

2026.PHHC:035021-DB



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

**Reserved on: 25.09.2025/17.02.2026**

**Pronounced on: 07.03.2026**

**Uploaded on:09.03.2026**

*Whether only operative part of the judgment is pronounced or the full judgment is pronounced: operative part/full judgment.*

**[1] CRA-D-240-D-2019**

Baba Gurmeet Singh @ Maharaj Gurmeet Singh @  
Gurmeet Ram Rahim Singh

.....Appellant

Versus

Central Bureau of Investigation

.....Respondent

**[2] CRA-D-270-D-2019**

Kuldeep Singh @ Kala

.....Appellant

Versus

Central Bureau of Investigation

.....Respondent

**[3] CRA-D-258-D-2019**

Nirmal Singh

.....Appellant

Versus

Central Bureau of Investigation

.....Respondent

**[4] CRA-D-254-D-2019**

Krishan Lal alias Kishan Lal

.....Appellant

Versus

Central Bureau of Investigation

.....Respondent

**CORAM : HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE  
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Argued by: Mr. R. Basant, Senior Advocate (Arguing counsel)  
with Mr. Aman Jha, Advocate,  
Mr. Amar D. Kamra, Advocate,  
Mr. Akshay Sahay, Advocate, and  
Mr. Jitender Khurana, Advocate,

for appellant(s) in CRA-D-240-2019.

Mr. R.S. Rai, Senior Advocate (Arguing counsel)  
with Mr. Gautam Dutt, Advocate,  
Mr. Anurag Arora, Advocate,  
Ms. Rubina Vermani, Advocate,  
Mr. Arjun S. Rai, Advocate,  
Ms. Radhika Mehta, Advocate, and  
Mr. Farhad Kohli, Advocate,  
for the appellant in CRA-D-270-2019.

Mr. Ashwani Kumar Singh, Senior Advocate,  
(Arguing counsel) with  
Mr. Ashish Anshuman, Advocate,  
Mr. Rishi Titu, Advocate and  
Mr. Chandan Malav, Advocate,  
for the appellant in CRA-D-258-2019.

Mr. Amit Jhanji, Senior Advocate (Arguing counsel)  
with Mr. Harish Chhabra, Advocate,  
Mr. Mayank Aggarwal, Advocate, and  
Mr. Abhishek Sanghi, Advocate,  
for the appellant in CRA-D-254-2019.

Mr. R.S. Bains, Senior Advocate (Arguing Counsel)  
with Mr. Sarabjot Singh Cheema, Advocate,  
Mr. Anmoldeep Singh, Advocate,  
Mr. Inderpal Singh Deol, Advocate,  
for the complainant.

Mr. Ravi Kamal Gupta, Special Public Prosecutor,  
and Mr. Akashdeep Singh, Special Public Prosecutor,  
for the respondent – CBI in all cases.

**VIKRAM AGGARWAL, J.**

The afore-titled appeals arise from a common judgment of conviction dated 11.01.2019 and order of sentence dated 17.01.2019 passed by the Court of Special Judge (CBI), Haryana, Panchkula.

2. Vide the said judgment of conviction dated 11.01.2019 and order of sentence dated 17.01.2019, the appellants, Baba Gurmeet Singh in CRA-240-D-2019 (hereinafter referred to as 'A1'); Kuldeep Singh in CRA-270-

D-2019 (hereinafter referred to as `A2`); Nirmal Singh in CRA-258-D-2019 (hereinafter referred to as `A3`) and Krishan Lal in CRA-254-D-2019 (hereinafter referred to as `A4`) [during the pendency of the appeal, A4 expired and the legal representatives of A4, were permitted to pursue the appeal]; were convicted and sentenced as under:-

**(I) Baba Gurmeet Singh @ Maharaj Gurmeet Singh @ Gurmeet Ram Rahim Singh**

Sr. No.	Under Section	Sentence	Fine	Sentence in default of payment of fine
1.	120-B IPC read with 302 IPC	Life Imprisonment	Rs.50,000/-	Imprisonment for a further period of two years

**(II) Kuldeep Singh**

Sr. No.	Under Section	Sentence	Fine	Sentence in default of payment of fine
1.	302 IPC read with 120-B IPC	Life Imprisonment	Rs.50,000/-	Imprisonment for a further period of two years

**(III) Nirmal Singh**

Sr. No.	Under Section	Sentence	Fine	Sentence in default of payment of fine
1.	302 IPC read with 120-B IPC	Life Imprisonment	Rs.50,000/-	Imprisonment for a further period of two years
	25 of the Arms Act	Rigorous imprisonment for three years	Rs.5000/-	Imprisonment for a further period of three months

**(IV) Krishan Lal @ Kishan Lal**

Sr. No.	Under Section	Sentence	Fine	Sentence in default of payment of fine
1.	120-B IPC read with 302 IPC	Life Imprisonment	Rs.50,000/-	Imprisonment for a further period of two years
2.	29 of the Arms Act	Rigorous imprisonment for three years	Rs.5000/-	Imprisonment for a further period of three months

Substantive sentences of A3 and A4 were ordered to run concurrently, whereas life imprisonment awarded to A1 was ordered to commence after the expiry of the term sentence awarded in the earlier case i.e. RC No. 05/2002.

### **THE CASE**

3. The case of the prosecution is that on 24.10.2025, one Ram Chander Chhatrapati, who was a journalist, was shot dead by A2 and A3 pursuant to a conspiracy hatched by A1. A4, who was alleged to be the Prabandhak of Dera Sacha Sauda (hereinafter referred to as 'the Dera'), is alleged to have been part of the conspiracy and had allegedly supplied his licenced 0.32 bore revolver to A2 and A3 and a walkie-talkie set stated to be belonging to the Dera, apart from other articles.

### **THE INCIDENT**

4. On 24.10.2002, the sleepy town of Sirsa (Haryana), situated on the border of Punjab and Haryana, was rattled by a murderous attack on a journalist, Ram

Chander Chhatrapati, who used to bring out a Daily Evening Newspaper 'Pura Sach'. He was alleged to have been shot at for publishing articles against A1 alleging sexual exploitation of Sadhvis by him at the Dera, apart from other alleged misdeeds. He succumbed to the injuries on 21.11.2002 at Apollo Hospital, Delhi.

**FACTUAL BACKGROUND**

5. Law was set into motion by complainant-Aridaman (son of the deceased) vide complaint dated 24.10.2002 (Ex.PW5/A). Pursuant thereto, FIR No.685 of 2002 (Ex.PW30/A) was registered at Police Station City, Sirsa on 24.10.2002 under Section 307 read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 25 and 27 of the Arms Act, 1959 (hereinafter referred to as 'the Arms Act'). Section 120-B IPC was added on 25.10.2002. Since Ram Chander Chhatrapati expired on 21.11.2002, Section 302 IPC was added.

6. On 24.10.2002 at about 9.15 P.M., PW30-Vijay Singh (Incharge, Police Post Khairpur, District Sirsa, at the relevant time) was present near Hanuman Mandir, Khairpur (Sirsa), PW5-Aridaman, met him and informed him that his father Shri Ram Chander Chhatrapati, had been shot at. His statement Exhibit PW5/A, was recorded. The same was read over to him and in token of its correctness, he appended his signatures on the same.

7. He stated that on 24.10.2002 at about 7.45 p.m., he, his father (Ram Chander Chhatrapati), his elder brother Anshul and sister Shreyashi, were sitting in their house to have dinner. In the meantime, from the rear side of their house, from where the wall was broken from the lane, they heard a voice calling his father to come out. Upon hearing the voice, his father went out in the lane. Anshul switched on the light in the rear portion of the house. Aridaman and Shreyashi also came out with him. When they came out, they saw two young boys, having pistols in their hands, standing there. One of them said 'Kuldeep shoot the bullet' (*Kuldeep Goli Maar*). On this, A2 opened fire at his father. His father fell down. Aridaman and others shouted 'Bachao-Bachao' on which A2 told the other person, 'Nirmal run, our work had been done' (*Nirmal bhag le, kamm ho gaya*).

8. Upon this, both persons went to a Scooter parked nearby. On hearing the commotion, 2-3 policemen, who were patrolling in the area, came running and apprehended one of the assailants. The second assailant, however, fled on the scooter. It was stated by Aridaman that the reason of grudge was that his father was a journalist and had been publishing news related to the Dera because of which, he had been receiving death threats from the Dera people. He stated that he suspected that the attack on his father had been got done by the Dera. He further stated that his elder

brother, Anshul had taken his father to the hospital at Sirsa for treatment in the car of his neighbour.

9. On the basis of the statement, FIR Ex.PW30/4 was registered. PW30-DSP Vijay Singh, then received information from Police Station City, Sirsa that the injured Ram Chander Chhatrapati had been got admitted in Civil Hospital, Sirsa and some Investigating Officer be sent to the hospital. Vijay Singh reached the hospital and moved an application (Exhibit PW6/E) before the Medical Officer, Civil Hospital, Sirsa, to seek his opinion as to whether Ram Chander Chhatrapati was fit to make a statement. On the said application, Dr. Dale Singh, Medical Officer, Civil Hospital, Sirsa, made an endorsement (Exhibit PW6/F) that the patient had been referred to PGMIS, Rohtak for further management.

### **INVESTIGATION**

10. The Doctor then handed over two parcels to Vijay Singh, one of which contained the clothes of the injured i.e. blood stained trousers, shirt and one belt. The other parcel contained one bottle containing pellets. Both parcels were duly sealed. Sample Seal was also separately handed over to Vijay Singh by Dr. Dale Singh and was, accordingly, taken into possession vide memo Exhibit PW5/C. The memo was attested by PW5-Aridaman and one ASI Gaje Singh. Copy

of the medical examination report (Exhibit PW6/A) of Ram Chander Chhatrapati was also received by Vijay Singh.

11. Vijay Singh, then reached the place of incident and after investigation took into possession blood stained earth, which was put into a plastic container and the same was sealed with the seal "BS". Memo Exhibit PW5/B was prepared in this regard, which was also attested by PW5-Aridaman and ASI Gaje Singh. The container containing blood stained earth was also sealed and seal impressions (Exhibit PW30/5) were put thereon. Site plan Exhibit PW30/7 was prepared with correct marginal notes. Statements of witnesses were recorded and the persons present at the spot, were interrogated.

12. Thereafter, Vijay Singh reached the police post, Khairpur, where constables Jagminder; Dharam Chand (PW-17) and Amarpal (PW-16) produced A2 before Vijay Singh. Upon interrogation, A2 suffered a disclosure statement (Exhibit PW17/A) that he owned Mobile No. 98121-28721 on which he had received a call from a follower of the Dera on 24.10.2002, who gave some information about Ram Chander Chhatrapati. He said that he did not know the name of the said person, but could recognize him and then he reached the premises of the Dera, where the said follower gave him a 0.32 revolver and 12 live cartridges along with one scooter. One car was also

arranged by the follower for their return. He stated that he had kept the mobile concealed at his residence at Faridkot in a suit case and that he could get the same recovered. His statement Exhibit PW17/A, was also attested by ASI Gaje Singh and Constable Dharam Chand. Accordingly, A2 was formally arrested on 25.10.2002.

13. On 26.10.2002, Vijay Singh went in search of A3. He along with other Police Officers went to the main gate of the Dera and from there to the house of Ram Chander Chhatrapati and made inquiries and a follower informed him that A3 was likely to visit the Dera to hand over the revolver, cartridges and car to A4. Upon the receipt of the said information, Vijay Singh alongwith other Police Officers and Officials, including PW16-Amarpal and PW17-Dharam Chand; Lekh Raj and Roop Kumar, laid a Naka (Barricade) near Jagdambe Paper Mill, Begu Road, Sirsa. After some time, they saw a white coloured Maruti Car coming from the side of link road, Rangri. The said car was intercepted. The sole occupant of the said car, who was driving the car was interrogated. The other police officials, who were accompanying Vijay Singh, informed him that the said person was the same person, who had managed to flee on 24.10.2002 after the occurrence. The driver then disclosed his name as Nirmal Singh (A3) son of Gurdev Singh, resident of Green Colony, College Road, Faridkot. Upon his

search, a 0.32 revolver; 5 empty and 7 live cartridges, wrapped in a polythene paper were recovered from him. They were taken into possession vide memo Exhibit PW21/2. A parcel was prepared and was sealed with the impressions 'BS'. Rough sketch of the revolver (Exhibit PW21/1) was prepared. The revolver (Exhibit MO/1) was converted into a parcel (Exhibit MO/2).

14. Upon checking of the car, Registration Certificate (RC) and the Driving Licence (DL), in the name of A3 were recovered from the dashboard and from the front seat i.e., the seat of the passenger alongside the seat of the driver, a walkie-talkie make Motorola and a mobile phone having connection No. 98154-16121, a photostat copy of the licence of the Motorola walkie-talkie set (Exhibit MO/C), were recovered. From the back seat, one *khukhri* (dagger) (Exhibit MO/B), one sword; one knife (Exhibit Ex. MO/D), two bunches of keys (Exhibits MO/F and MO/G); a steal measuring tape (Exhibit MO/E), were recovered. All the aforesaid articles were taken into possession vide recovery memo Exhibit PW21/3. The articles were sealed with the seal of 'VS'. The sword was produced in the Court as Exhibit MO/A.

15. A3 suffered a disclosure statement Exhibit PW17/B. It was stated by him that he had taken 'Naam' of Dera Sacha Sauda and that he was a follower of A1 and

often used to come to the Dera for performing sewa. He stated that A2 was his cousin brother and he had also taken `Naam' of Dera Sacha Sauda and that he (A2) also used to visit the Dera for performing sewa. He further stated that about 15 days back, the Pradhan of the Dera (A4) told them that Ram Chander Chhatrapati, editor of the Pura Sach newspaper publishes material against Dera "Pitaji" to tarnish his image and publishes unreal stories. A4 told him that Ram Chander Chhatrapati had to be finished. Then A2 and A3 agreed with the stand of A4. After that A4 showed him and A2, the house of Ram Chander Chhatrapati as also Ram Chander Chhatrapati. On 24.10.2002, A4 asked him on phone that he and A2 should visit the Dera. On this, both of them reached the Dera where A4 gave them a .32 bore revolver and 12 live cartridges, one scooter and one dummy pistol. He also stated that while running away from the spot, A2 handed over the pistol and cartridges to him. Rough site plan (Exhibit PW30/9) was prepared. Statements of witnesses were recorded under Section 161 Cr.P.C. A3 was arrested and was produced in Court.

16. One SI Ram Chander was deputed by the Senior Police Officers to go to PGI, Rohtak, to ascertain whether Ram Chander Chhatrapati was fit to make a statement. He went to PGI, Rohtak, and moved an application (Exhibit

PW29/A) in this regard on which opinion Ex. PW29/B was given by one Dr. J.K. Maheshwari that Ram Chander Chhatrapati was fit to make a statement. It has come on record that SI Ram Chander, thereafter, recorded the statement of Ram Chander Chhatrapati, but it was not produced on record.

17. On 25.10.2002, on the statement of A2, offence under Section 120-B IPC was added. Thereafter, A2 was interrogated on 27.10.2002 and 28.10.2002. Both A2 and A3 suffered disclosure statements. A2 disclosed (Exhibit PW25/A) that he had kept his mobile phone having connection 98121-28721 at Kalyan Nagar, Sirsa and that he could get the same recovered. Similarly, A3 also suffered a disclosure statement (Exhibit PW25/B) about having concealed a toy pistol (Exhibit MO/I) at the house of his brother Kuldeep Singh, situated at Kalyan Nagar and he could get the same recovered. He also stated that the scooter without number plate, which was used by them at the time of commission of the crime, had been returned to A4. Pursuant to the disclosure statement, mobile phone (Exhibit MO/H) was recovered vide memo Exhibit PW25/C and A3 got recovered the toy pistol vide memo Exhibit PW25/D.

18. Application Exhibit PW30/11 was moved by Vijay Singh to the District Magistrate, Sirsa, to ascertain the

ownership of 0.32 bore revolver. Report Exhibit PW15/B was received stating that the revolver was owned by A4 and the address on the licence was of the Dera. Subsequently, the licence of revolver and Registration Certificate (RC) of the Scooter were recovered vide Memos Exhibits PW23/C and PW23/B. On 08.11.2002, the investigation was transferred from Vijay Singh.

19. Final report was, thereafter, filed against A2, A3 and A4 on 10.12.2002. The case was committed to the Court of Sessions by the Court of Chief Judicial Magistrate, Sirsa, vide order dated 13.10.2003.

20. Being dissatisfied with the investigation having been conducted by the Haryana Police, CRM-M-7931-2003 was instituted by Anshul Chhatrapati before this Court. Before that, *suo motu* cognizance had also been taken by this Court and CRM-M-26994-2002 had been registered upon an anonymous complaint having been received in the Registry of this Court, addressed to the Prime Minister of India, requesting for an inquiry into sexual exploitation of hundreds of Sadhvis by A1.

21. The said petitions along with CRM-24874-M-2003 titled as Pritpal Vs. State of Haryana and others, were decided by a Division Bench of this Court vide order dated 10.11.2003. Investigation of all the FIRs i.e., FIR No. 312 of 2002, Police Station, Sadar, Thanesar; FIR No. 685 of 2002,

Police Station, Sirsa (the present case) and FIR No. 395 of 2003, Police Station City, Thanesar, was ordered to be transferred to the Central Bureau of Investigation (hereinafter referred to as 'the CBI'). Other directions, including directions to conclude the investigation as expeditiously as possible, were also issued to the CBI. The CBI was also directed to file its reports in all the FIRs, including supplementary challan(s), wherever necessary before the Court of competent jurisdiction within a period of six months, from the date of pronouncement of the order. It was also observed that both incidents i.e., murder and sexual exploitation were daring examples of their kinds as allegations had been made that the said incidents were at the behest of the DERA. It was observed that it was equally important and in the interest of the accused persons as also the Dera that the allegations and insinuations, if not true, must be put to an end by a Specialist Investigating Agency i.e., CBI, at the earliest. It was observed that under the circumstances, it was essential for the Court to issue a direction to CBI for a time bound investigation, which must be taken up with utmost priority.

22. On 09.12.2003, investigation of RC10/3 (present case) was entrusted to PW43-Dr. Armandeep Singh, who at the relevant time was posted at SCB (CBI), Chandigarh, as a Deputy Superintendent of Police. The investigation

remained with PW43 from 09.12.2003 to March, 2007. He, during the investigation, visited the scene of crime, collected documents from the local police, examined witnesses and collected other relevant documents. Inspector M.S. Yadav; Inspector Devender Singh; Inspector R.C. Dogra, Inspector R.K. Khajuria, Inspector Anil Chandola and other staff, assisted him in the investigation. On 26.10.2005, he took into possession seven editions of 'Sacchi Siksha' from PW3-Anshul, vide seizure memo Exhibit PW13/C. On 07.07.2005, R.K. Khajuria, seized complaint dated 08.11.2002 (Exhibit PW13/C) given by Sohna Ram, father of deceased Ram Chander Chhatrapati to Superintendent of Police, Sirsa, vide seizure memo Exhibit PW13/C. Thereafter, on 17.08.2005 and 14.05.2007, certain other articles were seized, the details of which have been given in the statement of PW43-Dr. Armandeep Singh, and would not be relevant for the purpose of detailing the facts of the case.

23. During the course of investigation, polygraph tests of SI-Ram Chander and Subhash Chander Khatri, were got conducted from CFSL, New Delhi. Report dated 13.09.2005 (Mark-PW43/K), was received. Upon transfer of PW43-Dr. Armandeep Singh from SCB (CBI), Chandigarh to ACB (CBI), Chandigarh, the investigation was transferred

to PW45-Shri Satish Dagar, the then DSP (SCB) CBI, Chandigarh.

24. From 2004-2012, PW45-Satish Dagar, remained posted as DSP and Additional SP in SCB, CBI, Chandigarh and conducted investigation in the present case. However, after about a month or so, Shri M. Narayanan, the then DIG, SCR, Delhi, was made the Chief Investigating Officer of all three cases related to the Dera and PW45-Satish Dagar continued to assist him till the filing of the charge sheets in all three cases.

25. Shri M. Narayanan, who appeared as PW46, took up investigation of the present case (RC10/3) on 27.04.2007 and remained the Chief Investigating Officer till the filing of the supplementary challan. During the course of investigation, he recorded the detailed statements of Khatta Singh on 21.06.2007 (Exhibit PW31/A). When Khatta Singh, was asked whether he was willing to make a statement under Section 164 Cr.P.C. before the Magistrate, he stated that there was no threat or pressure from the Dera Management and that he would think over and discuss the same with his family friends and would inform PW46-Shri M. Narayanan. On 22.06.2007, he also told PW46 that the Dera Management had obtained his signatures on some blank papers and they might misuse the same. He also stated that he had never filed any

application before the Courts at Ambala for recording of his statement under Section 164 Cr.P.C. and that he did not know who had filed the same.

26. On 22.06.2007, Khatta Singh stated that he was willing to give statement under Section 164 Cr.P.C. before a Magistrate. Khatta Singh came to the CBI office, Chandigarh on 22.06.2007 at about 3.45 p.m. He was produced before Shri Balwinder Kumar (PW38). Application (Exhibit PW38/1) was moved for recording the statement of Khatta Singh. Accordingly, his statement under Section 164 Cr.P.C. (Exhibit PW 31/B) was recorded. Thereafter, supplementary report under Section 173 Cr.P.C. was filed on 30.07.2007 against A1 in addition to the accused already charge- sheeted.

27. All accused were charge-sheeted for commission of the offence punishable under Section 120-B IPC. Accused A2 and A3 were also charge-sheeted for commission of the offence punishable under Section 302 IPC. A1 and A4 were charge-sheeted for commission of offence punishable under Section 302/120-B IPC. A3 was also charge-sheeted for commission of offence punishable under Sections 25 and 27 of the Arms Act. A4 was also charge sheeted for commission of the offence punishable under Sections 25 and 29 of the Arms Act. The accused pleaded not guilty and claimed trial.

28. The prosecution examined the following 46 witnesses:-

Sr. No.	Name of witness(es)
1.	PW1-Balwant Singh
2.	PW2-Raja Ram Handiaya
3.	PW3-Anshul Chatarpati
4.	PW4-Raj Kumar Sathi
5.	PW5-Aridaman
6.	PW6-Dr. Dale Singh
7.	PW7-Kewal Singh
8.	PW8-Dr. Rajinder Kumar Karwasra
9.	PW9-Dr. Parveen Kumar Singh
10.	PW10-Dr. Chitranjan Behera
11.	PW11-Dr. Sushil Kumar Jain
12.	PW12-SI Devender
13.	PW13-Retd. SI Dale Singh
14.	PW14-Jagjit Singh
15.	PW15-Ran Singh
16.	PW16-HC Amarpal
17.	PW17-HC Dharam Chand
18.	PW18-EHC Mohan Lal
19.	PW19-Vishwajeet
20.	PW20-Dr.Amod Kumar Singh
21.	PW21-Lekh Raj
22.	PW22-ASI Sombir Singh
23.	PW23-Retd. SI Diwan Singh
24.	PW24-Krishan Kumar Sharma
25.	PW25-Deepak Kumar
26.	PW26-HC Hawa Singh
27.	PW27-Dr. K.P.S. Kushwaha
28.	PW28-L.S. Yadav
29.	PW29-Dr. Jayant Kumar Maheshwari
30.	P30-DSP Vijay Singh
31.	PW31-Khatta Singh

32.	PW32-Inspector Sube Singh
33.	PW33-ASI Ram Niwas
34.	PW34-Retd. DSP Jaipal Singh
35.	PW35-SI Ram Singh
36.	PW36-Vijay Kumar
37.	PW37-Madan Bansal
38.	PW38-PCS Balwinder Kumar
39.	PW39-Bhagwan Lal Soni
40.	PW40-Gurupdesb Bhullar
41.	PW41-Amit Sharma
42.	PW42-Bhartesh Singh Thakur
43.	PW43-SP Dr. Armaandeep Singh
44.	PW44-Dr. Asha Srivastava
45.	PW45-ASP Satish Dagar
46.	PW46-Joint Director M. Narayanan

29. A number of witnesses were given up by either being unnecessary or having been won over. The details of the deposition of the witnesses duly find mention in the judgment of the trial Court and, therefore, the same are not being repeated for the sake of brevity.

30. After evidence of the prosecution was completed, statements of the accused under Section 313 Cr.P.C. were recorded. All the accused claimed to have been falsely implicated.

31. In defence, the following 21 witnesses were examined:-

Sr. No.	Name of witness(es)
1.	DW1-Roshan Lal

2.	DW2-Charanjit Singh
3.	DW3-Amar Nath
4.	DW4-Nachhatar Pal
5.	DW5-ASI Sita Ram
6.	DW6-SP Shiv Charan
7.	DW7-Sarjit Singh
8.	DW8-Navdeep Kumar
9.	DW9-Suresh Kumar
10.	DW10-Arun Kumar
11.	DW11-Hukum Chand
12.	DW12-Jitender
13.	DW13-Mool Chand
14.	DW14-Soman Kochucherukkan
15.	DW15-Mrs. Umesh Nanda, IAS (Retd.)
16.	DW16-Mrs. Raakhi Jagga
17.	DW17-Rajeev Kumar Jain
18.	DW18-Ajitabh Sharma
19.	DW19-Arvind Jaitely
20.	DW20-Ashok Kumar
21.	DW21-Dr. Govind Gupta

32. The trial Court convicted and sentenced the accused in the manner described in the opening part of the judgment.

33. Aggrieved by the aforesaid judgment of conviction and order of sentence, the instant appeals have been preferred.

34. Learned counsel for the parties were heard.

35. Extremely lengthy arguments were addressed by learned Senior Counsel representing the parties. After

conclusion of arguments, the appeals were initially reserved for judgment vide order dated 25.09.2025. However, subsequently, vide order dated 30.01.2026, the appeals were fixed for rehearing as certain clarifications were required on certain facts, which had emerged, while dictating the judgment. Thereafter, the matter was again reserved for judgment vide order dated 17.02.2026.

**ARGUMENTS (ON BEHALF OF THE APPELLANTS)**

36. Arguments on behalf of the appellants were opened by Shri R.S. Rai, Senior Advocate, who represents A2-Kuldeep Singh. Thereafter, Shri Ashwani Kumar Singh, Senior Advocate, addressed arguments on behalf of A3-Nirmal Singh, followed by Shri Amit Jhanji, Senior Advocate, who addressed arguments on behalf of A4-Krishan Lal. Finally, Shri R. Basant, Senior Advocate, addressed arguments on behalf of A1-Baba Gurmeet Singh.

**ARGUMENTS ON BEHALF OF A2 (KULDEEP)**

37. Shri R.S. Rai, Senior Advocate, representing A2 assailed the judgment of conviction and order of sentence on various grounds viz., i) genesis of the occurrence and initial version having been suppressed by the prosecution; ii) arrest of A2 from the spot of the alleged incident not having been proved; iii) large scale fabrication of various documents alleged to have been prepared during the course

of investigation; iv) the place of occurrence not having been proved; v) highly defective investigation, both by Haryana Police and the CBI, causing great prejudice to the rights of the appellants; vi) no test identification parade having been carried out; viii) improper handling and manipulation of case property and viii) the entire case being riddled with improbabilities.

38. Learned Senior Counsel submitted that the murder of Ram Chander Chhatrapati, allegedly took place on 24.10.2002 at about 7.45 p.m. The first informant was stated to be the son of the deceased, namely, Aridaman (PW5), who was 13 years old at the relevant time. It was submitted that the arrest of A2, who was alleged to have been arrested from the spot was formally made at 3.00 a.m. on 25.10.2002. Referring to the FIR (Exhibit PW30/4), it was submitted that the as per the same, the statement of Aridaman was recorded at about 9.15 p.m. and, therefore, it can be taken that A2 had been arrested at 8.00 p.m. It was submitted that the arrest memo of A2 does not mention any time of arrest. Further, the alleged version of the prosecution that A2 was initially kept at the police post Khaipur, is not supported by any record. It was submitted that there was no Daily Diary Report as regards the alleged detention of A2 at the police post Khaipur nor was there any rapat roznamcha entry.

39. Submitting further, learned Senior Counsel argued that the special report reached the Magistrate on 25.10.2002 at 1.00 p.m. and no explanation for the same was given.

40. It was submitted that despite the fact that Ram Chander Chhatrapati was fit to give a statement, when he was initially taken to Civil Hospital, Sirsa, his statement was not recorded. It was argued that Dr. Jai Prakash Chaudhary, who had duly interacted with Ram Chander Chhatrapati and his statement under Section 161 Cr.P.C., was also recorded, was never examined as a witness, presumably because Ram Chander Chhatrapati, had not named anyone in his statement. It was also submitted that as is evident from the record, the Deputy Commissioner and Superintendent of Police, Sirsa, had also reached the hospital, but none of them had been examined as a witness and they were the best persons, who could have given the initial version as stated by Ram Chander Chhatrapati. In fact, they were never joined in investigation. It was further submitted that it is quite strange that FIR was registered on the basis of the statement of a 13-year old child, whereas the elder son of Ram Chander Chhatrapati, was with him in the hospital and his statement could have been recorded along with the statement of Ram Chander Chhatrapati. It was further submitted that despite the daughter of Ram

Chander Chhatrapati, also being at home at the time of incident, her statement was not recorded nor was she produced as a witness.

41. It was further submitted that the disclosure statement of A2 had allegedly been recorded on 25.10.2002 at 1.20 p.m., whereas he is stated to have been arrested at 3.00 a.m. It was submitted that it is incomprehensible as to how the disclosure statement was recorded before the arrest.

42. It was further submitted that both witnesses, PW16-Amarpal and PW17-Dharam Chand, had made various improvements in their statements and, therefore, they were unreliable witnesses. It was submitted that both PW3-Anshul and PW5-Aridaman, had given separate versions as regards the occurrence and PW5-Aridaman admitted that the rough site plan had not been prepared at his instance. It was submitted that both had given different spots of the alleged apprehension of A2.

43. It was further submitted that one SI-Ram Chander had also recorded the statement of Ram Chander Chhatrapati, but the said SI was deliberately not examined. Reference was made to application Ex.PW29/A and opinion Ex.PW29/B.

44. Arguments were also addressed as regards the place from which Ram Chander Chhatrapati had gone out of the house and certain inconsistencies were pointed out in the statements of the relevant witnesses, including PW3-Anshul and PW5-Aridaman.

45. It was submitted that whereas the categorical version of the alleged eye witnesses was that all shots were fired from the front, it was found during the post mortem examination that there were two bullet injuries at the front and two at the back.

46. It was further submitted that no test identification parade was conducted and doc identification for the first time in Court was not permissible. Reiterating discrepancies in the ocular and medical evidence, it was submitted that the post mortem report clearly shows that there were two injuries on the front and two at the back. He submitted that during post mortem examination, one bullet was taken out and one was strangely recovered from the underwear of the deceased. It was submitted that it is incomprehensible as to how a bullet could have been recovered from the underwear. It was further submitted that bullets recovered did not match with the weapon. Reference was made to the statement of PW9-Dr. Praveen Kumar Singh and document Exhibit PW9/13, where it was stated that there were four foreign articles in the body of the

deceased. Referring to the recovery memos and the seals on the parcels, detailed arguments were addressed and it was submitted that if one closely examines the documents, it emerges that the bullets and the weapon of offence had not been tested in the FSL and false reports had been submitted. It was submitted that when the containers of bullets were opened before the trial Court, they contained the seals of AIIMS, meaning thereby that they had never been opened in FSL. It was also argued that it was impossible to put signatures on bullets and that the statement given by PW28-L.S. Yadav in this regard, is, therefore, false. Reference was made to the statements of PW33-ASI Ram Niwas, PW27-Dr. K.P.S. Kushwaha and PW28-L.S. Yadav, PW12- SI Devinder Singh, PW30-DSP Vijay Singh etc. in this regard.

47. It was also argued that the bullets which had been recovered, could not have been fired from a 0.32 bore revolver. It was submitted that it was also very strange that A2 had allegedly been apprehended without the weapon of offence and if A2 had fired from the weapon, how the weapon shifted to other person. It was submitted that no evidence as regards fingerprints at the revolver alleged to have been used in the occurrence was led. It was also submitted that PW16-Amarpal and PW17-Dharam Chand, did not refer to any eye witness account. In support of his

contentions, learned Senior Counsel, placed reliance upon Allarakha Habib Memon and others Vs. State of Gujarat, 2024 SCC OnLine SC 1910; Krishna Reddy and others Vs. State of Karnataka, 1994(2) Crimes SC 1110; Yudhishtir Vs. State of Madhya Pradesh, (1971)3 SCC 436; Awadhesh and another Vs. State of Madhya Pradesh, AIR 1988 SC 1158; Satguru Singh Vs. State of Punjab, (1995) AIR SC 2449; Kailash Gour and others Vs. State of Assam, (2012)2 SCC 34; State of Haryana Vs. Suresh and others, 1996 SCCOnline P&H 400; State of Uttar Pradesh Vs. Wasif Haider and others, 2019(2) SCC 303; Syed Ibrahim Vs. State of A.P. and others, (2006)10 SCC 601; Manoj Vs. State of M.P., through P.S. Keolari 2022 SCCOnline (MP) 5134; Shingara Singh Vs. State of Haryana and another, (2013)12 SCC 758; Dharam Singh Vs. State of U.P., 1962 SCC Online SC 340; State of Uttarakhand Vs. Darshan Singh, (2020)12 SCC 605; Mathura Yadav @ Mathura Mahato and others Vs. State of Bihar, (2002)6 SCC 451; Kanan and others Vs. State of Kerala, (1979)3 SCC 319; Ramesh Vs. State of Karnataka, (2009)15 SCC 35; Noorahammad & Ors. Vs. State of Karnataka, (2016)3 SCC 325 and Aslam @ Guddu Vs. State, Crl. Appeal No.517/1998 decided on 20.04.2015.

48. Summing up, learned Senior Counsel submitted that the trial Court did not consider the matter from the correct perspective and did not give detailed findings on the

aforesaid issues, despite the same having been specifically raised.

**ARGUMENTS ON BEHALF OF A3 (NIRMAL SINGH)**

49. Shri Ashwani Kumar Singh, learned Senior Counsel, representing A3 submitted that many of the arguments advanced by Mr. R.S. Rai, Senior Advocate, on behalf of A2, were being adopted by him. In addition, he submitted that A3 was not known to any of the witnesses and that he was not apprehended at the spot as a result of which, doc identification would not be sustainable.

50. It was submitted that the incident had taken place on 24.10.2002 and PW3-Anshul was examined on 08.08.2009, whereas PW5-Aridaman, was examined on 05.03.2010. It was submitted that it is incomprehensible as to how after so much time, the witnesses could give the exact details of the incident. It was submitted that under the circumstances, it stands proved that the said witnesses were tutored and were not eye witnesses.

51. Learned Senior counsel referred to certain contradictions in the statements of PW3-Anshul ad PW5-Aridaman. It was submitted that the story of arrest of A3 and recovery of the weapon from him is in fact, a sham and only paper work as regards the same was done. Reference was made to the findings recorded in Paras 116 and 143 of

the judgment of conviction. It was submitted that the trial Court wrongly rejected the argument that from the news item Exhibit DA/1, which had appeared in 'Pura Sach' on 25.10.2002, it had been reported that the assailants had been arrested. Even the names of the assailants had been given in the said news item. It was submitted that once such a news item had appeared on 25.10.2002, it is incomprehensible as to how A3 was shown to have been arrested on 26.10.2002 and in case, he had been arrested on 26.10.2002, how the news item appeared on 25.10.2002. It was submitted that the trial Court erred in not properly appreciating and holding that the news item was not admissible in evidence. It was further submitted that it is quite strange that on the alleged *nakabandi* done by the police on 26.10.2002, no other vehicle was checked and only one car was checked from which A3 was arrested.

52. Reference was also made to the statements of PW19-Vishwajit; PW3-Anshul and PW23-Diwan Singh, in this regard. It was submitted that the news item was duly admissible in evidence as PW19 had duly stated about the same and being the Editor, he had verified and then published the report. It was submitted that this would be a relevant fact in terms of the provisions of Section 6 of the Evidence Act.

53. It was submitted that the trial Court had observed that since the recovery of the revolver had been made in the presence of independent witnesses, it could not be doubted. Reference was made to the recovery memo of the revolver, wherein three witnesses i.e., PW21-Lekh Raj; ASI Budh Singh and one Roop Kumar, were stated to have witnessed the said recovery. Roop Kumar, who was the nephew of the victim, was not examined. ASI Budh Singh, could not have been said to be independent. As regards PW21-Lekh Raj, his statement was recorded, but the said statement makes it clear that he was not an independent witness.

54. It was submitted that it was highly doubtful as to whether PW3-Anshul and PW5-Aridaman, had actually witnessed the occurrence and from the evidence, it comes out that they were not eye witnesses and actually it was a blind murder. Detailed reference was made to the statements of both witnesses and contradictions were pointed out in the same. Reference was also made to the map (Exhibit PW18/A). It was submitted that the moment, a doubt is created in the case of the prosecution, the benefit of the same has to go to the accused. It was submitted that record had been fabricated during the course of investigation with impunity.

55. Concluding the arguments, it was submitted that the original version of the incident had been suppressed; the FIR is barred by the provisions of Section 162 Cr.P.C.; the arrest of A3 and recovery of revolver etc., from him did not stand proved and all documents were prepared while sitting in the office; the forensic evidence was shaky; no test identification parade had been conducted and that the prosecution had miserably failed to prove its case against the accused. It was also submitted that the trial Court did not consider the matter from the correct perspective and recorded erroneous findings, while accepting the version of the prosecution.

56. In support of his contentions, learned Senior Counsel relied upon Allarakha Habib Menon and Others Vs. State of Gujarat, (2024)9 SCC 546; Virendra Vs. State of M.P. (SC), 2002 SCC Online SC 857; Laxmi Raj Shetty & another Vs. State of T.N. (SC), (1988)3 SCC 319; Quamarul Islam Vs. S.K. Kanta & Others, 1994 Supp(3) SCC 5; Munshi Prasad Vs. State of Bihar, (2002)1 SCC 351; Thammaraya & Another Vs. State of Karnataka, (2025)3 SCC 590; Ramesh Vs. State of Karnataka, (2009)15 SCC 35; Noorahammad & Others Vs. State of Karnataka, (2016)3 SCC 325; Mohanlal Gangaram Gehani Vs. State of Maharashtra, (1982)1 SCC 700; Kali Ram Vs. State of H.P., (1973) 2 SCC 808; Meharaj Singh (L/Nk) Vs. State of U.P.,

(1994) 5 SCC 188; Mani Ram & Others Vs. State of U.P., 1994 SCC (Criminal) 1242; Ram Narain Singh Vs. State of Punjab, (1975)4 SCC 497; Takhaji Hiraji Vs. Thakore Kubersing Chamansing and others, (2001)6 SCC 145; Tomaso Bruno and another Vs. State of Uttar Pradesh, (2015)7 SCC 178 and Ramesh Chandra Agrawal Vs. Regency Hospital Limited and others, (2009)9 SCC 709.

**ARGUMENTS ON BEHALF OF A4 (KRISHAN LAL).**

57. Shri Amit Jhanji, learned Senior Counsel, addressed arguments on behalf of A4. It was submitted that he was never named in the FIR. He submitted that he was not present at the place of occurrence. Even as per the case of prosecution, A2-Kuldeep Singh was arrested on 25.10.2002, but he did not name A4. It was submitted that name of A4 appeared for the first time in the disclosure statement of A3. It was submitted that call detail records of A2 had allegedly been obtained and it found mentioned in the report submitted under Section 173 Cr.P.C., but the said call details were never attached with the same.

58. It was submitted that A4 had allegedly visited the office of Ram Chander Chhatrapati 15 days prior to the incident and had threatened him to stop publishing news against the Dera. It was allegedly so disclosed by one Narinder Parekh to PW3-Anshul. However, no such

allegations appeared in the FIR; the supplementary statement or any other prior statement of PW3-Anshul, before the investigating agency. No such version was there in the petition filed before the High Court nor was it published in the newspaper 'Pura Sach'. It was submitted that had such threats been extended, it would have been reported in the newspaper(s) as all such other threats and attacks were regularly being reported. It was submitted that the said Narinder Parekh, who had allegedly disclosed to PW3-Anshul about A4 having visited the office of Ram Chander Chhatrapati, was not examined as a witness and, therefore, under the circumstances, no reliance could be placed upon the said fact. Still further, no complaint as regards the said incident was lodged with the police or with any other competent authority. It was submitted that under the circumstances, it would be taken to be an improvement in the case of the prosecution aimed at implicating the accused.

59. It was also submitted that whatever was allegedly submitted by Narinder Parikh and PW3-Anshul, was simply hear say evidence at the best, which was no evidence in the eyes of law.

60. As per the disclosure statement alleged to have been suffered by A2, A3 and A4, A4 had allegedly provided a 0.32 bore revolver; 12 cartridges; scooter; walkie-talkie set

and a car to the assailants. It was submitted that everything as regards the aforesaid proved to be false. As regards bullets, revolver etc., arguments addressed by Shri R.S. Rai, Senior Advocate and Shri Ashwani Kumar Singh, Senior Advocate, were adopted. As regards the Scooter, it was submitted that the same had never been produced in Court nor had been identified by any of the witnesses and in any case was not owned by A4. As regards the walkie-talkie set, it was submitted that there was no connection of A4 with the said walkie-talkie set and it was not proved that the said walkie-talkie set had been delivered to A4. One witness-Gobhi Ram, during the course of investigation, stated about the same, but he was not examined as a witness. It was submitted that the delivery of the said walkie-talkie set by A4 to A2 and A3, was also not proved since there were two theories regarding the same, one of which stated that it was delivered on 23.10.2002, whereas the other stated that it was delivered on 24.10.2002. It was submitted that there was no allegation of any walkie-talkie set having been used or even possessed at the time of occurrence. It was further submitted that there was no evidence that the walkie-talkie set was connected to the wireless licence issued in the name of the Dera. It was also submitted that none of the articles alleged to have been recovered, had been identified by the witnesses and without

the same, they could not have been connected with the crime.

61. It was submitted that there was no evidence to the effect that A4 was the Prabandhak of the Dera. Reference was made to the statement of PW31-Khatta Singh in this regard. In support of his contentions, Shri Jhanji relied upon Yudhishtir Vs. State of Madhya Pradesh, (1971)3 SCC 436; State Vs. Sait, (2008)15 SCC 440; Sunil Kumar Sambhudayal Gupta (Dr.) and others Vs. State of Maharashtra, (2010)13 SCC 657; Kalyan Kumar Gogoi Vs. Ashutosh Agnihotri and another, (2011)2 SCC 532; Aslam @ Guddu Vs. State, CrI. A. No. 517/1998 decided on 20.04.2015; Modan Singh Vs. State of Rajasthan, AIR 1978 SC 1511 and Thammaraya & Another Vs. State of Karnataka, (2025)3 SCC 590.

### **ARGUMENTS ON BEHALF OF A1 (BABA GURMEET RAM)**

62. Shri R. Basant, learned Senior Counsel, representing A1, assailed the impugned judgment of conviction and order of sentence, primarily on the grounds, viz., A1 had no motive against the deceased; his alleged previous enmity with the deceased and his role in the conspiracy. It was submitted that the charge of conspiracy did not stand proved and that there was only one witness i.e. PW31-Khatta Singh, who deposed on the allegations of

conspiracy, but the said witness was a totally unreliable witness, whose statement could not have been relied upon, under any circumstance.

63. It was submitted that upto para 121, the impugned judgment of conviction deals with the other accused and only from paras 122 to 146, it deals with A1. It was also submitted that evidence against the other accused could not have been taken against A1 as the only allegation against A1 was of having entered into a conspiracy to murder Ram Chander Chhatrapati.

64. Giving a background of the Dera, it was submitted that the Dera came into existence in 1948 and A1 was its 3<sup>rd</sup> head with effect from 1990. It was submitted that it all started with the report of the District Magistrate, Sirsa on 28.09.2002, which was referred to by DW12-Jitender about an anonymous letter dated 08.05.2002 having been written to the Prime Minister of India. Publication of this anonymous complaint was made in two National Dailies i.e. Amar Ujala on 17.05.2002 and Punjab Kesari on 19.05.2002. In so far as Ram Chander Chhatrapati is concerned, publications were made against many persons and not only against A1. It was submitted that after the initial publications by Ram Chander Chhatrapati, members of the Tarksheel Society, were taken to task by the Dera followers on 06.06.2002. As submitted

by PW-37, the office of the publication was allegedly attacked.

65. It was submitted that on 24.09.2002, the High Court directed the CBI to investigate the matter pursuant to which RC No.5 was registered. The High Court also directed the District & Sessions Judge, Sirsa to conduct an inquiry. District & Sessions Judge, Sirsa, in his report reported about the internal and external disputes.

66. It was submitted that there were two versions about the conspiracy, one of which had stated that the conspiracy had taken place on 23.10.2002, whereas the other stated that it had taken place on 24.10.2002. It was submitted that RC No. 8 was registered with regard to the murder of Ranjit Singh, which allegedly took place on 10.07.2002 and RC No.10 was recorded with regard to the murder of Ram Chander Chhatrapati, which took place on 24.10.2002. It was submitted that vide order dated 10.11.2003, the High Court had ordered transferring of the investigation to CBI, whereafter on 09.12.2003, the CBI re-registered the present case as RC No. 10. It was submitted that A4 was tortured by the CBI to implicate A1 as a result of which, A4 submitted a complaint on 20.09.2005. It was submitted that both RC No. 8 and RC No. 10 were being investigated by PW43-Dr. Armandeep Singh and PW45-Shri Satish Dagar and summons had been issued to them. It

was submitted that under the circumstances, it emerges that A4 was being tortured to implicate A1.

67. It was submitted that on 26.12.2006, statement of Khatta Singh was recorded, who submitted that he had witnessed the conspiracy with regard to the murder of Ranjit Singh on 16.06.2002. It was submitted that when this statement of Khatta Singh was recorded on 26.12.2006, he made no mention about having witnessed the conspiracy with regard to the murder of Ram Chander Chhatrapati. It was submitted that while appearing as PW31 Khatta Singh had stated that he could not disclose about the said conspiracy on 26.12.2006 as he was under threat. It was submitted that if Khatta Singh could have deposed about the conspiracy with regard to the murder of Ranjit Singh on 26.12.2006, it is not understood as to how he was under threat to not disclose about the conspiracy about the murder of Ram Chander Chhatrapati.

68. It was submitted that on 29.03.2007, an application was moved by Khatta Singh before the CBI Magistrate that he had been compelled to make a statement about A1 and that he wanted to get his statement recorded under Section 164 Cr.P.C. The said application was dismissed, whereafter a revision was filed before the Court of Sessions. An application (Exhibit PW31/D2) was

also moved to Superintendent of Police, Sirsa, that he was being threatened by the CBI.

69. It was submitted that on 28.05.2007, CBI made a statement before the High Court that investigation had been completed and final report would be submitted by 31.05.2007 and on 21.06.2007, Khatta Singh stated that he was a witness to the conspiracy in this case also which had taken place on 23.10.2002

70. While referring to order dated 16.04.2007, it was submitted that the High Court had reprimanded the CBI for not having completed the investigation after which PW46-M. Narayanan was introduced in the investigation on 24.04.2007 and on 28.05.2007, CBI stated that field investigation had been completed. It was submitted that PW31-Khatta Singh came into picture after this statement. It was submitted that the CBI was in fact, taking it as a blind murder and it had also announced a cash reward.

71. It was submitted that on 22.06.2007 when the statement of Khatta Singh was recorded under Section 164 Cr.P.C., he submitted that he was being forced to make a statement against A1. DW6 recorded the statement of Khatta Singh. On 22.06.2007, statement of Khatta Singh under Section 164 Cr.P.C. was recorded and A1 was implicated.

72. It was submitted that as per the initial charge-sheet filed by CIA, the conspiracy took place on 24.10.2002, whereas per the supplementary charge-sheet, the conspiracy took place on 23.10.2002. It was submitted that after the charges had been framed on 12.12.2008, PW31 entered the witness box from 19.05.2012 to 20.04.2013 and turned hostile. In 2015, he was examined in RC No.8 and gave his evidence against A1, whereafter, an application was moved for recalling PW31-Khatta Singh. The said application was dismissed by the trial Court, but a revision petition filed against the same was allowed by the High Court and Khatta Singh was permitted to be recalled with the condition that both statements would be considered.

73. It was submitted that after this, from 05.05.2018 to 25.08.2018, statement of Khatta Singh was again recorded, wherein Khatta Singh, stated that his statement given on 22.06.2007 was correct and the other statements were incorrect.

74. It was submitted that the conviction of A1 was recorded solely on the basis of statement of Khatta Singh, which was unreliable and no reliance whatsoever, could have been placed upon the same.

75. Thereafter, learned Senior Counsel referred to certain contradictions in the statements of the witnesses. It

was submitted that the trial Court did not consider the possibility of the followers of the Dera having attacked Ram Chander Chhatrapati without the involvement of A1. It was submitted that after the first conviction of A1, large scale violence took place in Panchkula, which was attributed to the followers of the Dera. It was submitted that fortunately A1 was in custody at that time, otherwise, he would have been held to be responsible for the said crime also. Learned Senior Counsel submitted that this alone is sufficient to prove that any acts committed by the followers of the Dera could not be said to have been committed pursuant to a conspiracy having been hatched by A1.

76. It was submitted that there was no evidence as regards A2 and A4 having been employed by the Dera. Reference was made to the statement of PW30-Vijay Singh in this regard.

77. As regards the news item published in 'Pura Sach', it was submitted that the same was simply a repetition of the news items being published by other National Dailies. Reference was made to Exhibit PW3/1 and other documents available on record, in this regard.

78. It was submitted that the allegation is that the conspiracy was hatched after seeing the publication

PW3/14, whereas no conspiracy could have been hatched pursuant to the same.

79. It was submitted that the trial Court should not have accepted evidence of PW31 because the incident took place on 24.12.2002. Initially, the charge sheet against A1 to A4 was filed by CIA and RC-10 was registered on 10.11.2003. Khatta Singh came into picture for the first time on 26.12.2006 when his statement was recorded in RC-8 and only on 21.06.2007, he stated about the present case. Reference was made to judgment of **Vadivelu Thevar Vs. State of Madras, AIR 1957 SC 614** and the judgment **in the case (2023) 10 SCC 451**, wherein the judgment in **Vadivelu's** case was referred. It was submitted that PW31-Khatta Singh, belongs to the third category as per the categories laid down by the Hon'ble Supreme Court in the aforesaid judgment.

80. It was submitted that Khatta Singh had stated that his signatures had been obtained on blank papers and if the said documents are perused, it emerges that the documents are not such on which signatures could not have been obtained on blank papers. Reference in this regard is made to documents Exhibits DW31/DA and DW31/C. It was submitted that the evidence of Khatta Singh, who had changed his version multiple times, cannot, therefore, be relied upon.

81. It was also submitted that despite the fact that the jurisdictional CBI Court was at Ambala, statement of Khatta Singh under Section 164 Cr.P.C. was recorded on 22.06.2007 before the Duty Magistrate, Chandigarh, for which, the CBI had no explanation. In fact, CBI avoided the jurisdictional Court at Ambala. It was submitted that Khatta Singh had levelled the allegations against CBI and the manner in which PW43 and PW46 had intimidated PW31 to give statement. It was submitted that it was under these circumstances that Khatta Singh was not taken to Ambala and his statement was got recorded at Chandigarh.

82. It was submitted that in fact, Khatta Singh, in a way was an accomplice as per the case of prosecution, and, therefore, independent corroboration was required. In support his contentions, learned Senior Counsel relied upon Param Hans Yadav and Sadanand Tripathi Vs. State of Bihar and others, (1987)2 SCC 197; Saju Vs. State of Kerala, (2001)1 SCC 378; Girja Shankar Misra Vs. State of U.P., 1994 Supp(1) SCC 26; P.K. Narayanan Vs. State of Kerala, 1995(1) SCC 142; State of M.P. Vs. Kriparam, (2003)12 SCC 675; Shahid Khan Vs. State of Rajasthan, (2016)4 SCC 96; Harbeer Singh Vs. Sheeshpal and others, (2016)16 SCC 418; Agniraj and others Vs. State through Deputy Superintendent of Police, CB-CID 2025 SCC OnLine SC 1203; Jarnail Singh Vs. State of Punjab, (2009)3 SCC

391; Vikramjit Singh alias Vicky Vs. State of Punjab, (2006)12 SCC 306; Suraj Mal Vs. State (Delhi Administration), (1979)4 SCC 725; Sharnappa Mutyappa Halke Vs. State of Maharashtra, AIR 1964 SC 1357; Central Bureau of Investigation Vs. Bibi Jagir Kaur and others, 2018 SCC OnLine P&H 1959; Pradeep Kumar Vs. State of Haryana,(2024)3 SCC 324; Sunil Kumar Sambhudayal Gupta (Dr.) and others Vs. State of Maharashtra, (2010)13 SCC 657; Vadivelu Thevar Vs. State of Madras, AIR 1957 SC 614; Khema alias Khem Chandra and others Vs. State of U.P., (2023) 10 SCC 451; Lachhi Ram Vs. State of Punjab, 1966 SCC OnLine SC 92; Sarwan Singh Vs. State of Punjab, 1957 SCC OnLine SC page 1; Kashmira Singh Vs. State of M.P. (1952)1 SCC 275; Anter Singh Vs. State of Rajasthan, (2004)10 SCC 657; Kusal Toppo & Another Vs. State of Jharkhand, (2019)13 SCC 676; Thammaraya & Another Vs. State of Karnataka, (2025)3 SCC 590; R. Shaji Vs. State of Kerala, (2013)14 SCC 266; R. Palanisamy Vs. State by Inspector of Police, 2013 SCC OnLine Mad 1467; S. Arul Raja Vs. State of T.N., (2010)8 SCC 233; Natwarlal Sakarlal Mody Vs. The State of Bombay, 1961 SCC OnLine SC page 1; Central Bureau of Investigation Vs. V.C. Shukla and others, 1998(3) SCC 410; State of Maharashtra Vs. Damu and others, 2000(6) SCC 269; Habeeb Mohammed Vs. Hyderabad, (1953)2 SCC 231

and Babubhai Bhimabhai Bokhiria and another Vs. State of Gujarat and others, (2014)5 SCC 568.

**ARGUMENTS ON BEHALF OF CENTRAL BUREAU OF INVESTIGATION**

83. Initiating arguments on behalf of the Central Bureau of Investigation (CBI), Mr. Akashdeep Singh, Advocate, submitted that the arguments advanced by learned counsel for the appellants as regards the scientific evidence viz., seals on parcels, the bullets and the weapon used, the reports of FSL, etc., do not, in any manner benefit the appellants.

84. Coming to the arguments raised as regards seals on various parcels, it was submitted that if one examines the ocular and the documentary evidence led on the record of the case, it emerges that the chain was complete and there had been no manipulation and laxity either on the part of the investigating agency or on the part of the Doctors.

85. Referring first to Exhibit PW5/7, which was the recovery memo of a bullet, it was submitted that it is duly mentioned in the said recovery memo that the parcels containing trousers, belt and shirt of the injured Ram Chander Chhatrapati had the impression of mortuary and the parcel containing the bullet in a plastic container also

had the impression of stamp of the mortuary. It was submitted that the said parcel reached the FSL with the seal of mortuary and after having been examined in FSL, it was signed by PW28-L.S. Yadav, Assistant Director, FSL, Madhuban. He duly stated in his statement that the parcel containing a glass vial containing .32 inch fired bullet marked as BC/2, bore his signatures. He also deposed that the parcel also contained one original packing of the vial with the seal of mortuary of Civil Hospital, Sirsa. Further, reference was made to the statement of PW28-L.S. Yadav that he had mentioned in his report about the description of the seal on parcel Nos. 6 and 7 and that they had the seals of Doctor as well.

86. Learned counsel submitted that learned counsel representing the appellants had picked up isolated parts of the statements and documents with a view to make out a case that there was manipulation with the case property, whereas actually if one reads the documentary as also the ocular evidence in conjunction with each other, it emerges that there was no manipulation. Referring further to the statement of PW28-L.S. Yadav, it was submitted seal on the parcel had not been broken.

87. Similar arguments were advanced with respect to the other seals, for example, the seal on the weapon `BS', which reached the FSL with the seal `BS' and was opened in

the Court with the seal of `BS' and different seals. Reference in this regard was again made to the statement of PW28-L.S. Yadav.

88. Another argument was raised by learned counsel that what normally happens is that the parcel is cut from the side so that the seal affixed by the previous authorities remains intact and then the same is re-sealed with the seal of the checking/attesting authorities as a result of which, the seal of the previous authorities remains intact. It was also submitted that these arguments as regards the seals, had never been raised before the trial Court and have been raised for the first time before this Court in appeal.

89. As regards the size of the bullet, it was submitted that the weapon of offence was a .32 bore Indian Ordinance Factory made revolver which had a bullet of .32 inches bore, which comes to 0.81 centimetre. As regards the argument that the bullet should have been deformed, it was submitted that deformation could be due to touching of bone. It was submitted that the bullets in question were lapua bullets, which was duly so stated by the FSL. It was submitted that the lapua bullet was a flat head bullet and PW28-L.S. Yadav stated that both bullets i.e., the one recovered from the body and another from the underwear, were lapua bullets and, therefore, the arguments advanced by learned counsel for the appellants are devoid of merit.

90. As regards the argument that once the version of the complainant and the prosecuting agency was that the shots had been fired at Ram Chander Chhatrapati from the front, whereas the documentary evidence shows that some had been fired from the front and some from the back. It was submitted that when someone opens a fire upon a person, as a natural tendency, the person ducks or turns around with a view to escape and under the circumstances, he may be struck by the bullets on the front as well as on the back. Learned counsel referred to the X-ray report and other documents on record, including the pictorial diagram and submitted that no benefit could be granted to the appellants on account of the fact that few wounds were found on the front whereas the others were found on the back of Ram Chander Chhatrapati.

91. As regards the argument that certain bullets had not been found, it was submitted that it was the consistent stand of the prosecuting agency that there were two bullets inside the body and out of the same, one bullet had been recovered as per the Post Mortem Report (Exhibit PW10/B). He submitted that since the spinal column was not opened, the other bullet was not recovered and only one bullet was recovered from the lung. It was submitted that since the area where the incident had taken place had also been compromised, some bullets which did not enter the body

may have been removed from the spot as there was an injury on the body but the corresponding bullet was not found.

92. Coming to the argument as to why the statement of Ram Chander Chhatrapati or that of his son Anshul Chhatrapati, who was accompanying him, was not recorded immediately, reference was made to the Bed Head Ticket (Exhibit PW6/C), which shows that Ram Chander Chhatrapati, was wheeled into the Civil Hospital, Sirsa on 24.10.2002 at about 8.15 p.m. and was referred to PGIMS, Rohtak at about 9.15 p.m. It was submitted that during this one hour when the patient, as per the Medico Legal Report, was crying in pain and had to be administered one injection after the other, it was not possible to record the statement of the injured or his son, especially when within one hour, the patient was referred to PGIMS, Rohtak. Reference was made to the application (Exhibit PW6/E), which was moved by the incharge of the Police Post, Khairpur to the Medical Officer, Government Hospital, Sirsa, seeking his opinion as regards the condition of the injured for giving the statement. On this application moved on 24.10.2002 itself, opinion Exhibit PW6/F was given that the patient had been referred to PGIMS, Rohtak for further management. It was submitted that this clearly shows that

no time was lost in taking the version of the injured or his son.

93. As regards the medical condition of the injured, while he was admitted in PGIMS, Rohtak, reference was made to the statement of PW8-Dr. Rajinder Kumar Karvasara, Head of the Department of Surgery, PGIMS, Rohtak.

94. As regards the non-examination of Dr. J.P. Chaudhary, it was submitted that the injured had only given his history to the said Doctor and he was otherwise examined by PW6-Dr. Dale Singh, who was duly examined as a witness. In his statement to the police, it was stated by Dr. J.P. Chaudhary, that he was a Surgeon in the hospital and he had been called by Dr. Dale Singh. It was submitted by learned counsel that Dr. J.P. Chaudhary, would at best have given details of the injuries suffered by Ram Chander Chhatrapati and, therefore, his non-examination did not cause any dent in the case of the prosecution.

95. As regards the statement of Ram Chander Chhatrapati having been recorded by SI Ram Chander, it was submitted that a lie detector/polygraph test was conducted upon SI Ram Chander and his responses were found to be deceptive and it was under these circumstances that he was not examined as a witness. It was submitted

that sometimes, the witnesses are also compromised and such witnesses are not required to be examined by the prosecution. However, on a query raised by the Court as to whether the witness (SI Ram Chander) had been given up as having been won over or being unnecessary, learned counsel submitted that he had been given up as being unnecessary.

96. As regards a DDR having not been registered when Kuldeep Singh was taken to the police post, it was submitted that the situation was highly volatile and there were lot of activities going on and a mob had reached the hospital. The entire police had been sent into a tizzy and, therefore, a DDR might not have been recorded. It was submitted that on account of non-recording of DDR, no benefit could be extended to the appellants as the same does not go to the root of the matter and in any case, the case of the prosecution would not fall to the ground only on this account.

97. It was submitted that the most natural version of the incident came from the statement of Aridaman, who was the son of Ram Chander Chhatrapati and had witnessed the incident.

98. As regards the newspaper reports regarding the arrest of Nirmal Singh, it was submitted that no reliance

could be placed upon such reports as the same were not proved in accordance with law. It was submitted that the reporters of the said reports, namely, Amit Krishan Tiwari and Naresh Arora, were not examined and, therefore, no reliance could be placed upon such reports. It was submitted that this aspect was duly considered by the trial Court and submissions made by the defence were rightly turned down. It was also submitted that once Kuldeep Singh had been arrested from the spot, who was stated to be the pillion rider on the motorcycle, the police party would have naturally seen the driver of the motorcycle as they were at a very close distance from each other and, therefore, for Kuldeep Singh to say in his statement under Section 313 Cr.P.C. that the story of the Naka having been laid, was false, was of no relevance.

99. Upon a query having been put by the Court as to how PW23-Diwan Singh had stated that Nirmal Singh had been arrested on 25.10.2002, no satisfactory response was forthcoming. It was then submitted by learned counsel that in fact, Diwan Singh was not associated with the investigation before 30.10.2002 and, therefore, it is not understood as to how he could have said that the revolver was recovered on 25.10.2002.

100. It was submitted that the licence for walkie-talkies had been given by the Government of India and it

mentioned two fixed sets and six handheld sets (Exhibit MO/C). It was submitted that the licence was in the name of Dera Sacha Sauda. It was also submitted that the arms licence was in the name of Krishan Lal, who was shown to be a resident of Dera Sacha Sauda, in the licence.

101. As regards the Test Identification Parade (TIP), it was submitted that the evidentiary value of the evidence led on the record had to be seen and conduct of TIP was not a matter of right. It was submitted that when Kuldeep Singh was arrested from the spot, the police personnel; Anshul and Aridaman had an occasion to closely see both Kuldeep Singh and Nirmal and, therefore, the TIP was not required. It was also submitted that the photographs of these persons were visible in the magazine and, therefore, there was no need to conduct the TIP. It was submitted that even otherwise, mere non-holding of a TIP would not demolish the case of the prosecution.

102. As regards the arguments that no time of arrest of Kuldeep Singh was mentioned in the arrest memo, it was submitted that the said document had not been produced in evidence and, therefore, it could not be referred to nor it could be looked into.

103. Shri Ravi Kamal Gupta, Advocate, addressed arguments as regards the role of A4 and A1 and also the

statement given by PW31-Khatta Singh. As regards A4, it was submitted that he had been arrested at Ferozepur on 28.10.2002. Reference was made to his production warrant (Exhibit PW31/1). Reference was then made to the statement of PW31-Khatta Singh. It was submitted that the role of A4 becomes clear as the licenced weapon was in his name and in the said licence, he had been shown to be a resident of Dera Sacha Sauda. Reference was made to document Exhibit PW28/1, which was the report of Dr. L.S. Yadav as regards fire arms etc., which was in the name of A4.

104. Reference was also made to the deposition of PW30-Vijay Singh, who submitted that in all documents, the address of A4 was mentioned as resident of Dera Sacha Sauda. Reference was made to Exhibits PW14/A and PW14/B and other documents. It was submitted that it was not the case of A4 that his weapon had been lost or stolen and he could not explain as to how his licenced weapon had been used in the crime. It was submitted that on account of this also, an adverse inference deserves to be drawn against A4.

105. It was submitted that there were two witnesses, namely, Kala Singh and Gurcharan Singh, who could have further deposed about the role of A4, but the said witnesses had been given up as having been won over.

106. As regards A1, it was submitted that there was clinching evidence on record to prove that he was a part of the conspiracy. Reference was made to the statement of PW31-Khatta Singh, who was the ex driver of A1 and a witness of the conspiracy. Apart from this, he was also a victim of castration and Khatta Singh, apart from having deposed in the present case, also deposed in the case of murder of Ranjit Singh, as also in the castration case. It was submitted that Khatta Singh resiled from his statement because he was under consistent threats from A1 and the Dera Sacha Sauda but after A1 was convicted in 2017, Khatta Singh mustered the courage to give his correct statement. It was submitted that if one examines the statement of Khatta Singh in detail along with other documents on record, it emerges that the statement of Khatta Singh is worthy of reliance. Reference was made to Para No. 134 of the judgment where the trial Court had dealt with the said issue. It was submitted that no fault can be found with the said finding.

107. As regards the revision petition etc. and the request for recording 164 statement made by Khatta Singh, it was submitted that Khatta Singh had clearly stated that he had not filed any revision petition and his signatures were obtained on blank papers. Reference was also made to the cross-examination of DW-1 Roshan Lal Aggarwal,

Notary Public, District Courts, Ambala. Reference was also made to the affidavit of Khatta Singh (Exhibit P.31/DB) to submit that the said affidavit be compared with the deposition of PW37-Madan Bansal, which would clarify the entire thing.

108. As regards the recording of statement of Khatta Singh under Section 164 Cr.P.C. at Chandigarh, it was submitted that the said statement could have been recorded anywhere and that it was not essential that the same was to be recorded only at Ambala. It was submitted that after A1 had been convicted on 25.08.2017 in a rape case, Khatta Singh had filed an application on 14.09.2017 that he wanted to give his statement. Accordingly, an application had been moved under Section 311 Cr.P.C., which was dismissed by the trial Court, but was allowed by the High Court vide order dated 23.04.2018 and an SLP against the said order was dismissed on 04.05.2018. Reference was made to paragraph Nos. 130 and 131 of the trial Court judgment, which deal with the said issue. Learned counsel submitted that no interference was called for in the said findings because Khatta Singh had given his actual statement when he subsequently entered the witness box again on 23.04.2018.

109. As regards the argument that when Khatta Singh gave his statement against A1 in RC No. 8 pertaining to the

murder of Ranjit Singh on 26.12.2006 why he did not give his statement as regards the conspiracy in the present case, it was submitted that the same was clarified by Khatta Singh himself in his cross-examination as he stated that he was under a severe threat and fear from A1 and that he had made a statement before Armandeep Singh, only when he was assured of the security of his family. Reference was also made to the statement of PW43-Dr. Armandeep Singh.

110. As regards A1, it was submitted that from the evidence of Khatta Singh, it becomes clear that the conspiracy was hatched by A1 as the news item regarding sexual exploitation of *Sadhvis* was published and therefore, no other person had an occasion to kill Ram Chander Chhatrapati. It was submitted that A2 and A3 as also A4 were not shown to have any enmity with Ram Chander Chhatrapati and, therefore, did not have any motive to kill him. It was submitted that Ram Chander Chhatrapati had been writing to the Superintendent of Police, Sirsa, to provide him security as he was being threatened by the Dera Sacha Sauda persons.

111. It was also submitted that the statement of Ram Chander Chhatrapati given to Anshul that A4 had come to his office and had threatened him that if publishing of any news item against the Dera was not stopped, then under the order of A1, he would be lifted (*jis din maharaj ka hukm*

*hoga, us din tere ko utha lenge*), amounts to a dying declaration and an oral dying declaration is admissible in evidence.

112. It was submitted that conspiracies are always hatched in secrecy and seldom would direct evidence be available thereof. It was submitted that from the evidence led on record of the case, it becomes manifestly clear that the conspiracy to kill Ram Chander Chhatrapati, was hatched by A1.

113. It was also submitted that Sohna Ram, father of Ram Chander Chhatrapati, had been writing to the administration that the life of his son was under threat. However, since he expired thereafter, no further communications by him were there.

114. On the issues of motive and criminal conspiracy, it was submitted that both were interlinked and the provocative publications were against A1 and, therefore, the motive to kill Ram Chander Chhatrapati was there with A1. Reference was made to paragraphs No. 120 to 132 of the impugned judgment and it was submitted that the trial Court dealt with the issues in a proper manner and examined the matter from the correct perspective and no interference is, therefore, called for.

115. Reference was also made to Section 8 of the Indian Evidence Act and it was submitted that motive, preparation, previous and subsequent conduct, all were duly proved. It was submitted that there was a duty cast upon A1 to stop his disciples/supporters from taking law into their hands and since it has not come on record that he had made any effort to stop them, he would be said to be a part of the conspiracy. Reference was made to the statements of PW1-Balwant Singh; PW2-Raja Ram Handaya; PW3-Anshul Chhatrapati; PW4-Raj Kumar Saini; PW5-Aridaman; PW19-Vishwajeet; PW21-Lekh Raj and PW37-Madan Bansal.

116. Reference was also made to Section 10 of the Evidence Act. While referring to the judgment of the three-Judge Bench of the Hon'ble Supreme Court in **Bhagwan Swarup Lal Bishan Lal Vs. The State of Maharashtra, 1965 AIR SC 682**, it was reiterated that direct evidence is difficult to gather and, therefore, the statement of Khatta Singh, who was an eye witness to the conspiracy, deserves to be accepted.

117. As regards the argument that the charge of conspiracy mentioned the conspiracy having been hatched on 24.10.2002, whereas after the investigation had been taken over by the CBI, the charge mentioned the conspiracy to have been entered into on 23.10.2002, it was submitted

that the State Police had acted in a hush-hush manner and on account of this only, the investigation was handed over to CBI. It was submitted that since Anshul Chhatrapati had moved a petition in the High Court, charges were got framed by the State Investigating Agency so that the petition filed by Anshul Chhatrapati could be rendered infructuous.

118. In support of their contentions, learned Counsel for the CBI relied upon Shahaja @ Shahajan Ismail Mohd. Shaikh Vs. State of Maharashtra, 2023(2) RCR (Criminal 241; Israr Vs. State of U.P., (2005) 9 SCC 616; Ravasaheb @ Ravasahebgouda etc. Vs. State of Karnataka, (2023)5 SCC 391; Rajesh Yadav & Anr. etc. Vs. State of U.P., (2022) 12 SCC 200; Mohd. Naushad Vs. State (Govt. of NCT of Delhi), 2023 SCC Online SC 784; Bhagwan Singh Vs. State of Haryana, (1976)1 SCC 389; Takdir Samsuddin Sheikh Vs. State of Gujarat and another, (2011)10 SCC 158; Madanur Ravi and others Vs. State, (Crl. RC Nos. 1382 of 2012 decided on 09.01.2020) Law Finder Doc Id # 1685972; Umar Abdul Sakoor Sorathia Vs. Intelligence Officer, Narcotics Control Bureau, (2000)1 SCC 138; Ashok Debbarma @ Achak Debbarma Vs. State of Tripura, (2014)4 SCC 747; Sidhartha Vashisht @ Manu Sharma Vs. State (NCT of Delhi), (2010)6 SCC page 1; Sajeev Vs. State of Kerala, 2023 SCC OnLine SC 1470; Firozuddin Basheeruddin Vs. State of Kerala, 2001 AIR SC 3488; Ajay

Agarwal Vs. Union of India and another, 1993 AIR SC 1637;  
Yash Pal Mittal Vs. The State of Punjab, 1977 AIR SC 2433;  
E.K. Chandrasenan Vs. State of Kerala, 1995 AIR SC 1066;  
Esher Singh Vs. State of A.P., AIR 2004 SC 3030; Rajiv @  
Monu and other Vs. State NCT of Delhi, (Crl.A.No.192 of  
2017 decided on 08.10.2018) Law Finder Doc Id # 1262952;  
Pattu Rajan Vs. State of Tamil Nadu, 2019(2) RCR  
(Criminal) 709; Mahabir Singh etc. Vs. State of Haryana,  
2001 AIR SC 2503; Jogendra Nahak Vs. State of Orissa,  
1999 AIR SC 2565 and Dalip Singh and others Vs. State of  
Punjab, 1953 AIR SC 364.

119. Shri R.S. Bains, Senior Advocate, learned counsel representing the complainant, reiterated the submissions made by learned counsel representing the Central Bureau of Investigation and also relied upon Zahira Habibulla H. Sheikh and another Vs. State of Gujarat and others, (2024)3 SCR 1050; Chandra Mohan Tiwari and another Vs. State of Madhya Pradesh, (1992)2 SCC 105; Hari and another Vs. The State of Uttar Pradesh, (2021) 10 SCR 1022; Gura Singh Vs. The State of Rajasthan, (2001)2 SCC 205; Mahender Chawla and others Vs. Union of India, (2019)14 SCC 615; Ram Gulam Chaudhury and others Vs. State of Bihar, (2001)8 SCC 311; Sajeev Vs. State of Kerala, (2023)6 KLT 288; Bilal Hajar @ Abdul Hameed Vs. State Rep. by Inspector of Police, (2019)17 SCC 451; State of NCT

of Delhi Vs. Shiv Charan Bansal and others, (2020)2 SCC 290; Mukesh Vs. State for NCT of Delhi, (2017) 6 SCC page 1; Dhanaj Singh @ Shera and others Vs. State of Punjab, 2004 AIR SC 1920; Dayal Singh and others Vs. State of Uttaranchal, (2012)8 SCC 263; Edakkandi Dineshan @ P. Dineshan and others Vs. State of Kerala, 2025 INSC 28; State of M.P. Vs. Shyamsunder Trivedi and others, (1995)4 SCC 262 and Prithipal Singh etc. Vs. State of Punjab and another etc., (2012)1 SCC 10.

120. In response, learned Senior Counsel representing the appellants, reiterated the submissions made by them and countered the submissions made by the CBI.

### **ANALYSIS AND FINDINGS**

121. We have considered the submissions made by learned counsel for the parties and have perused the voluminous record.

122. Section 386 of the Code of Criminal Procedure, 1973 (Section 427 BNSS, 2023) lays down the powers of an Appellate Court. In so far as an appeal against conviction is concerned, an Appellate Court may, after hearing the parties and perusing the record, affirm the findings of the trial Court, reverse the same and acquit the accused or while maintaining the finding on conviction, alter the nature

and extent of the sentence, but not so as to enhance the same.

123. Though no argument was addressed as to whether the death of Ram Chander Chhatrapati was homicidal or not, upon analysis of the evidence and the judgment of the trial Court, the findings of the trial Court in this regard, do not call for any interference. The ocular and medical evidence in the form of testimonies of PW-5 Aridaman, PW-3 Anshul Chhatrapati, PW-6 Dr. Dale Singh, PW-8 Dr. R.K. Karwasra, PW-9 Dr. Praveen Kumar Singh and PW-10 Dr. Chitranjan Behera duly established that Ramchander Chhatrapati had sustained fire arm injuries. PW-6 Dr. Dale Singh, who had examined Ram Chander Chhatrapati on 24.10.2002, when, immediately after the incident, he was wheeled into Civil Hospital, Sirsa, had found the following injuries on his person (MLR Ex.PW6/A):-

“1. A lacerated wound of 1 cm x 1 cm on right side abdomen. 6 cm below and 4 cm lateral to umbilicus. Colour of abrasion was present. Blood was oozing. X-rays and Surgeon’s opinion was sought.

2. A lacerated wound of 1 cm x 3/4<sup>th</sup> cm on right side chest inter scapular region. Medial to scapula. Colour of abrasion was present. Blood was oozing.

3. A lacerated wound of 1 cm x 3/4<sup>th</sup> cm on Thoracolumbar region at vertebral column slightly

lateral side. Colour of abrasion was present. Blood was oozing.

4. A lacerated wound of 6 cm x 1 cm into cutaneous tissue deep on right thigh medial side. Colour of abrasion was present.”

124. The X-ray films and CT-Scan films were also produced on record. The Doctor, viz Dr. Chitranjan Behera (PW10), who had conducted the postmortem examination of the deceased (PMR Ex.PW10/B) deposed that the cause of death was septicemia consequent upon ante-mortem gunshot injuries. He had found the following injuries on the dead body:-

“1. Wound of size 2 cm x 1 cm oval in shape, with granulation tissue present at margin over right abdomen placed 5 cm right to midline, 32 cm below and left to right nipple and 95 cm right foot.

2. Wound of size 1.5 cm x 1 cm, oval in shape, partially healed, over Thoracolumbar region in midline placed 118 cm above foot.

3. Wound of size 1 cm x .5 cm oval in shape, partially healed, over Thoracolumbar region in midline placed 118 cm above foot.

4. Wond of size (5 cm x 1 cm), vertically placed, partially healed present over medical aspect of right thigh placed 15 cm above right knee joint.

5. Stitched wound of length 2.7 cm over abdomen in midline, placed vertically.

6. Stitched wound of length 2.5 cm vertically placed over right abdomen, placed 14 cm right to midline and 22 cm below right nipple.
7. Stitched wound of length 2.7 cm vertically placed over right abdomen, placed 12 cm right to middle and 30 cm below right nipple.
8. Stitched wound of length 5 cm transversally on mid axillary line of right side 10 cm right to right nipple and 25 cm below right tip shoulder.
9. Stitched wound of length 2 cm vertically placed 3 cm below wound number 8.
10. Switched wound of length 2 cm over left axillary region on midline 15 cm below left tip of shoulder.
11. Stitched wound of length 2 cm over left axillary region on midline 15 cm below left tip of shoulder.
12. Stitched wound of size 2 cm over lower neck, anterior aspect in midline.”

125. PW-11 Dr. Sushil Kumar Jain, Senior Consultant from Apollo Hospital, also deposed that the injured patient had been wheeled into the emergency of Apollo Hospital on 8.11.2002 at 5.00 p.m. with gunshot injuries on his abdomen and chest. He deposed that the patient expired on 21.11.2002. He produced the death summary Ex.PW11/A and deposed that the cause of death was septicemia with acute renal failure with multi organ failure, due to gunshot injuries.

126. A cumulative examination and analysis of the statements of the aforesaid witnesses and the documentary

evidence produced by them, conclusively proves that Ram Chander Chhatrapati had expired as a result of gunshot injuries. The findings of the trial Court on the said issue are, therefore, based upon sound reasoning and a close and indepth examination of the record.

### ROLE OF A2 AND A3

127. The next question, which arises for the consideration of this Court, is as to who had caused the gunshot injuries to Ram Chander Chhatrapati. The trial Court held that it was A2-Kuldeep and A3-Nirmal, who were responsible for the same.

128. Before we analyse the findings recorded by the trial Court and the arguments addressed by learned counsel for the parties on the said issue, it would be apposite to refer to the law as regards the statements of eye-witnesses and related witnesses, who, at times are stated to be interested witnesses by the defence. Notably, both PW-3 Anshul Chhatrapati and PW5-Aridaman are stated to be eye witnesses to the incident. Apart from being eye witnesses, they are also related witnesses.

129. In **Dalip Singh Vs. State of Punjab, (1953)2 SCC 36**, a three Judges Bench of Apex Court, was hearing an appeal against sentences of death passed upon the appellants therein for the murder of two real brothers. The

Court of Sessions had convicted the appellants along with three others and had sentenced them to transportation for life. The High Court acquitted three of them, but sustained the conviction of four convicts, who then preferred appeals before the Apex Court. All seven accused belonged to the same village as also to the same faction or 'party' as called by one of the witnesses. Out of the seven assailants, Dalip Singh and Battan Singh, were brothers. Jarnail Singh son of Battan Singh was also amongst them. The remaining four were not related to the other three, except for being from the same party.

130. On 16.06.1951, they killed two brothers, Rattan Singh and Baba Singh. One of the questions, which arose before the Apex Court was as to whether the testimonies of the two eye witnesses, required corroboration. **It had so been held by the High Court in that case.** The Apex Court held that if the foundation for such an observation was based on the fact that the witnesses were women and the fate of seven men hanged on their testimony, it did not know of any such rule. It was held that if the finding of the High Court was grounded on the reason that the eye witnesses were closely related to the deceased, it was unable to concur. It was held that it was a fallacy common to many criminal cases. The Hon'ble Apex Court, in 1956, expressed its dismay that such a fallacy still persisted.

131. It was held by the Apex Court that a witness normally is considered to be independent unless he or she springs from sources, which are likely to be tainted which usually meant that unless the witness had a cause, such as enmity against the accused or a wish to implicate falsely. It was held that ordinarily, a close relative would be the last to screen the real culprit and implicate an innocent person. The Hon'ble Apex Court noticed that it was true that when feelings run high and there is personal cause for enmity, there is a tendency to drag in an innocent person against whom a witness has a grudge along with the guilty, but foundation must be laid for such a criticism and the mere fact of relationship far from being a foundation is often a sure guarantee of truth.

132. In the case of **Raju alias Bala Chandran and others Vs. State of Tamil Nadu, 2013 Cr.L.R. 12(SC)**, a word of caution was sounded by the Apex Court that the evidence of a related and interested witness should be examined with great care and caution and in case the related and interested witness had some enmity with the assailant, the bar would need to be raised and the evidence of the witness would have to be examined by applying a standard of discerning scrutiny. The Apex Court also referred to the judgment in the case of **State of Rajasthan Vs. Kalki, (1981)2 SCC 752**, in which the difference

between a related and interested witness was spelt out. In that case, it was held that even though the witness was the wife of the deceased, she could not be termed to be an interested witness. It was held that an interested witness may be called "interested" only when he or she derives some benefit from the result of a litigation; in the decree of a civil case, or in seeing an accused person punished. It was held that a witness who is a natural witness and is the only possible eye witness in the circumstances of a case cannot be said to be 'interested'.

133. In **Darya Singh Vs. State of Punjab, (1964)3 SCR 397**, the Apex Court held that a related or interested witness may not be hostile to the assailant, but if he is, then his evidence must be examined very carefully and all the infirmities taken into account.

134. In the case of **Guli Chand and others Vs. State of Rajasthan, (1974)3 SCC 698**, their Lordships of the Hon'ble Apex Court, while referring to the judgment in the case of **Dalip Singh (supra)**, reiterated the aforesaid principles. It was held that in a given case, for reasons special to that case and to a witness, it could be said that such a witness could not be believed because of his general unreliability. However, the basis for such a conclusion must rest on facts special to the particular instance and cannot

be grounded on a supposedly general rule of prudence enjoined by law as in the case of accomplices.

135. These principles have withstood the test of time and have been recently reiterated by the Apex Court in the case of **Goverdhan Vs. State of Chhattisgarh, (2025)3 SCC 378**. A three Judges Bench of the Apex Court was, in this case, hearing an appeal against a judgment of a Division Bench of High Court of Chhattisgarh, vide which the conviction of the two appellants before the Apex Court under Section 302 IPC had been upheld and the conviction of a third accused had been set aside. In this case also, one of the issues, which arose before the Apex Court was as regards a witness being an interested witness. After examining the law on the subject, the Apex Court, while referring to the findings in **Dalip Singh's case (supra)**, reiterated the principles that such a witness would have no reason to falsely implicate the appellants.

136. Even otherwise, the evidence of an eye witness is kept at a very high pedestal and unless and until, the same is shattered completely in cross-examination, it is not normally discarded.

137. Keeping in mind the aforesaid principles, we proceed to examine the issue.

138. To appreciate as to whether the findings of the trial Court are sustainable, we will have to go back to the fateful evening of 24.10.2002 when Ram Chander Chhatrapati was shot at.

139. The incident took place at about 8.00 p.m. on 24.10.2002. Ram Chander Chhatrapati, along with his two sons PW3-Anshul Chhatrapati and PW5-Aridaman, and his daughter was at home and were about to have their meals when Ram Chander Chhatrapati was called out and shot at. The FIR Ex.PW30/4 was registered in the late hours of 24.10.2002 on the statement (Ex.PW5/A) of PW5-Aridaman. The version given by Aridaman in the FIR was reiterated by him when he stepped into the witness box as PW5, years after the registration of the FIR. His testimony could not be shattered in the cross-examination. Same is the case with PW3-Anshul Chhatrapati, who also gave the same statement as that given by PW5-Aridaman. The version given by him in Court, was not any different from his previous statement recorded by the Investigating Agency. His testimony could also not be shattered in the cross-examination.

140. Minor inconsistencies in the evidence are of no relevance. When one deposes in Court after much time has elapsed from the incident, inconsistencies are bound to be there. If a prudent man is asked to repeat as to what had

happened few days back, he may not be able to give a word by word account. In fact, in India, even the maxim '*falsus in uno falsus in omnibus*' is not applicable, meaning thereby that if one part of the statement or certain parts of the statement of a witness are found to be false, the entire statement is not required to be discarded.

141. In **Yogesh Singh Vs. Mahabeer Singh, 2016(4) RCR (Crl.) 753 (SC)**, the Apex Court held that minor discrepancies in the evidence should not be given undue emphasis and that the evidence is to be considered from the point of view of trustworthiness. It was held that the test would be as to whether the evidence inspires confidence in the mind of the Court. It was held that if the evidence is not credible and cannot be accepted by the test of prudence, it may create a dent in the prosecution version. If an omission or discrepancy goes to the root of the matter and ushers in incongruities, the defence can take advantage of such inconsistencies. It was held that it needs no special emphasis to state that every omission cannot take the place of a material omission and therefore, minor contradictions, inconsistencies or insignificant embellishments do not affect the core of the prosecution case and should not be taken to be a ground to reject the prosecution evidence. The Apex Court held that the omission should create a serious doubt about the truthfulness or creditworthiness of a witness. It

was held that it is only the serious contradictions and omissions which materially affect the case of the prosecution. This view has been taken by the Apex Court in a host of other judgments, which were referred to by the Apex Court in the said judgment.

142. Both witnesses duly named the assailants in their statements. Even the statement (Ex.PW5/A), on the basis of which, the FIR was registered contained the names of A3 and A2. Still further, A2 was apprehended at the spot and A3 was apprehended on 26.10.2002. The weapon of offence was recovered from A3.

143. The trial Court found the said statements to be consistent and trustworthy. Having considered the arguments addressed by learned counsel for the parties, this Court finds no illegality in the aforesaid findings of the trial Court. The statements of both PW3-Anshul Chhatrapati and PW5-Aridaman, are completely consistent and trustworthy. They cannot be said to be parrot like statements though, when a truth is stated, it may appear to be a parrot like statement.

144. The argument that it was the specific case of the alleged eyewitnesses that shots had been fired at Ram Chander Chhatrapati from the front side, whereas injuries were found both on the front of his body and the back,

brought out the falsity of the statement is devoid of merit. It was the specific case right from the beginning that when Ram Chander Chhatrapati went out of the house, he was shot at from the front side. When shots are fired, there is a natural tendency of a person to either duck or to immediately turn around. When shots are fired continuously, there is a very high likelihood that some shots may hit on the front of the body and the remaining on the back side, when a person ducks or turns around. No dent can, therefore, be caused in the case of the prosecution on account of this fact.

145. The argument that the genesis of the occurrence was suppressed by the prosecution, is devoid of merit and is rejected. There was practically no delay in the registration of the FIR. When such an incident had taken place, the first concern of the family would be to rush the injured to the hospital. At that time, no one knows and wants to believe that their near and dear one may not survive. Under such circumstances, a statement was given to the police. Mere delay in sending the special report to the Magistrate would also not cause a dent in the case of the prosecution as the FIR had been registered shortly after the incident, on the statement of PW5-Aridaman.

146. In **Bhajan Singh alias Harbhajan Singh Vs. State of Haryana, (2011)7 SCC 421**, the Apex Court held

that while Section 157 Cr.P.C. mandates that the police must send a copy of the FIR to the Area Magistrate forthwith, a delay in doing so does not by itself destroy the credibility of the case of the prosecution. It was held that such a delay may reflect a lack of promptness or care on the part of the investigating agency, but does not automatically imply that the FIR was fabricated or that the investigation was unfair. The Apex Court held that the law recognizes that delays can happen due to the circumstances of the case, such as the number of victims or the complexities of the investigation, and such delays may be reasonable. However, an unexplained or inordinate delay can give rise to a suspicion.

147. The argument that no entry was made as regards the alleged detention of A2 at police post Khairpur is also devoid of merit.

148. The aforesaid issues can be a result of defective investigation at best, for which no benefit would go to the accused unless the defect goes to the root of the matter. One has to bear in mind that at the relevant time, the police, the health authorities, the administration, the family of the deceased and others, had gone into a tizzy and minor lapses would, therefore, not cause any dent in the case of the prosecution.

149. In the case of **Arvind Kumar alias Nemichand and others Vs. State of Rajasthan, (2022)16 SCC 732**, the Apex Court held that there is subtle difference between a defective investigation, and one brought forth by a calculated and deliberate action or inaction. A defective investigation, per-se would not enure to the benefit of the accused unless it goes to the root of the very case of the prosecution being fundamental in nature. It was held that while dealing with a defective investigation, a Court of law is expected to sift the evidence available and find out the truth on the principle that every case involves a journey towards truth. It was held that there should not be any pedantic approach either by the prosecution or by the Court as a case involves an element of law rather than morality.

150. The aforesaid principle had also been stated in the cases of **Ram Bali Vs. State of UP, (2004)10 SCC 598**, **Dhanaj Singh alias Shera and others Vs. State of Punjab, (2004)3 SCC 654** and **C. Muniappan Vs. State of Tamil Nadu, (2010)9 SCC 567**. In **C. Muniappan's case (supra)**, it was held that there may be highly defective investigation in a case. However, it is to be examined as to whether there is any lapse by the I.O. and whether due to such lapse any benefit should be given to the accused. It was held that if primacy is given to designed or negligent investigation or to the omissions and lapses by perfunctory investigation, the

faith and confidence of the people in the criminal justice administration would be eroded. It was held that where there has been negligence on the part of the investigating agency or omissions etc. which resulted in defective investigation, there is a legal obligation on the part of the Court to examine the prosecution evidence de-hors such lapses, carefully, to find out whether the said evidence is reliable or not and to what extent it is reliable and as to whether such lapses affected the object of finding out the truth. It was held that the investigation, was, therefore, not the solitary area for judicial scrutiny in a criminal trial and that the conclusion of the trial in the case cannot be allowed to depend solely on the probity of investigation.

151. In fact, there are a catena of judgments on the said issue only a few of them have been referred to in the preceding paragraphs.

152. If one examines the statement of PW30-DSP Vijay Singh closely, it emerges that a lot of activities were going on at the relevant time and, therefore, small re-misses would not cause any dent in the case of the prosecution.

153. This Court, as already observed, has found the statements of PW3-Anshul Chhatrapati, PW5-Aridaman, PW16-HC Amarpal and PW17-HC Dharam Chand to be trustworthy.

154. Under the circumstances, the delay in delivery of the special report to the Magistrate, the non recording of the factum of A2 having been detained at PS Khairpur, there being no mention of the time of arrest of A2 in the arrest memo, do not go to the root of the matter and do not, therefore, cause a dent in the case of the prosecution.

155. The non-recording of the statement of Ram Chander Chhatrapati in Civil Hospital, Sirsa, also does not cause a dent in the case of the prosecution. The MLR (Ex. PW6/A) shows that Ram Chander Chhatrapati was wheeled into the emergency of Civil Hospital, Sirsa at 8.15 p.m. It was recorded that the patient was conscious and was in agony. Admittedly, he was referred to PGI Rohtak after about one and half hour of his arrival in Government Hospital, Sirsa. In such a short time, though ruqa had been sent, a statement could not have been recorded. It was deposed by PW30-Vijay Singh that when he reached Government Hospital, Sirsa, the patient had already been referred to PGI, Rohtak.

156. One aspect, which heeds to be mentioned here is that, it has come on record that one SI Ram Chander had recorded the statement of Ram Chander Chhatrapati in PGI, Rohtak on 26.10.2002. However, this statement has not been brought on record by the prosecution. It was stated by PW3-Anshul Chhatrapati that Ram Chander Chhatrapati

told SI Ram Chander that he had been attacked in pursuance to a conspiracy hatched by the Dera Head (A1) and A4. He also stated that when the statement was perused by PW3-Anshul, he found that the name of A1 was not there and when he enquired from SI Ram Chander, he stated as to why he was being put in a spot (*Hame kyun marwate ho*). This statement has not seen the light of the day. Strangely, SI Ram Chander was also given up by the prosecution as being 'unnecessary'. However, the relevance of this statement would, at best, be as regards A1 and, therefore, it shall be discussed at the relevant stage.

157. Another argument was raised that the first informant was stated to be Aridaman, who was 13 years old at the relevant time and that the statement of Anshul could have been recorded, is again devoid of merit. A 13 years old boy is reasonably sensible and competent to state about the facts of an incident, which he had witnessed. Notably, PW3-Anshul Chhatrapati had accompanied his father to the hospital and, therefore, the action of PW30-Vijay Singh, in recording the statement of PW5-Aridaman cannot be said to be suffering from any casualness or a deliberate act. The argument that the statement of daughter of Ram Chander Chhatrapati namely Shreyasi was not recorded, does not also carry any weight because the number of statements and the quantity of evidence is hardly of any relevance and

even one statement, if found to be truthful and consistent would be sufficient to nail the accused.

158. As regards the argument about inconsistencies in the statements of the witnesses qua the rough site plan or the place of occurrence, the statements have to be examined as a whole and parts of the statements cannot be read in isolation. The consistent stand was that Ram Chander Chhatrapati had been called from the side of his house, from where the wall was broken and he followed by his two sons, had gone out from the said portion and it was there that he was shot at. Even PW16 and PW17 had referred about the same spot and, therefore, some amount of shakiness in the cross-examination would not impeach the credit of eyewitnesses.

159. An argument was also raised that there was no occasion for PW30-DSP Vijay Singh to have recorded the statement of PW5-Aridaman at the Hanuman Mandir at about 10 p.m. on 24.10.2002 when the police post Khairpur was on the way to the Hanuman Mandir from the house of Ram Chander Chhatrapati. This argument also does not raise any eyebrow as it is difficult to decipher as to what may have happened at the relevant time and why the statement was recorded at the Hanuman Mandir and not at the police post. It has already been stated by this Court that such minor issues will not affect the credibility of the case

of the prosecution, more so when the statements of the two eyewitnesses have been found to inspire confidence.

160. An argument was also raised that Dr. Jai Prakash Chaudhary, who had treated the patient at General Hospital, Sirsa, had not been examined though PW43-Dr. Armandeep Singh, who had investigated the case from the CBI and stated that it had come in the statement of Dr. Jai Prakash Chaudhary that when he asked Ram Chander Chhatrapati in the emergency about his well being, he stated that he had been shot at by someone, but did not disclose the name of any person, who had attempted to kill him. It was argued that this witness was wrongly given up as being unnecessary. In the considered opinion of this Court, this argument would also not come to aid of A2 and A3, since the other Doctor, namely, Dr. Dale Singh had been examined as PW6 and further, as already held, the statements of PW3 and PW5 have been found to be trustworthy.

161. Another argument which was raised was that since no test identification parade had been conducted, the identification of A2 and A3, for the first time in the witness box, cannot be accepted. It was argued that no facial features, complexion, height etc. had been mentioned either by PW3 or PW5 and, therefore, it was incumbent upon the

investigating agency to get a test identification parade conducted.

162. This argument is also devoid of merit. It has to be borne in mind that at the time of the incident, both PW3 and PW5 had an occasion to clearly see the assailants and even their names were given by them. Upon having been apprehended, their names had been found to be the same. Further, A3 was apprehended at the spot. He also, in his disclosure statement, named A2. Under the circumstances, the non holding of a test identification parade would not be fatal to the case of the prosecution. The trial Court dealt with the said argument in paragraph 112 of its judgment in detail. It was rightly held that even PW16-HC Amar Pal and PW17-HC Dharam Chand, had an occasion to have a close look at the assailants and had also apprehended A2 at the spot. They had also deposed that the person, who had been apprehended at the spot, had given his name as Kuldeep Singh. The trial Court, therefore, rightly held that the non holding of a test identification parade had not caused any dent in the case of the prosecution.

163. In the case of **Dana Yadav Vs. State of Bihar, 2002(4) RCR (Cr1.) 314**, the Apex Court held that failure to hold a test identification parade does not make the evidence of identification in Court inadmissible. Rather, the same is very much admissible in law. A word of caution was,

however, sounded that identification of an accused by a witness for the first time in Court should not form the basis of conviction unless it is corroborated by his previous identification. It was held that a previous identification in a test identification parade was a check valve to the evidence of identification in the Court of an accused by a witness and the same is a rule of prudence and not law. In the present case, as already stated, it was practically not identification for the first time in the witness box, but the names of the assailants had surfaced at the very initial stage, with one of the assailants have been apprehended at the spot.

164. A lot of emphasis was laid on the issue that the bullets alleged to have been recovered during the post mortem examination were never examined by the Forensic Science Laboratory. It was argued that when the containers containing the bullets were opened before the trial Court, they contained the seals of AIIMS (All India Institute of Medical Sciences), meaning thereby that the containers had never been opened in the FSL. It was argued that PW28-Dr. L.S. Yadav, Assistant Director, FSL, had deposed that he had appended his signatures on the bullets, which is not possible.

165. To consider the aforesaid argument, the articles exhibited during the course of evidence, were duly

summoned and examined by the Court and an opportunity was also given to learned counsel to examine the same. Learned counsel also examined the articles in Court. Before addressing the said argument, we would have to go through the statements of PW27-Dr. KPS Kushwaha, who at the relevant time was posted as Assistant Director (Serology), FSL, Madhuban and PW28-L.S. Yadav, who at the relevant time was posted as Senior Scientific Officer (Ballistic) in FSL, Madhuban. PW27 stated that on 8.04.2003, four sealed parcels had been received in the Serology Division from the Ballistic division of the laboratory. One parcel Mark-3 contained one bullet and they were examined for the presence of blood.

166. PW28 stated that on 11.11.2002, five sealed parcels were received and on 02.12.2002, two more sealed parcels were received. It was stated that seals on the parcels were intact and tallied with the specimen seals as supplied by the forwarding authorities. Here the relevant parcel was Parcel-3, which contained 1.32" fired bullet, which had first been sent to the Serology Division and then examined in the Ballistic Division. He stated that the said bullet had been marked as BC/2 by him. He also stated that Parcel-6 contained .32" fired bullet stated to have been taken out of the body, which had been marked as BC/1 by him. He deposed that both bullets had been examined by him. He

proved his report and then stated that when the bullets were opened in the Court, that the fired cartridges cases bear engraving of the case details and the marking C1 to C5 and also had his signatures. He also stated that parcel No.7 had two seals of AIIMS Hospital and when the container was opened, it contained 1.32" fired bullet, which had been marked as BC/1 by him and also had his signatures. These signatures were not found on the bullets and it was stated by learned counsel that this itself proves that the bullets had not been examined in FSL.

167. This argument is not worthy of acceptance. In so far as seals of AIIMS are concerned, it was observed in Court that there were multiple seals on the articles. The possibility that no seal had been removed and the cover had been cut from the side and then resealed by different agencies cannot be ruled out. Still further, there is no occasion for this Court to disbelieve the statements of such senior Officers, who deposed in Court on oath. They duly stated that they had duly examined the fire arms and the bullets in FSL. The bullets were seen in Court at that time not only by the witness but also by the Public Prosecutor, the defence Counsel and the Presiding Officer. Today, after so many years have gone by, these arguments do not cut any ice. These arguments would be more relevant at the stage of trial, when the case property and articles are

opened and not years after that. In fact, if one delves into the matter deeply, it appears that signatures were said to have been appended on the containers and not on the bullets because signatures can never be appended on bullets. Even otherwise, the statements of PW12-SI Devinder, PW30-DSP Vijay Singh and PW34-Jaipal Singh, as regards the sealing of parcels and their transportation etc., do not raise any eyebrow. The said aspect was also considered by the trial Court in detail in paragraphs 117 to 119 of its judgment. Having gone through the said findings in detail, coupled with the ocular and scientific evidence, this Court does not find any reason to interfere in the same.

168. A lot of emphasis was also laid on the size of the recovered bullet. It was argued that the bullet could not fit into the barrel of the revolver and, therefore, there was no question of the same having been fired from the said revolver. This argument is also devoid of merit and is rejected, keeping in view the trustworthy statements of PW27 and PW28 as also PW30. It also has to be borne in mind that the revolver was of .32 bore i.e. the bore had a diameter of .32". .32" comes to 8.1 mm or .81 centimetres. It cannot, therefore, be said that the bullets were of a size which could not have fit into the barrel.

169. Even otherwise, as argued by learned counsel representing CBI, a bullet may get deformed upon coming in

contact with a hard surface and while entering the body. It had also been argued that the bullets used in the commission of offence were lapua bullets, which are comparatively softer bullets and, therefore, there is a higher possibility of the same getting deformed due to impact and heat. This argument is more probable and, therefore, deserves to be accepted.

170. It was argued that it was the clear case of the prosecution that it was A2, who had opened fired at Ram Chander Chhatrapati and immediately thereafter, they sat on a scooter and attempted to escape and that at this time, A2 was apprehended whereas A3 managed to escape. It was argued that when A2 had opened fire, it was not explained as to how the firearm was given to A3 and was later recovered from him. It was argued that it was very strange that after firing upon Ram Chander Chhatrapati, A2, if the case of the prosecution is to be believed, handed over the firearm and the live cartridges etc. to A3. Though this argument appears to be attractive at the first blush, the same is also devoid of merit. Coming first to the live cartridges, they could very well have been with A3 from the very beginning. In so far as the firearm is concerned, how it was transferred to A3 cannot be called into question because that may be a part of the plan or the firearm may have been kept in the diggy of the scooter. If one examines

the contents of the FIR which was recorded on the basis of the statement of PW5-Aridaman, it emerges that after shots had been fired, PW3 and PW5 shouted 'bachao bachao', whereupon 2-3 policemen came there and apprehended A2, whereas A3 managed to escape. The sequence of events shows that all this happened in few minutes and not in few seconds and, therefore, there was sufficient time for A2 to hand over the revolver to A3. Moreover, such arguments are based more on presumptions and do not cause any dent in the case of the prosecution.

171. It was also argued that as per newspaper report Ex.DA/1, A3 had been arrested by the police on 25.10.2002 and a revolver had been recovered from him. It was argued that PW19-Vishwajeet had published the said news item correctly and that it had been verified by him from police officials. It was also argued that even PW13-Dewan Singh, who was a part of the team, which had laid a *naka* on 26.10.2002 had stated that the revolver had already been recovered on 25.10.2002. This argument also does not find favour with the Court. First of all, no reliance can be placed upon newspaper reports. Why the said report was published and by whom and at whose instance, is not known. Occasional and isolated lines cannot be picked up from statements. They may be the result of a slip of tongue, non-understanding of the question, typographical error and so

many other things. All statements have to be considered as a whole. The trial Court also dealt with the said issue in paragraph 116 of the judgment. It was rightly held that though police officials had informed him and other media people about the recovery of the revolver, mobile phone etc., the same were not shown to them. PW16-HC Amar Pal, PW17-HC Dharam Chand and PW30-DSP Vijay Singh, duly stated that A3 had been apprehended at a *naka* on 26.10.2002 in their presence. Under the circumstances, the trial Court rightly rejected the said argument. No illegality is found in the said finding warranting interference by this Court.

#### **ROLE OF A4**

172. Coming to A4 (Krishan Lal), the revolver used in the commission of offence was found to be his licenced weapon. PW14-Jagjit Singh, Arms Licencing Clerk, deposed that arms licence No.908 (Ex.PW15/C) for a .32 bore revolver had been issued in the name of A4 son of Bhagwan Dass, resident of Dera Sacha Sauda. The revolver No. 13751-FG was entered in his name, the same having been purchased from Field Gun Factory, Kanpur. It was also stated that the licence was duly valid at the time of incident. As per the entry in the records, the revolver had been purchased on 28.06.2002. It is not the case of A4 that the said weapon had either been lost or stolen at any point of

time prior to the occurrence. Further, no explanation, worth its name, was given as to how the licenced weapon of A4 came into the possession of the assailants, who had committed the murder of Ram Chander Chhatrapati. An attempt was made by the defence by examining DW4-Nachhattar Pal, who stated that some police officials had taken away the licenced revolver of A4 on 25.02.2002 in his presence. However, this testimony was rightly discarded by the trial Court as being an afterthought because at no point of time did A4 report the same to any authority. It has to be borne in mind that even if some police official takes away the licenced weapon of a person without giving any reason, the said person would immediately report the matter to the higher authorities. In his cross-examination DW4-Nachhattar Pal stated that no such application had been moved to any authority.

173. Not only this, Nachhattar Pal stated that when the weapon was taken away by the police official, apart from him, A4 and the police officer, no one from the public or from the family of Krishan Lal was present, whereas A4, in his statement under Section 313 Cr.P.C., stated that when on 25.10.2002 at about 7.00 a.m., SI Vijay Singh along with other police officials had come to his house and had taken away his licenced revolver stating that the same had been used in the murder of Ram Chander Chatrapati, he (A4)

was threatened and thrashed by the police officials before his family members and neighbours since he had asked for a receipt. There is, therefore, a major contradiction in the versions given by Nachhatar Pal and A4. Strangely, even after having allegedly been threatened and thrashed, A4 did not report the matter to any authority.

174. It has also come on record that A4 had earlier instituted a complaint against Ram Chander Chhatrapati, and in the said complaint, A4 had referred to his association with the Dera. Under the circumstances, the trial Court rightly came to the conclusion that A4 was a part of the conspiracy. The argument that A4 was never named in the FIR, is devoid of merit because the allegation was that A4 was a part of the conspiracy and it was never the case of the prosecution that he was present at the spot. It has also come on record that two other witnesses namely Kala Singh and Gurcharan Singh could have deposed about the association of A4 with the Dera, but they were won over and as such had to be given up. Under the circumstances, as stated above, no fault can be found with the findings recorded by the trial Court.

### **ROLE OF A1**

175. Now we proceed to examine as to whether the trial Court rightly held that A1 was a part of the criminal conspiracy hatched to eliminate Ram Chander Chhatrapati.

176. Section 120-A of the Indian Penal Code defines criminal conspiracy and Section 120-B lays down the punishment for the same. Section 120-A states that when two or more persons agree to do or cause to be done, an illegal act or an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy.

177. The expression `criminal conspiracy' was aptly explained by the Hon'ble Apex Court in the case of **Major E.G. Barsay Vs. State of Bombay, AIR 1961 SC 1762**. Thereafter, while referring to the aforesaid concept, as explained in **Major E.G. Barsay's case** (supra), the Hon'ble Apex Court held in the case of **Bilal Hajar alias Abdul Hamid Vs. State, (2019)17 SCC 451**, that in order to constitute a conspiracy, meeting of minds of two or more persons to do an illegal act or an act by illegal means is a must. It was held that it was the *sine qua non* for invoking the plea of conspiracy against the accused. It was held that it was, however, not necessary that all the conspirators must know each and every detail of the conspiracy, which is being hatched nor would it be necessary to prove their active part/role in such meeting.

178. It is well known that a criminal conspiracy is always hatched in secrecy and is never an open affair to anyone much less the public at large. It was held by the Hon'ble Apex Court that it is for this reason, its existence coupled with the object for which it was hatched, has to be gathered on the basis of circumstantial evidence, such as the conduct of the conspirators, the chain of circumstances leading to holding of such meeting till the commission of offence by applying the principle applicable for appreciating the circumstantial evidence for holding the accused guilty for commission of an offence.

179. In the case of **Yogesh alias Sachin Jagdish Joshi Vs. State of Maharashtra, (2008)10 SCC 394**, the Hon'ble Apex Court held as under:-

**“20. The basic ingredients of the offence of criminal conspiracy are: (i) an agreement between two or more persons;**

**(ii) the agreement must relate to doing or causing to be done either (a) an illegal act; or (b) an act which is not illegal in itself but is done by illegal means. It is, therefore, plain that meeting of minds of two or more persons for doing or causing to be done an illegal act or an act by illegal means is sine qua non of**

criminal conspiracy. Yet, as observed by this Court in Shivnarayan Laxminarayan Joshi & Ors. Vs. State of Maharashtra, (1980)2 SCC 465, a conspiracy is always hatched in secrecy and it is impossible to adduce direct evidence of the common intention of the conspirators. Therefore, the meeting of minds of the conspirators can be inferred from the circumstances proved by the prosecution, if such inference is possible.

21. In Mohammad Usman Mohammad Hussain Maniyar & Ors. Vs. State of Maharashtra, (1981)2 SCC 443, it was observed that for an offence under Section 120B, the prosecution need not necessarily prove that the perpetrators expressly agree to do and/or cause to be done the illegal act, the agreement may be proved by necessary implication.

22. In Kehar Singh & Ors. Vs. State (Delhi Administration), (1988)3 SCC 609, the gist of the offence of the conspiracy has been brought out succinctly in the following words:

"The gist of the offence of conspiracy then lies, not in doing the act, or

effecting the purpose for which the conspiracy is formed, nor in attempting to do them, nor in inciting others to do them, but in the forming of the scheme or agreement between the parties. Agreement is essential. Mere knowledge, or even discussion, of the plan is not, per se, enough."

23. Again in State of Maharashtra & Ors. Vs. Som Nath Thapa & Ors., (1996)4 SCC 659, a three-Judge Bench of this Court held that to establish a charge of conspiracy knowledge about indulgence in either an illegal act or a legal act by illegal means is necessary. In some cases, intent of unlawful use being made of the goods or services in question may be inferred from the knowledge itself. This apart, the prosecution has not to establish that a particular unlawful use was intended, so long as the goods or service in question could not be put to any lawful use.

24. More recently, in State (NCT of Delhi) Vs. Navjot Sandhu @ Afsan Guru, (2005)11 SCC 600, making exhaustive reference to several decisions on the point, including in State Through Superintendent of Police, CBI/SIT

**Vs. Nalini & Ors., (1999)5 SCC 253,  
Venkatarama Reddi, J. observed thus:**

**"Mostly, the conspiracies are proved by the circumstantial evidence, as the conspiracy is seldom an open affair. Usually both the existence of the conspiracy and its objects have to be inferred from the circumstances and the conduct of the accused (per Wadhwa, J. in Nalini's case at page 516). The well known rule governing circumstantial evidence is that each and every incriminating circumstance must be clearly established by reliable evidence and "the circumstances proved must form a chain of events from which the only irresistible conclusion about the guilt of the accused can be safely drawn and no other hypothesis against the guilt is possible." (Tanviben Pankajkumar case , SCC page 185, para 45). G.N. Ray, J. in Tanibeert Pankajkumar observed that this Court should not allow the suspicion to take the place of legal proof."**

**25. Thus, it is manifest that the meeting of minds of two or more persons for doing an illegal act or an act by illegal means is sine qua non of the criminal conspiracy but it may not be possible to prove the agreement between them by direct proof. Nevertheless,**

**existence of the conspiracy and its objective can be inferred from the surrounding circumstances and the conduct of the accused. But the incriminating circumstances must form a chain of events from which a conclusion about the guilt of the accused could be drawn. It is well settled that an offence of conspiracy is a substantive offence and renders the mere agreement to commit an offence punishable even if an offence does not take place pursuant to the illegal agreement.”**

180. Keeping the aforesaid principles in mind, we proceed to examine the issue. A1 (Baba Gurmeet Ram Rahim Singh), was the Chief of the Dera Sacha Sauda. As was stated during the course of arguments, the Dera is a socio spiritual organization having a large following. It came in the supplementary report dated 28.09.2002 submitted by the District & Sessions Judge, Sirsa under the directions of the High Court (Ex.DW12/1) that it had many rival groups as well, both within and outside the Dera.

181. It all started in May 2002, when an anonymous letter was addressed to the Prime Minister of India, with a copy endorsed to the Chief Justice of this Court, making allegations of sexual harassment of Sadhvis in the Dera by A1. Two such letters were also received by PW1-Balwant

Singh and PW2-Raja Ram Handiaya, both members of the Tarksheel Society. The word Tarksheel refers to rational/logical and refers to a person or a thinking, which is based upon facts and science as well as logic, rather than on traditions and blind faith. Thereafter, the copies of these letters were published in various newspapers, including Amar Ujala on 17.05.2002 and in Punjab Kesri on 19.05.2002. It was so stated by PW1-Balwant Singh, PW2-Raja Ram Handiaya, PW3-Anshul Chhatrapati and PW5-Aridaman. A report about the distribution of this letter was also published on 30.05.2002 by Ram Chander Chhatrapati in his evening Tabloid 'Pura Sach' as stated by PW3-Anshul Chhatrapati and produced on record as Mark-PW3/1.

182. This Court took *suo motu* cognizance of the said anonymous letter on 28.05.2002 and CRM-M-26994-2002 was registered. While the aforesaid matter was pending a Division Bench of this Court, CRM-M-7931-M of 2003 was instituted by Anshul Chhatrapati alleging defective investigation by the Haryana Police and CRM-M-2478-M of 2003 was instituted by one Pritpal. All the three petitions were disposed of by the Division Bench vide order dated 10.11.2003. It was duly observed that inquiry or investigation in the case had not been of the desirable standards of investigation. It was observed that lack of ability of the investigating agency to focus attention on

important aspects of the investigation and permitting certain material evidence to vanish ex-facie was a matter leading to lack of public faith in the fairness of such investigation. It was observed that this tentative view was based on the averments made in the petitions and the record produced before the Division Bench. It was held that such view would be inconsequential when the trial based upon the investigation in accordance with law began. Ultimately, the investigation in FIR Nos. 312 of 2002 of P.S. Sadar Thanesar, 685 of 2002 of P.S. Sirsa (the present case) and 395 of 2003 of P.S. City Thanesar was ordered to be transferred to CBI. The Division Bench also observed that the incidents of murder were daring examples of their kind and allegations had been made that they were at the behest of the Dera. It was held that it was equally important and in the interest of the accused persons as well as the Dera that the allegations and insinuations, if not true, must be put to an end by a specialist investigating agency i.e. the CBI at the earliest. Under these circumstances, directions were issued to the CBI for a time bound investigation.

183. It had been the consistent stand of the sons of Ram Chander Chhatrapati, namely, PW3-Anshul Chhatrapati and PW5-Aridaman that their father had been murdered at the instance of the Dera. In the FIR (Ex.PW30/4), which was on the statement of PW5-

Aridaman, it was stated that the reason of grudge was that his father was a journalist and had been publishing news relating to Dera Sacha Sauda, Sirsa, because of which, he had been receiving continuous death threats from the side of the Dera. It was stated that he suspected that the attack on his father had been got done by the Dera Sacha Sauda people. Notably, A1 was not named at this stage. Not only this, A1 was not named by any of the co-accused in their disclosure statements as well.

184. Even after the CBI had taken over the investigation, A1 had never been named. On 26.12.2006, PW31-Khatta Singh came into the picture. Khatta Singh is alleged to be the driver of A1. His statement was recorded in RC-8 (Ranjit Singh's murder case). In his statement recorded under Section 161 Cr.P.C. in the said case, Khatta Singh stated that A1 along with A4 and four others had conspired on 16.06.2002 to commit the murder of Ranjit Singh (Ex.PW31/DF). Notably, even at this stage, he did not level any allegations against A1 as regards his involvement in the present case.

185. He then moved an application dated 29.03.2007 (Ex.PW31/DA) to the jurisdictional Magistrate at Ambala to record his statement under Section 164 Cr.P.C. alleging that the CBI was pressurizing him to falsely implicate A1. In this application, he stated that he was a staunch devotee

of the Dera and that no illegal or immoral things or criminal acts were committed in the Dera and that the organization was very pious, social and a religious institution, fully devoted to the service of mankind. It was averred that he had been called by the Investigating Officer of the CBI and he had intimidated and pressurized him to make an adverse statement in order to falsely implicate A1. It was also averred that they were compelling him to make a statement against A1 and other devotees of the Dera in connection with Ranjit Singh's murder case. It was averred that he had been threatened that if he did not do so, he would be implicated in the said case/cases. This application came to be dismissed on 30.03.2007, whereafter CRR-06 of 2007 (Ex.DW2/1) was instituted by Khatta Singh before the Sessions Court, Ambala. In the meanwhile, in April, 2007, Khatta Singh also moved an application dated 12.04.2007 (Ex.PW31/D2) to the Additional Sessions Judge, Ambala and letter dated 26.04.2007 (Ex.PW31/DC) to the Superintendent of Police, Sirsa, complaining that the CBI was threatening him to implicate A1 and sought protection from the CBI. Such a statement was also recorded by the Deputy Superintendent of Police, Sirsa (Ex.PW31/DD), who also stepped into the witness box as DW6.

186. On 16.04.2007, while the Division Bench of this Court was monitoring the investigation, since investigation

had not been completed, the Division Bench reprimanded the CBI and ordered that the investigation be completed by 25.05.2007. An undertaking was given by CBI that the investigation would be concluded by 25.05.2007. On 28.05.2007, CBI made a statement before the High Court that field investigation was over and the charge sheet would be filed by 31.07.2007. Till this time also, the name of A1 had not surfaced.

187. On 21.06.2007, the statement of Khatta Singh was recorded under Section 161 Cr.P.C. (Ex.PW31/A). It is at this point of time that Khatta Singh, for the first time, almost 5 years after the incident, alleged that on 23.10.2002, he had travelled with A1 to Jalandhar for a Satsang and when they returned to the Dera in the evening, A2 to A4 showed him the Pura Sach publication of 23.10.2002 which provoked A1 and at this stage, he directed A2 to A4 to eliminate Ram Chander Chhatrapati.

188. Pursuant to the aforesaid statement, the statement of Khatta Singh was recorded under Section 164 Cr.P.C. before the Duty Magistrate at Chandigarh (Ex.PW31/B).

189. Thereafter, a supplementary charge sheet was filed by CBI on 30.07.2007 naming A1 as an accused.

Accordingly, charges were framed on 12.12.2008 and the charge under Section 120-B was framed against A1.

190. During the course of the trial, Khatta Singh appeared as PW31, but turned hostile. He deposed that CBI had coerced him to falsely implicate A1 by putting him under the fear that he would be implicated in both murder cases. Notably, his evidence went on from 19.05.2012 to 20.04.2013 as he was extensively cross-examined by CBI.

191. On 16.09.2017, Khatta Singh filed an application under Section 311 Cr.P.C. stating that since A1 had been convicted on 25.08.2017 in one case (RC-5), he had mustered the courage to disclose a truthful account of the events in the present case. This application was dismissed by the Special Court, CBI on 06.01.2018, whereafter CRR-274 of 2018 was preferred by CBI which was allowed by a Single Bench of this Court on 23.04.2018 with a direction that both versions of PW31 would be considered. SLP filed against the said order was dismissed.

192. Under the circumstances, PW31-Khatta Singh was recalled for re-examination. He then supported the version of CBI and reiterated his allegations against A1.

193. We shall first examine as to whether the solitary witness to the alleged conspiracy was a reliable witness. If we examine the sequence of events, the answer to the same

is in the negative. The trial Court, in the considered opinion of this Court, did not examine this aspect of the matter from the correct perspective. We are conscious of the fact that A1 is a public figure. Such public figures are known to have admirers and enemies alike. Such public figures are always in the news. At times for good reasons and at times for bad ones. It is well known that A1 has a huge following. In our country, religion, caste, sects, play an extremely important role. Lives are given and taken in the name of religion, caste, sects etc. Disputes on Temples, Masjids, Gurudwaras, are not something new for us. Many of the followers of faiths, sects etc., can be termed to be 'fanatics'. A fanatic, as per the Oxford Dictionary is a person filled with excessive and single minded zeal, especially for an extreme religious and a political cause. It is not unknown that followers cross limits and break laws, when it comes to their faith. The question, which was required to be examined by the trial Court was, as to whether there was overwhelming evidence against A1 and as to whether it could have been a step taken by his staunch followers. Notably, there was no discussion on this aspect. The first question shall be examined in the succeeding paragraphs. In so far as the second question is concerned, the discussion in the preceding paragraphs leads this Court to

the conclusion that there is a greater possibility of A2, A3 and A4 having acted on their accord.

194. In the considered opinion of this Court, absolutely no reliance can be placed on a witness like Khatta Singh. He chose to remain silent for a number of years and then kept on tossing from one side to the other like a ping pong ball. Even on 26.12.2006, when he opened up for the first time, he did not implicate A1 in the present case and talked only about Ranjit Singh murder case. If he was under threat, it is not understood as to why he was under threat only in this case and not in Ranjit Singh case in which he stated that a conspiracy had been hatched by A1. Under the circumstances, this Court is not inclined to believe his version that he was under threat from the Dera as a result of which, he had not deposed earlier. This Court will not hesitate in holding that on the contrary, it appears that he was coerced by CBI into making a statement as CBI was under pressure to conclude the investigation. It was so stated by Khatta Singh in many of his applications. It is a matter of grave concern that a premier Investigating Agency adopted this kind of methodology with a view to succeed in the matter. The endeavour should have been to go to the bottom of the matter and bring out the truth.

195. In the case of **Jarnail Singh Vs. State of Punjab, (2009)3 SCC 391**, the Hon'ble Apex Court held that when a

witness completely changes his version on all aspects, no part of his evidence is reliable. A similar view was taken in the case of **Vikramjit Singh Vs. State of Punjab, (2006)12 SCC 306** and many other cases. It was held in the case of **Sunil Kumar Shambhu Dayal Gupta (Dr.) and others Vs. State of Maharashtra, (2010)13 SCC 657**, that a witness who unjustifiably does not reveal the allegations at the first opportunity is not reliable. In the case of **Vadivelu Thevar Vs. State of Madras, AIR 1957 SC 614**, the Hon'ble Apex Court held that a witness, who is neither wholly reliable nor wholly unreliable, requires corroboration in material particulars. In this case, the Hon'ble Apex Court held that oral testimony may be classified into three categories namely i) wholly reliable; ii) wholly unreliable and iii) neither wholly reliable nor wholly unreliable. PW31, for sure, falls in the second category. He does not fall under the first category, under any circumstance. At best, even if the case of the prosecution is accepted, he would fall in the third category. Even then, the Apex Court held that in this category, the Court has to circumspect and has to look for corroboration in material particulars by reliable testimony direct or circumstantial.

196. It has repeatedly come on record through Khatta Singh that he was being threatened that he would be implicated in the murder cases, if he did not depose against

A1. The question, which, therefore, arises is as to whether he was an accomplice. In the case of **Lachhi Ram Vs. State of Punjab, AIR 1967 SC 792**, the Hon'ble Apex Court, while referring to the judgment in the case of **Sarwan Singh Vs. State of Punjab, (1957)SCR 953**, held that the evidence of an approver, to be accepted, must satisfy two tests. The first test would be that his evidence must show that he is a reliable witness, which of course is a test that is common to all witnesses. The second test, which will still remain to be applied in the case of an approver, was as to whether there was sufficient corroboration to his evidence. If we apply the said tests to the testimony of Khatta Singh, the inevitable conclusion that we arrive at is that he was not a reliable witness nor was there sufficient corroboration to his statement and, therefore, his testimony cannot be relied upon.

197. It is often said that Courts and Judges should not be swayed by media reports and the public attention which a matter receives. Matters are required to be decided strictly as per law. It has to be borne in mind that the principles of criminal jurisprudence require proving the guilt of an accused beyond reasonable doubt. It is well settled that the moment a doubt arises, its benefit has to go to the accused. What would be reasonable doubt, has also been explained by the Hon'ble Apex Court in the case of

**Goverdhan (supra).** It was held by the Hon'ble Apex Court that 'reasonable doubt' must be based on substantive and rational grounds and not on speculative, imaginary, fanciful or trivial apprehension. The Court emphasized that the standard of proof in criminal law is 'beyond reasonable doubt' and not 'beyond all doubt'. It was explained by the Apex Court that the reasonable doubt must be free from suppositional speculation, which must not be result of minute emotional detailing, and the doubt must be actual and substantial and not merely vague apprehension. In the considered opinion of this Court, the prosecution was not able to prove its case against A1 beyond reasonable doubt, whereas it was able to do so in the case of A2 to A4. It is a settled principle of law that where two possibilities, one of commission of crime and the other of innocence, are reasonably possible, the accused is entitled to the benefit of doubt. It was so held by the Hon'ble Apex Court in the case of **Sharad Birdhichand Sarda Vs. State of Maharashtra, (1984)4 SCC 116**. Notably, this three Judges Bench judgment is also the leading and the most celebrated judgment as regards the principles required to be followed in the cases of circumstantial evidence.

198. Another extremely important aspect of the matter is the non-examination of SI-Ram Chander, who had recorded the statement of Ram Chander Chhatrapati in PGI,

Rohtak on 26.10.2002. Whereas, the family of the deceased Ram Chander Chhatrapati had been alleging that he had deliberately not recorded the name of A1 in the statement, the defence has, with all the vehemence at its command, argued that he was deliberately not examined for, the name of A1 had not figured in the statement of Ram Chander Chhatrapati. It is extremely strange that this very important witness was given up by the prosecution as 'being unnecessary'. One could still have understood had the witness been given up as having been 'won over'. In the considered opinion of this Court, he was the most important witness. In so far as A2 to A4 are concerned, this Court has held that there was other clinching evidence against them. In so far as A1 is concerned, since the charge is only that of criminal conspiracy, the version of SI Ram Chander would be of extreme importance on either side. Whereas, one side, it may come to one's mind that an effort was being made to shield A1. However, this would be a pure conjecture. The effort may have been to implicate A1, which was not being fulfilled with the statement recorded by SI-Ram Chander. In any case, a doubt is created in the mind of the Court, once such an important statement is not brought on record and such an important witness is not examined. The benefit of the doubt necessarily has to go to the accused.

199. Not only this, the treatment record of Ram Chander Chhatrapati, while he was in PGI, Rohtak and which was duly produced on record during the course of evidence as PW8/A and PW8/B, shows that his general condition was fair and stable right from 26.10.2002 to at least 01.11.2002. It is extremely strange that all this while, apart from the statement of Ram Chander Chhatrapati having been recorded on 26.10.2002 by ASI – Ram Chander, no effort was made to record his statement. This Court has minutely perused the treatment record. On 27.10.2002, the Doctor noted that the patient was oriented and conscious and his general condition was fair. On 30.10.2002, his general condition was stated to be stable. A similar opinion was recorded on 01.11.2002. On 01.11.2002, there were symptoms of shock and on 04.11.2002, his condition was noted as sick. However, thereafter, on 06.11.2002, his condition was again noted as fair. Even on 08.11.2002, his condition was noted as fair and conscious at the time of discharge, when he was taken to Apollo Hospital. It was also noted that the patient was oriented in time, place and person. Strangely, no application was moved all this while to seek an opinion of the treating Doctor as to whether Ram Chander Chhatrapati was fit to give a statement or not. This fact would go against the investigating agency and the prosecution and not

against the accused. It was for the investigating agency to arrive at the truth and for the prosecution to bring all evidence before the Court and not to brush anything under the carpet.

200. Apart from the statement of Khatta Singh that he had gone to Jalandhar on 23.10.2002 with A1, there is no other corroborative evidence to this effect. In fact, PW46-M Narayanan, who was the head of investigation of CBI admitted in his cross-examination that A1's visit to Jalandhar on 23.10.2002 with Khatta Singh, holding of a Satsang at Jalandhar on 23.10.2002, return to Sirsa on the same day and Khatta Singh's visit to Delhi on the next day i.e. 24.10.2002 as also Khatta Singh's allegations that he was made to sign blank papers by the Dera people were not verified by the CBI, during the investigation. On the contrary, the Pura Sach edition of 27.10.2002 (Mark PW3/17) stated that the Satsang was at Zira and not at Jalandhar. Zira is about 150 Kms away from Jalandhar. During the said Satsang, some cows had died after eating the leftover food and the incident was reported in various newspapers including Pura Sach on 27.10.2002, which showed that there was no Satsang at Jalandhar.

201. The trial Court also erred in holding that Khatta Singh's testimony was corroborated by his statement recorded under Section 164 Cr.P.C. It is well settled that a

statement under Section 164 Cr.P.C. is not substantive evidence. Even otherwise, as already noticed, keeping in view the inconsistent stand of Khatta Singh, his statement under Section 164 Cr.P.C., recorded on 22.06.2007 at Chandigarh, cannot be taken to be corroborative evidence. It would be relevant to note that at that time, the revision petition of Khatta Singh was pending in the Sessions Court at Ambala, in which he had alleged that CBI had been pressurizing him to implicate A1.

202. This Court is, therefore, of the firm conclusion that the guilt of A1 had not been proved.

203. We have perused the judgments relied upon by learned counsel representing the appellants, the CBI and the complainant. Criminal matters are essentially decided on their own facts, keeping in mind the broad principles of law and the criminal jurisprudence, as referred to in the preceding paragraphs. No straight jacket formula can ever be laid down and, therefore, no judgment would ever squarely cover any case. Under the circumstances, there would be no necessity of discussing the said judgments independently.

204. Consequently, CRA-D-270-D-2019 titled as “Kuldeep Singh @ Kala Vs. Central Bureau of Investigation”, CRA-D-258-D-2019 titled as “Nirmal Singh Vs. Central

Bureau of Investigation” and CRA-D-254-D-2019 titled as “Krishan Lal alias Kishan Lal Vs. Central Bureau of Investigation”, are found to be devoid of merit and are accordingly dismissed and the judgment of conviction and order of sentence is upheld. However, CRA-D-240-D-2019 titled as “Baba Gurmeet Singh @ Maharaj Gurmeet Singh @ Gurmeet Ram Rahim Singh” is allowed, the judgment of conviction and order of sentence is set aside and the appellant is acquitted of the charge framed against him.

Pending application(s), if any, shall also stand disposed of.

**[VIKRAM AGGARWAL]  
JUDGE**

**[SHEEL NAGU]  
CHIEF JUSTICE**

**07<sup>th</sup> March, 2026**  
ds

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No