

PW-4 Statement of Sh. Shamsheer Singh, aged 69 years,
s/o Sh. Jaram Singh, resident of village Tariyun, PO
Tundi, Tehsil Sihunta, Distt. Chamba (HP).

On oath
10.06.2024

Stated that my sister Neelam was married to Sh. Kamal Singh, now deceased. On dated 1.1.2021, at about 8.30 AM, I received a telephonic from Sushma, who is my cousin daughter-in-law, who told me that Kamal had been killed by accused Surjeet at night. Thereafter, at about 10.15 AM, I reached at village Dharna i.e. in the house of deceased Kamal Kumar. Police was present on the spot, to whom I disclosed that the deceased was my brother-in-law. Thereafter, police had filled the inquest forms Ex.P-9/PW-4 and Ex.P-10/PW-4, which bear my signatures in red circle 'A' and of Balwan Singh at point 'B'. The police also took into possession a blood stained sack which was lying near to the hen house. The police also lifted the blood stains from the floor, stairs and grass from the spot with cotton. Police also taken into possession green blue coloured shirt, one khakhi coloured T-shirt, one cream coloured shawl, two glass bottles of liquor (half and quarter). I do not remember what else was taken into possession by the police on that day due to lapse of time.

At this stage, Id. Add.PP requested to declare this witness

hostile as he has resiled from his statement recorded u/s 161 Cr.P.C. Prayer is considered and allowed and the witness is declared hostile and the Id. Addl. PP allowed to cross-examine this witness.

XXXXXXXXX XXXX by Sh. Anil Sharma, Id. Addl. PP for the State XXXXXXXX XXXXXXXXXXXX

It is correct to suggest that the blood was lifted from the plastic sack near the entrance store, which was kept in a brown coloured envelope and marked as A. It is correct to suggest that the blood was also lifted from the stairs near the road which was kept in another brown envelope and Marked as B. It is correct to suggest that blood was lifted from the floor of room and same was kept in a brown coloured envelope and marked as C. It is correct to suggest that a black coloured jacket with zip bearing words BTM Authentic wear were written, one light blue coloured zipper on which words Star Navy was written and one half sleeves T-shirt bearing mark 4024 Next were also recovered from inside the room and these articles were identified by Avtar Singh to be of his son Surjeet Singh. It is correct to suggest that one zipper of red coloured bearing mark Zaraman, one cream coloured shawl and one spectacle of plastic frame blue in colour were also recovered from

the spot outside the room. It is correct to suggest that the spectacle belonged to deceased Kamal Singh and the zipper and shawl were identified by Avtar Singh to be of accused Surjeet Singh. It is correct to suggest that a piece of cloth, small blue coloured carry-bag and pieces of straw stained with blood were also collected and kept in a orange coloured carry-bag. It is correct to suggest that the police had also collected controlled samples of soil and grass/straws, which were kept in a paper. It is correct to suggest that the aforesaid articles were kept in separate cloth parcels and each cloth parcel was sealed with six seals of impression 'CG'. It is correct to suggest that I had signed the seizure memo Ex.P-1/PW-2 as a witness at point 'B' and Balwant Singh had signed at point 'C'. It is correct to suggest that the same seal Ex.P-2/PW-2 also bears my signatures at point 'B' and witness Balwant at point 'C'. It is correct to suggest that on the same day my sister Neelan hand handed over a small stick (Danda) of mango tree and told that the accused Surjeet had tried to hit her husband with it on 31.12.2020. It is correct to suggest that the aforesaid stick was taken into possession Ex.P-8/PW-3, which bears my signatures in red circle 'B' and of witness Balwan in red circle 'C'. It is correct to suggest that I and Balwan had also affixed the signatures on various cloth

parcels. It is correct to suggest that the police clicked the photographs of the spot Ex.P-3/PW-2 and Ex.P-4/PW-2.

At this stage, the learned PP produced one sealed parcel Ex.MO-1 sealed with court seals and prayed to open the same. The seals are intact and the parcel Ex.MO-1 is allowed to open.

On opening the parcel Ex.MO-1, three khakhi envelopes mark A,B and C came out, which are now Ex. MO-2 to Ex.MO-4 containing blood sample lifted from sack, stair and floor. These exhibits shown to the witness and the witness has identify the same.

At this stage, the learned PP produced another sealed parcel Ex.MO-5 sealed with court seals. The seals are intact. The learned PP prayed to open the parcel. The parcel Ex.MO-5 is allowed to open.

On opening the parcel Ex. MO-5, black colour hood jacket Ex MO-6, zipper Ex MO-7 and T-shirt Ex. MO-8 came out and are shown to the witness and the witness has identified the same.

At this stage, the learned Addl. PP produced another sealed parcel sealed with court seals. The seals are intact and the

parcel Ex.MO-9 is allowed to open.

On opening the parcel Ex.MO-9, red coloured zipper Ex. MO-10, shawl of cream colour Ex. MO-11, specks Ex.MO-12 came out. These exhibits are shown to the witness and the witness has identified the same. The witness has stated that specs Ex.MO-12 is of deceased Kamal Singh.

At this stage, the learned PP produced another sealed parcel Ex.MO-13 sealed with court seals. The seals are intact and the parcel Ex.MO-13 is allowed to open.

On opening the parcel Ex.MO-13, orange coloured carry bag Ex MO-14, and inside from it, blue coloured small carry bag Ex.MO-15 blood stained pieces of grass Ex.MO-16, piece of cloth Ex.MO-17 came out. These Exhibits are shown to the witness and the witness has identified the same

At this stage, the learned PP produced another sealed parcel Ex.MO-18 sealed with court seals. The seals are intact and the parcel Ex.MO-18 is allowed to open.

On opening the parcel Ex. MO-18, one carry bag Ex MO-19 came out and from it, one half bottle Ex MO-20 and a quarter Ex MO-21 of Una No.1, along with Parali (dry grass of paddy) came out. These Exhibits are shown to the witness and

the witness has identified them to be the same.

At this stage, the learned PP produced another sealed parcel Ex.MO-22 sealed with court seals. The seals are intact and the parcel Ex.MO-22 is allowed to open.

On opening the parcel Ex.MO-22, pieces of soil and grass contained in paper piece Ex.MO-23 came out. These Exhibits are shown to the witness and the witness has identified them to be the same.

At this stage, the learned PP produced one sealed parcel sealed with court seals. The seals are intact. The Id. Addl. PP requested to open the parcel. Prayer is considered and allowed and the parcel Ex.MO-24 is allowed to be opened.

On opening the parcel Ex.MO-24, one Danda Ex.MO-25 came out, which is shown to the witness and the witness has identified it to be the same.

All the parcels shown to me bears my signatures in red circle 'B' and also of other witness Balwan in red circle 'C'

It is correct to suggest that due lapse of time, I had forgotten about the facts of this case.

XXX cross examination by Sh. D.P.Malhotra, Deputy Chief Legal Aid Defence counsel for accused XXXXXXXX

My house is at a distance of 1½-2 Km. away from village Dharna. First of all, I had visited the spot only and did not go to the house of deceased Kamal. There were 200/250 persons present on the spot at the time when I reached there. Self stated that they were far away as it was Corona time. It is correct to suggest that there reside many people in village Dharna. Dharna falls in Gram Panchayat Tundi. All members of Panchayat including Pardhan, Up-Pardhan, members, etc. were also present there. The statement of my sister was not recorded by the police in my presence. The form Ex.P-9/PW-4 and Ex.P-10/PW-4 were filled regarding the post-mortem of the deceased. I do not know as what was filled in the columns of said forms. The height of the Danga was about 5-6 feet, where the dead-body was lying. The dead-body was covered with white cloth. Police had taken the photographs when the blood was lifted from the sack, stairs, floor and clothes. I have not seen said photographs today in the court file, however, the photographs were taken by the police at that time. The hen house was very small, in which 8-10 hen were there. Some hens were inside the hen house and some were out side the same. There were 2-3 racks in the said hen house. There were heap of paddy grass near the hen house over the lintel. The distance between hen house

and Danga was about 5-6 meters. I went down side the danga through stairs. There were 5-6 steps also. The dead-body was lying just to adjoining the main road. It is correct to suggest that vehicles and people ply on the main road. There were 200/250 persons present on the road at that time. Police had recorded my statement on the spot after 10.15 AM. I had got recorded in my statement with the police that I had received telephonic call from daughter-in-law of Kamal, who informed that Surjeet had killed Kamal. (confronted with his statement Ex.D-1/PW-1 u/s 161 Cr.P.C., wherein it is not so recorded). I remained on the spot for almost whole day. Police and Balwan remained with me throughout the day. I had not visited the house of my sister on that day. I went to the house of my sister on next day at the time of cremation. The grass was also lifted with the help of cotton. No blood stains were lifted from the clothes. I had not seen blood smeared clothes at the time of recovery. The empty liquor bottle was lying at a distance of 1½/2 meters on the floor outside the hen house. It is incorrect to suggest that deceased Kamal was declared deserter from Army. Self stated that Kamal used to draw pension from Army. I do not know that 8-10 criminal cases were pending against the deceased. I do not know that an attempt to rape case had also been registered against the deceased. I do

not know that a civil litigation was also pending in Dalhousie court against the deceased. It is incorrect to suggest that neither the police had lifted any controlled sample, blood sample, etc. nor the same were taken into possession in my presence. It is also incorrect to suggest that Avtar Singh had not identified the clothes of accused. It is incorrect to suggest that Avtar Singh was not present on the spot and he had not presented anything to the police. It is incorrect to suggest that no danda was handed over by my sister Neelam to the police in my presence. It is incorrect to suggest that I did not remain associated in the police investigation. It is incorrect to suggest that at the time of cremation of Kamal, the accused Surjeet was present there. It is incorrect to suggest that being real brother-in-law of deceased Kamal, I am deposing falsely.

RO&AC

10.06.2024

Addl. Sessions Judge,
Chamba

PW-5 Statement of Sh. Subhash Chand, aged 59 years,
s/o Sh. Hushnak Singh, resident of village Chambi, PO
Sudali, Tehsil Dalhousie, Distt. Chamba (HP) (retired
HHC).

On oath
10.06.2024

Stated that in the year 2021, I was posted as HHC
general duty at Police Station Chowari. On dated 1.1.2021, SHO,
PS Chowari had recorded the statement of Neelam Devi under
Section 154 Cr.P.C. Ex.P-6/PW-3 and the same was handed over to
me. I had submitted the same to MHC PS Chowari, who after
registration of FIR, handed over the file to me, which I further

handed over to SHO Chowari on the spot.

XXX cross examination by Sh. D.P.Malhotra, Deputy Chief Legal Aid Defence counsel for accused XXXXXXXX

I left from PS Chowari at 9.00 AM alongwith SHO and other police officials, whose name I do not remember. I do not remember the exact time when we reached the spot. SHO recorded the statement of Smt. Neelam at about 2.30 PM. I do not remember as to whether firstly SHO went to the spot and recorded the statement of Neelam or vice-versa. I do not remember as to whether any proceeding was conducted by the SHO on the spot before recording the statement of Neelam. I do not remember that any photograph was taken by the SHO on the spot. There were 4-5 persons present on the spot. The statement of Neelam was recorded on the spot. I left the spot at about 4.00 PM with the statement. I went via bus to PS Chowari. The distance between the spot and Police Station Chowari is in between 30-40 Kms. I returned to the spot at about 7.00 PM. It is incorrect to suggest that I had not taken any statement to the police station nor handed over the case file to the SHO. It is incorrect to suggest that I am deposing falsely.

State vs. Surjeet alias Upee, ST No. 12 of 2021

RO&AC

Addl. Sessions Judge,
Chamba

10.06.2024

Statement of Sh. Anil Sharma, Id. Add. PP for the State.

Without oath
10.06.2024

Stated that I give up PW Balwan Singh at Sr.No.5 being
repetitive in nature.

RO&AC

Addl. Sessions Judge,
Chamba, HP.

10.06.2024.