require as a rule of prudence, not as a rule of law, that the evidence of such witnesses should be scrutinised with a little care. Once that approach is made and the court is satisfied that the evidence of interested witnesses have a ring of truth such evidence could be relied upon even without corroboration. Indeed there may be circumstances where only interested evidence may be available and no other, e.g. when an occurrence takes place at midnight in the house when the only witnesses who could see the occurrence may be the family members. In such cases it would not be proper to insist that the evidence of the family members should be disbelieved merely because of their interestedness...”

In other words, if witnesses examined are found to be ‘interested’ then, the examination of independent witnesses would assume importance.

119 The next contention which has been raised during the arguments in this case is that the accused has also committed the offence under the provisions of Arms Act. She has used the weapon and kept the same in possession illegally. The reference has been made to recoveries made at the spot of the empty cartridge, lead of the bullet and recovery of pistol make 7.65 made in USA bearing no. 7111 and later on, as per the

ballistic report the said weapon was found to be in working condition and the lead and the empty cartridge was shown to be fired from the pistol which was recovered in this case. It has also been stated that the sanction to prosecute was granted by District Magistrate and PW 22 was examined to prove the same. Thus, the prosecution has submitted that the recovery of empty cartridge, fired lead, the weapon of offence from the place of occurrence and the report of ballistic expert proving the fact of firing being made from the said weapon connects the accused with the said weapon and occurrence in this case.

120 On the other hand, counsel for the accused while arguing has submitted that the prosecution has failed to connect the death of the deceased being caused with the said weapon and the recoveries were implanted. There is no evidence that the said lead had passed through the body of deceased Ekam Singh Dhillon and further submitted that these recoveries were not effected as per provisions of Section 100 of Cr.P.C, thus creating a dent in the prosecution story and breaking chain of circumstances.

121 After hearing the parties, this court finds that after recovery of dead body on 19.03.2017, the room where Ekam Singh Dhillon and Seerat Kaur were residing were searched by the police. The video has also been recording about the condition of the room vide memo Ex.PW1/F. Empty cartilage MO7 was recovered from the room, one fired led of the bullet MO8 was also recovered from the room vide memo Ex.PW1/G, one pistol make 7.65 number 7111 made in USA was also recovered

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alongwith magazine containing three live cartridges and one cartridge was found loaded in the barrell of the pistol. The articles were recovered vide memo Ex.PW1/E and produced in the court during evidence. Thereafter, the pistol alongwith cartridges were sent to Forensic Science Laboratory for obtaining the report of ballistic expert and ballistic expert vide report Ex. PW32/5 had given the opinion about the pistol that the same is in working condition and about the cartridge recovered at the spot being fired through the country made pistol bearing no. 7111 and the jacketed bullet was also found to be fired through country made pistol bearing no. 7111 and even the prosecution had proved on record the sanction to prosecute Ex.PW22/1 by examining the witness in the court. Collectively, these facts that is the recovery of weapon of offence from the place of occurrence, fired bullet being recovered from the place of occurrence and the place of occurrence being the room where Seerat Kaur was residing is a fact to be taken in favour of the prosecution. The said recoveries shifts the burden upon the accused to explain the possession of the said weapon, finding of the fired bullet in the room and when this fact is coupled with blood stains seen in the videos produced on the record inside the room clearly establishes that the occurrence has taken place inside the said room and the burden to explain the circumstances under Section 106 of Evidence Act shifted upon the accused but no explanation has come on the record on the part of the accused whether that weapon was licenced one or not.

122 Thus collectively all the facts proved on the record reflects

that the Court was required to separate the grain from the chaff and in this case when the evidence brought on the record by the prosecution is considered and taken into account clearly reveals that the case of the prosecution is duly proved as the prosecution has established the chain of circumstances as stated above by the prosecution the defence had challenged the case on technical grounds and no explanation of the accused has come on the record with regard to these facts and circumstances present on the record.

123 Thus, from the facts present on the record, this court comes to conclusion that on the intervening night of 18.03.2017 and 19.03.2017 , accused Seerat Kaur alongwith Ekam Singh Dhillon and their children were present in the house where during night the murder of Ekam Singh Dhillon has taken place and the facts and circumstances clearly reveals that it was only Seerat Kaur and no other person who has caused the death of Ekam Singh Dhillon by firing a gun shot from the pistol which was later on recovered from the place of occurrence and her post occurrence conduct of trying to screen off the evidence by putting the dead body in an attache case and then putting the same in the Car with the help of Tul bahadur and thereafter, her leaving the house and destroying the clothes near Gurudwara Sahib and then purchasing the new mobile phone and giving calls to all except Ekam Singh Dhillon and by not explaining the said circumstance and even her mopping the blood stains from the stairs from where she has brought the attachi case on the ground floor makes out a complete chain of circumstances against her. As such, accused

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Seerat Kaur is found guilty of committing murder of Ekam Singh Dhillon by using pistol 7.65 mm bearing no. 7111 and by screening the evidence by putting the dead body in the Car from where it was recovered. As such, she is held guilty for the offences under Sections 302, 201 IPC and Section 25 of Arms Act.

124 Thus the points of determination are hereby decided in favour of the prosecution and against the accused by holding that accused Seerat Kaur is liable for the offence of murder of Ekam Singh Dhillon which is punishable under section 302 of IPC and also for offences committed under section 201 IPC for trying to to screen of the evidence by disposing of dead body by keeping the same in attachi case and her blood stained clothes along with Section 25 of the Arms Act for using of illegal weapon in committal of murder of Ekam Singh Dhillon . As such, accused is convicted under Sections 302 ,201 IPC alongwith Section 25 of Arms Act. The accused is already in custody. Let, she be heard on quantum of sentence.

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03.07.2026
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(Hardip Singh)
Additional Sessions Judge
SAS Nagar
(UID No. PB0638)

QUANTUM OF SENTENCE:

Present: Sh. Ravinder Singh Additional PP for the State assisted by Sh. Terminder Singh, Advocate, Sh. Manpreet S.Kaler Advocate, Sh. Manav Sharma Advocate and Ms. Aarushi Sharma Advocate, counsels for the complainant.

Convict in custody represented by Sh. N.P.S Waraich, Advocate, Sh. S.S.Waraich Advocate and Sh. Seerat P. Waraich Advocate counsels for the convict .

125 Heard on the quantum of sentence. Convict has suffered the following statement:

Stated that I have widow mother. She is suffering from multiple illnesses due to her old age. My brother and nephew have been murdered so there is no one to take care of my mother. So, lenient view may be taken against me.

126 Learned counsel for the convict submits that convict is a poor person and she is the first offender. She is the only bread earner of the family. As such, lenient view may kindly be taken against her.

127 On the other hand, learned Additional Public Prosecutor for the State opposed the prayer of convict on the ground that the convict has committed the heinous crime of committing murder of Ekam Singh Dhillon .It was a cruel most act on the part of convict that brings it in the category of rarest happening that had shaken the very conscience of the society apart from sending shock waves around whosoever came across such an incident. It was undoubtedly not an ordinary killing out of some anger or feud. It was thus definitely a rare incident which is further made rarest because of brutality with which killings were carried out. It was therefore agitated that present case is the one where convict deserve

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Capital Punishment only. No leniency or mercy should be exercised or shown on the question of sentence.

128 Hon'ble Supreme Court has observed in **Mukesh v. State for NCT of Delhi** [2017 AIR \(SC\) 2161](#) (Law Finder Doc Id # 854775) that question of awarding sentence is a matter of discretion and has to be exercised on consideration of circumstances aggravating or mitigating in the individual cases. The courts are consistently faced with the situation where they are required to answer the new challenges and mould the sentence to meet those challenges. Protection of society and deterring the criminal is the avowed object of law. It is expected of the courts to operate the sentencing system as to impose such sentence which reflects the social conscience of the society. While determining sentence in heinous crimes, Judges ought to weigh its impact on the society and impose adequate sentence considering the collective conscience or society's cry for justice. While considering the imposition of appropriate punishment, courts should not only keep in view the rights of the criminal but also the rights of the victim and the society at large.

129 Hon'ble Supreme Court has also observed in **Babasaheb Maruti Kamble v. State of Maharashtra** [2019\(1\) R.C.R.\(Criminal\) 146](#) (Law Finder Doc Id # 1290924) that "in cases where an accused is convicted for offence under Section 302 IPC, minimum sentence that is to be awarded is the life imprisonment. However, in rarest of rare cases, the Sessions Court may award death sentence as well. Convicts are of young age. Hey are the first offenders. Keeping in view the entire facts and

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circumstances, this Court is of the considered view that though it is case of murder, but it is not a rarest of rare cases.”

130 Having considered the submissions and following the above stated law, I do not find any ground to take lenient view. As such, the convict is sentenced as under :-

Name of the convict	Convicted under section	Sentence imposed	Fine	In default of payment of fine.
Seerat Kaur	302 IPC	Rigorous Imprisonment for life.	Rs.50,000/- only	Rigorous imprisonment for a period of six months.
	201 IPC	Rigorous Imprisonment for three years	Rs. 20,000/- only	Rigorous imprisonment for a period of six months.
	25 Arms Act	Rigorous Imprisonment for three years	Rs.20,000/- only	Rigorous imprisonment for a period of six months.

131 All the sentences shall run concurrently. However, period of detention already undergone by the convict shall be set off against the substantive sentence of imprisonment. Fine not paid. The copy of judgment be supplied to the convict, free of costs. Case property, if any, be disposed of after the expiry of period prescribed for filing appeal or revision,if any, as the case may be and outcome thereof. File be consigned to the record room.

Pronounced
03.07.2026
jyotsna,
stenographer I
Directly Dictated

(Hardip Singh)
Additional Sessions Judge
SAS Nagar
(UID No. PB0638)

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