

2026:PHHC:001247-DB



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

**CRA-D-531-DBA of 2004 (O&M)**

**Reserved on:-04.11.2025**

**Date of Decision:12.01.2026**

**Uploaded on:14.01.2026**

Surjit Kaur

...Appellant

Vs.

State of Punjab and others

...Respondents

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

Present: Ms. Isha Aggarwal, Advocate for  
Mr. H.S. Sandhu, Advocate for the appellant.

Mr. Bhanu Pratap Singh, Addl. AG., Punjab.

Mr. Pratap Singh Gill, Advocate  
for respondents No.2, 4 and 6/Amicus Curiae.

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**N.S.SHEKHAWAT, J.**

1. By way of the instant appeal, the appellant/complainant has assailed the legality of the impugned judgment dated 25.07.2003 passed by the Court of Additional Sessions Judge (Adhoc), Patiala, whereby, the respondents were ordered to be acquitted by the trial Court.

2. During the pendency of the present appeal, the respondents No. 3, 5 and 7 have expired and consequently, vide order

dated 04.11.2025, the present appeal qua them was ordered to have been abated.

3. The brief facts of the present case as noticed in short by the trial Court read as under:-

*“That on 11.11.98 at about 7.30 PM Labh Singh husband of the complainant Surjeet Kaur after taking his dinner went to sleep in a room of the house situated outside meant for keeping animals. At about 08.00 P.M., the complainant was going to serve milk to her husband Labh Singh. When she reached near the gate of the out house, she heard the noise of ‘Bachao-Bachao’. On entering the house, the complainant saw that Balbir Singh accused had caught hold the neck of Labh Singh with both the hands, Gurjeet Singh s/o Mohan Singh and Rooda Singh @ Jasbir Singh son of Gurdev Singh were holding Labh Singh from his both arms and accused Mehar Singh and Desh Raj s/o Nortia Ram had caught both his legs, Mohinder Singh s/o Bachan Singh was holding a steel glass in the hands containing some poisonous matter and put the poisonous matter in the mouth of Labh Singh in the presence of complainant. Meanwhile, Jagtar Singh who is son of complainant reached there. Both Jagtar Singh and complainant made noise. Gurcharan Singh s/o Ajmer Singh r/o Village Budhanpur also reached there. On their raising raula, all the accused ran away from the spot and accused Mohinder Singh ran away with the glass. Complainant, her son Jagtar Singh and Gurcharan Singh witnessed the occurrence. Labh Singh was saying that the above named accused had conspired with each other and had*

*put poison in his mouth in order to kill him. He said "save me immediately". The complainant and her son Jagtar Singh took Labh Singh on tractor trolley to Banur Hospital about 8.30 PM. The doctor there gave some medicines Labh Singh & referred him to PGI, Chandigarh. Surjit Kaur, complainant and her son took Labh Singh to PGI Chd. Hospital. He was admitted there and died in the hospital. The above said accused Balbir Singh, Gurjeet Singh, Rodda Singh @ Jasbir Singh, Mehar Singh, Des Raj and Mohinder Singh, all resident of Village Budhanpur had conspired with each other to put poisonous matter into the mouth of deceased Labh Singh in order to kill him. All the accused persons belong to same party. There was a dispute between Labh Singh and his brother Gian Singh and Gurjit Singh s/o Mohan Singh regarding kotha and in that dispute accused helped Mohan Singh and Gurjit Singh.*

*3. Earlier on 3.10.1998 Mohan Singh and his son Gurjit Singh etc. had beaten the complainant, her husband Labh Singh and their children. Regarding this a case has been registered against Mohan Singh, Gurjit Singh, Kala, Hari Singh U/s 325/34 IPC in P.S.Banur. The police of P.S. Banur reached PGI Chandigarh and statement of Labh Singh (deceased) was recorded. Postmortem of Labh Singh (deceased) was conducted in PGI Chandigarh which makes clear that death was caused by poison. The above named accused persons are desperate persons and builds political influence. The police is reluctant to proceed against the accused persons. Rather the truth is that the police did not arrest accused but had threatened the complainant and her son.*

*Jagtar Singh approached high authorities, but in vain. Strange enough that the police has threatened complainant's son and the witnesses that they will be eliminated like Labh Singh. They have also threatened the woman to stop pursuing the case. The petitioner is a woman and she always apprehended danger to her and her children. Complainant had no other way out and she has been forced to file the complaint."*

4. After the preliminary evidence, the accused/respondents were summoned to face the trial. After committal, the trial Court held that a *prima facie* offence under Sections 302, 449, 148 and 149 of IPC was made out against the respondents/accused and the respondents pleaded not guilty and claimed trial.

5. During the course of trial, the prosecution relied upon the testimonies of six witnesses, i.e., PW1 Dr. Anil Gupta, PW2 MHC Lakha Singh, PW3 Dr. Dalbir Singh, PW4 Surjit Kaur complainant, PW5 Gurcharan Singh and PW6 ASI Attar Singh.

6. The prosecution examined PW1 Dr. Anil Gupta, who examined Labh Singh, deceased, at 08.50 p.m. on 11.11.1998 and the patient was brought by Surjit Kaur, as a case of alleged acute poisoning. The patient was in shock and the BP was unrecordable. His pulse rate was 68 per minute and feeble. The patient was cyanosed and pupils of both sides were of normal size and reacting to light. He was responding to verbal commands but was drowsy. History of vomiting was present and there was a peculiar smell from the patient. The patient was given emergency treatment in the form of

intravenous drip. The condition of the patient was explained to the attendant and the patient was referred to PGI, Chandigarh, Emergency at 09.15 p.m. Even, the information was sent to the SHO, Police Station, Banur regarding the arrival of poisonous case. In his cross-examination, he stated that apparently, there was injury on the person of the patient. The smell was mainly coming from mouth. Before putting the oxygen inhalation, the mouth and nose are seen to be free from any obstruction or secretion. No such obstruction or secretion was observed in the present case.

7. The prosecution further examined PW2 MHC Lakha Singh, who had brought the original FIR register containing the FIR No. 92 dated 12.11.1998 under Sections 302, 148 and 149 of IPC, Police Station Banur (Ex.PC). The prosecution further examined Dr. Dalbir Singh, who conducted the postmortem examination on the dead body of Labh Singh at 02.15 p.m. on 12.11.1998. The relevant extract of his testimony has been reproduced below:-

*“On examination, I found that the length of the dead body was 167 cm. weight was 54 Kg., pupils were dilated, cornea were hazy. Cyanosis was present over the ear lobules, nails of finger and toes, postmortem staining was present over the back of neck, thorax and lumbar region of the abdomen and rigormortis was present all over the body. I found following injuries on the body: -*

- 1. Abrasion with bright red scab of the size 9.5 x 0.2 cm was present over the anterior aspect of upper lip 0.75 cm. medial to right angle of the mouth.*

2. Both upper central incisors, right lower central and lateral incisors were missing from their sockets. Clotted blood was present in the alveolar cavities of these teeth.

3. Abrasion with bright red scab of the size of 2.5 x 1.20 cm. was present over the lateral aspect of left elbow in its middle.

4. Abrasion with bright red scab of the size of 1.2 x 6 cm. was present over the lateral aspect of left elbow 1 cm. above the injury No.3.

Meninges, brain larynx and trachea, mouth, pharynx and esophagus, liver, spleen, kidneys, suprarenals were congested. Stomach was containing 207cc of dark coloured fluid and its mucous membrane was congested. Rest of the organs were normal. Stomach, small intestine, large intestine, liver, spleen and kidneys were sent for chemical analysis.

The cause of death was given afterwords on receipt of the report from the chemical examiner from the government of Punjab. Ex. PB already exhibited. I handed over to the police body of the deceased, police inquest papers, a sealed envelop containing viscera and a sealed envelop containing police inquest papers, copy of the postmortem report forwarded to the chemical examiner and a sample seal and a copy of the postmortem report. I have brought the original postmortem register with me today in the Court and Ex.PW3/A(already exhibited) is a copy of the postmortem report of the original. Original postmortem is in my hand and bears my signatures. As per postmortem findings and chemical examiner report the cause of death of the deceased was shock due

*to Aluminum Phosphide poisoning”.*

8. In his cross-examination, he had admitted that there was minor injury in the mouth of Labh Singh, since deceased, which may occur during the treatment, if the gastric lavage is given from mouth. The injury could be result of the implement to administer medicine though the pipe or to wash the stomach of the patient. The instrument to give the medicine or to open the mouth is sometimes is made of wood. The prosecution further examined PW4 Surjit Kaur, who supported the case of the prosecution, as mentioned in the complaint. PW5 Gurcharan Singh also deposed on the similar lines. The prosecution further examined ASI Attar Singh, Police Station Amloh as PW6. He stated that on 12.11.1998, he was posted at Police Station Banur and on receipt of telephonic message from PGI, Chandigarh, he went to P.G.I., Chandigarh alongwith other police officials. Surjit Kaur made her statement Ex.PW4/B and on the said application, the FIR in the present case was registered.

9. After examination of six witnesses, the prosecution closed the prosecution evidence and the statements of witnesses were recorded under Section 313 Cr.P.C. Balbir Singh, Mohinder Singh, Gurjeet Singh, Rodda Singh @ Jasvir Singh and Mehar Singh stated that they had been falsely involved in the present case.

10. The statement of Rodda Singh @ Jasvir Singh was recorded under Section 313 Cr.P.C. and he stated that as under:-

*“I helped Mohinder Singh, Des Raj and Balbir Singh in*

*Panchayat Election against Amar Singh. I have been falsely involved in the present case due to enmity and party fiction in the village. Plea of Des Raj is read as my plea”.*

11. Similarly, Gurjeet Singh, respondent had raised the following defence:-

*“That on 11.11.98 at about 8.50 p.m. Dr. Anil Gupta was on emergency duty at CHC Banur when Labh Singh patient was brought before him by Surjit Kaur wife of the Patient. Police was informed by the aforesaid doctor and gave emergency treatment to Labh Singh deceased in the form of intravenous drip and gave other medicines and thereafter he was referred to PGI Emergency Chandigarh, at about 9.15 p.m. The intimation was sent by the doctor after making an entry in his register. The copy of the same is Ex. PA”.*

12. After the statements of the accused were recorded, the defence examined DW1 Bhupinder Singh Virk, SP (D), Patiala, who had verified the investigation conducted by the police of Police Station Banur and found that the version given by Surjit Kaur in the FIR was false and found that the accused/respondents were innocent. He proved on record the statements of various witnesses in this regard as well as the investigation conducted in the present case.

13. The defence further examined Constable Manjit Singh as DW2, who brought the original FIR register of Police Station Banur and produced FIR No. 66 dated 23.07.1985 under Sections 307, 148 and 149 of IPC registered against Amar Singh, Swaran Singh and

Chetan Singh, all sons of Bakshish etc., a copy of FIR No. 95 dated 15.11.1990 under Sections 447, 435, 427, 148 and 149 IPC registered on the basis of report of Balbir Singh Ex.Sarpanch son of Rulda Singh resident of village Buddanpur and a copy of FIR No. 30 dated 29.10.1993 which was registered under Sections 302/34 IPC on the statement of Mohan Singh son of Ram Rakha for the murder of Ram Rakha against Gian Singh son of Ram Rakha and Jagtar Singh son of Labh Singh of village Buddanpur. He also produced on record the copy of the FIR No. 34 dated 06.04.1998 under Sections 279, 337 and 427 of IPC, registered on the basis of the statement made by Amar Singh, Sarpanch against Mohinder Singh son of Bachan Singh.

14. Learned counsel for the appellant/complainant vehemently argued that the trial Court had clearly overlooked the evidence led by the prosecution while acquitting the respondents. In fact, the trial Court wrongly presumed that there was party faction in the village and due to the said enmity, the respondents had been involved in the present case. Whereas, PW4 Surjit Kaur and PW5 Gurcharan Singh had clearly deposed that all the accused had actively participated in the occurrence in their presence. Moreover, the enmity between the parties is a double edged sword and it could be a reason for commission of crime by the respondents/accused as well. Still further, the local police had colluded with the respondents/accused and no fair investigation was conducted by the police and FIR No. 92 dated 12.11.1998 under Sections 302, 148 and 149 IPC of Police

Station Banur was wrongly cancelled by the police. Consequently, the appellant was constrained to file the present appeal before the Area Magistrate. Learned counsel further submitted that even from the injuries suffered by Labh Singh (since deceased), it stood established that the injuries were caused on the person of the deceased, only with a view to administer poison to him and wrong inferences had been drawn from the prosecution evidence.

15. On the other hand, learned counsel appearing on behalf of the respondents has referred to the findings recorded by the trial Court in detail and submitted that the matter was duly investigated by the police even on the directions of this Court. Admittedly, finding no merits in the allegations levelled by the appellant/complainant, the FIR was ordered to be cancelled by the police. Even, the defence had examined DW1 Bhupinder Singh Virk SP (D), who had conducted the investigation and found the case to be false. Still further, from the testimony of PW4 Surjit Kaur, it is apparent that PW5 Gurcharan Singh and Jagtar Singh were not present at the place of the occurrence and they have been wrongly introduced as eye witnesses by the complainant. Even, apparently there were no injuries on the person of Labh Singh, since deceased and the respondents were falsely involved.

16. We have heard the learned counsel for the parties and perused the record carefully with their able assistance.

17. It has been held by the Hon'ble Supreme Court in the

matter of **“Bhaskarrao and others Vs. State of Maharashtra”, 2018 AIR (Supreme Court) 2222; 2018 (5) RCR (Criminal) 228** as follows:-

*“14. As the trial court and High Court, having appreciated the evidence on record, has come to diametrically opposite conclusions, mandating herein to observe certain witness statements which may have an important bearing in this case. In the processes of appreciating the evidence at the appellate stage, we need to keep in mind the views of this court as expressed in Tota Singh and Anr. v. State of Punjab, 1987(2) RCR (Criminal) 35 : 1987 CriLJ 974 -*

*"The High Court has not found in its judgment that the reasons given by the learned Sessions Judge for discarding the testimony of PW2 and PW6 were either unreasonable or perverse. What the High Court has done is to make an independent reappraisal of the evidence on its own and to set aside the acquittal merely on the ground that as a result of such reappraisal, the High Court was inclined to reach a conclusion different from the one recorded by the learned Sessions Judge. This Court has repeatedly pointed out that the mere fact that the Appellate Court is inclined on a reappraisal of the evidence to reach a conclusion which is at variance with the one recorded in the order of acquittal passed by the Court below will not constitute a valid and sufficient ground for setting aside the acquittal. The jurisdiction of the Appellate Court in dealing with an appeal against an order of acquittal is circumscribed by*

*the limitation that no interference is to be made with the order of acquittal unless the approach made by the lower Court to the consideration of the evidence in the case is vitiated by some manifest illegality or the conclusion recorded by the Court below is such which could not have been possibly arrived at by any court acting reasonably and judiciously and is, therefore, liable to be characterized as perverse. Where two views are possible on an appraisal of the evidence adduced in the case and the court below has taken a view which is plausible one, the Appellate Court cannot legally interfere with an order of acquittal even if it is of the opinion that the view taken by the Court below on its consideration of the evidence is erroneous."*

18. *In Ramesh Babulal Doshi v. State of Gujarat, 1997(3)*

*RCR (Criminal) 62 : 1996 CriLJ 2867, this Court observed:*

*"This Court has repeatedly laid down that the mere fact that a view other than the one taken by the trial Court can be legitimately arrived at by the appellate Court on reappraisal of the evidence cannot constitute a valid and sufficient ground to interfere with an order of acquittal unless it comes to the conclusion that the entire approach of the trial Court in dealing with the evidence was patently illegal or the conclusions arrived at by it were wholly untenable. While sitting in judgment over an acquittal the appellate Court is first required to seek an answer to the question whether the findings of the trial Court are palpably wrong, manifestly erroneous or demonstrably unsustainable. If the appellate court answers the above question in the negative the order of acquittal is not to be disturbed."*

19. Still further in **Criminal Appeal No(s.) 410-411/2015 [Ravi Sharma Vs State (Government of N.C.T. of Delhi) and another]**, decided on 11.07.2022, Hon'ble the Supreme Court has held as under:-

*“Before venturing into the merits of the case, we would like to reiterate the scope of Section 378 of the Code of Criminal Procedure (for short ‘Cr.P.C.’) while deciding an appeal by the High Court, as the position of law is rather settled. We would like to quote the relevant portion of a recent judgment of this Court in **Jafarudheen and Others v. State of Kerala (2022 SCC Online SC 495)** as follows:*

*“25. While dealing with an appeal against acquittal by invoking Section 378 of the Cr.PC, the Appellate Court has to consider whether the Trial Court's view can be termed as a possible one, particularly when evidence on record has been analyzed. The reason is that an order of acquittal adds up to the presumption of innocence in favour of the accused.*

*Thus, the Appellate Court has to be relatively slow in reversing the order of the Trial Court rendering acquittal.*

*Therefore, the presumption in favour of the accused does not get weakened but only strengthened. Such a double presumption that enures in favour of the accused has to be disturbed only by thorough scrutiny on the accepted legal parameters.”*

20. In the present case, it is not in dispute that immediately

after the occurrence, the appellant had got the FIR, i.e. FIR No. 92 dated 12.11.1998 under Sections 302, 148 and 149 IPC, Police Station Banur registered against the respondents. However, it is apparent from the testimonies of DW1 D.S. Virk, SP, (D), Patiala, that on the directions of this Court, he verified the investigation conducted by the police of Police Station Banur and it was found that the version given by Surjit Kaur, appellant, was false and found that all the respondents were innocent. From her testimony, it is apparent that he had conducted the investigation in depth and had even associated both the sides before coming to any conclusion. Apart from that, it is also apparent from the evidence that Labh Singh (since deceased) was a rustic villager aged about 45 years. It has been alleged by the complainant that Surjit Kaur PW4 as well as Gurcharan Singh PW5 that all the respondents had forcibly administered poisonous substance to him by holding his hand and feet. However, from the statement of PW3 Dr. Dalbir Singh, Forensic Medicine, PGI, Chandigarh, who had conducted the postmortem examination on the dead body of Labh Singh, that there was apparently no injury on the person of Labh Singh. In his testimony, he stated that there was minor injury on the mouth of Labh Singh, deceased, which could occur during treatment. He further admitted that injury could be the result of the implement to give medicine through pipe or to wash stomach of the patient. The instrument to give medicine and to open the mouth is sometimes made of wood. Thus, it is apparent that the medical

evidence led by the prosecution itself falsifies the version of the appellant/complainant. Apart from that, even the conduct of PW4 Surjit Kaur and PW5 Gurcharan Singh was highly unnatural and unbelievable. As per the complainant, she herself had witnessed the occurrence and raised noise to save her husband. On hearing her alarm, her son Jagtar Singh and Gurcharan Singh were attracted to the spot. It clearly shows that Gurcharan Singh and Jagtar Singh had not witnessed the occurrence. Apart from that, it is highly unbelievable that Jagtar Singh and Gurcharan Singh had seen the occurrence and had not intervened physically to save Labh Singh. It is unbelievable that these two witnesses would remain mute spectators, when poison was allegedly being administered to Labh Singh. Thus, the conduct of both the witnesses was highly unnatural and the trial Court has correctly disbelieved the testimonies of PW4 Surjit Kaur and PW5 Gurcharan Singh. Apart from that, it is also apparent that the parties were inimical towards each other due to party faction in the village as well as Sarpanch elections in the past as well. Even, there had been litigation between the parties in the past as well and due to the said fact the possibility of false implication could not be ruled out. Apart from that, Ram Rakha father of Labh Singh was murdered and the FIR was lodged by Mohan Singh. Gurjit Singh respondent is son of Mohan Singh and he had no reason to eliminate Labh Singh in any manner. Apart from that, we have carefully perused the findings recorded by the trial court and finds no reasons to deviate from the

same. The trial Court has correctly appreciated the evidence led by both the sides and no other irregularity or illegality was found in the same. Accordingly, the present appeal is ordered to be dismissed.

19. All pending applications, if any, are disposed off, accordingly.

20. The case property, if any, may be dealt with as per the rules.

21. Records of the Court below be sent back.

**(N.S.SHEKHAWAT)**  
**JUDGE**

**(SUKHVINDER KAUR)**  
**JUDGE**

12.01.2026  
*amit rana*

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