



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1306 OF 2014

STATE OF PUNJAB . . . APPELLANT(S)

VS.

PARAMJIT SINGH . . . RESPONDENT(S)

J U D G M E N T

Abhay S.Oka, J.

1. Heard the learned counsel appearing for the parties.

2. This appeal against the acquittal takes exception to the judgment dated 3rd April, 2013 of the High Court of Punjab and Harayna by which the High Court by setting aside the order of conviction of the respondent, proceeded to acquit the respondent. The conviction of the respondent was for the offence punishable under Section 302 of the Indian Penal Code.

3. The incident happened late in the night on 22nd December, 1998. The prosecution has relied upon the testimony of PW-7 Balwinder Singh who claims to be an eye witness and whose statement was recorded in the afternoon of 23rd December, 1998. Another piece of evidence which is relied upon by the prosecution is alleged extra judicial confession made by the respondent-accused before PW-8 Sikandar Singh. The High Court after examination of evidence of both the witnesses has disbelieved their version by recording detailed reasons.

4. As we are called upon to decide whether the view taken by the High Court is a possible view based on evidence, we have perused the evidence of both the prosecution witnesses and in addition, testimonies of PW-9 and PW-12 who are the Investigating Officers.

5. After having perused the evidence of PW-7, we find that the reasons recorded by the High Court for discarding his testimony are cogent reasons. It has come in the evidence of PW-7 that after the incident, the witness did not complain to the police. Moreover, he knew a close relative of the deceased Surjan Singh who was available on phone. However, PW-7 did not inform him. In the cross-examination, he admitted that after seeing the

offence being committed, he went back home to Bhatinda via Jaitu bypass. He stated that he reached Jaitu bypass around 10.30 p.m. and though there is a Police Station at Jaitu, he did not inform the police. Thereafter, he travelled for 2 to 3 hours and reached Bhatinda. He kept quiet thereafter. He claims that he received a call from Surjan Singh around 8.00-9.00 a.m. on 23rd December, 1998 informing him about the death of the deceased. It is only thereafter, the witness proceeded towards the place of incident. But he did not go the Police Station. According to the version of PW-7, there was another eye witness Surjit Singh who has not been examined by the prosecution. The finding recorded by the High Court regarding unnatural conduct of PW-7 Balwinder Singh is certainly a possible finding which could have been recorded on the appreciation of the evidence of PW-7.

6. There is one more aspect of the matter. Though the prosecution case is that the statement of PW-7 was recorded on 23rd December, 1998 when he reached the spot around 12 noon in the afternoon, PW-9 ASI Baldev Singh who was at the site has not stated that he recorded the statement of PW-7. Moreover, the respondent was not immediately arrested.

7. The claim of the prosecution is that on 6th January, 1989 (more than 14 days from the date of incident), the respondent-accused went to PW-8 Sikandar Singh who was ex-sarpanch of the village. PW-8 Sikandar Singh has not stated that he had previous acquaintance with the respondent. Even otherwise, there is no evidence adduced by the prosecution to show that the respondent-accused closely knew PW-8 so that he could have reposed implicit faith in him and confessed about the alleged incident. In fact, the prosecution story of the respondent-accused confessing after so many days to a stranger is very doubtful and does not inspire confidence. Going by the normal human conduct, the accused would confess only to a person in whom he can repose faith. Normally, he would not confess to a stranger that too after a gap of 13 to 14 days from the incident. That is how the High Court has disbelieved the version of PW-8.

8. Therefore, we are of the considered view that the findings recorded by the High Court are possible findings which could have been recorded on the basis of the

evidence on record. Hence no case for interference is made out. The appeal is accordingly dismissed.

.....J.
(ABHAY S.OKA)

.....J.
(SANJAY KAROL)

NEW DELHI;
August 02, 2023.