

ITEM NO.104

COURT NO.3

SECTION IIB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 583/2010

AMARJIT SINGH

Appellant(s)

VERSUS

STATE OF HARYANA

Respondent(s)

(with appln. (s) for bail and office report)

Date : 21/07/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

HON'BLE MR. JUSTICE KURIAN JOSEPH

HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s)

Mr. Vaijendra Nigam, Adv.
Dr. Kailash Chand, Adv.

For Respondent(s)

Dr. Monika Gusain, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

By order dated 15th April, 2013, the appellant was released on bail. In view of the dismissal of his appeal, he shall be taken into custody forthwith, to suffer the remainder of his sentence.

(NEELAM GULATI)
COURT MASTER

(RENUKA SADANA)
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 583 OF 2010

AMARJIT SINGH

Appellant(s)

VERSUS

STATE OF HARYANA

Respondent(s)

O R D E R

The appellant - Amarjeet Singh was accused of committing the murder of his wife Balbir Kaur, alongwith his brother Gurdev Singh, and his brother's wife Amar Kaur. On the culmination of the trial, the Additional Sessions Judge, Sirsa acquitted Gurdev Singh and Amar Kaur on 4.11.2000. The appellant - Amarjeet Singh, the husband of the deceased was however convicted, interalia, for the offence under Section 302 of the Indian Penal Code, 1860. He was sentenced to imprisonment for life, and also to pay a fine of Rs.5000/- (Rupees five thousand only). In case of default in payment of fine or a part thereof, he was to undergo further imprisonment, for a period of one year.

Amarjeet Singh preferred Criminal Appeal No. 678 of 2000 before the High Court of Punjab and Haryana at Chandigarh. The High Court vide its judgment dated 14th May, 2009, confirmed the conviction and sentence of Amarjeet Singh.

Dissatisfied with the order passed by the Additional Sessions Judge, Sirsa, dated 04.11.2000, and that, passed by the High Court of Punjab and Haryana at Chandigarh dated 14.5.2009, the appellant has approached this Court.

We have been assisted in the matter by Mr. Vaijendra Nigam, who has vehemently referred to the confessional statement made by the accused to Nishan Singh (PW-9). It is also the contention of the learned counsel for the appellant, that keeping in mind the dead weight of a person, who is in a state of sedation, it would be impossible for an individual singularly to hang her.

We have considered the two submissions advanced by the learned counsel of the appellant. Insofar as the issue of the deceased having been put to death by strangulation is concerned, it is first and foremost necessary to examine the statement made by the accused under Section 313 of the Code of Criminal procedure, 1973. In this behalf, it is necessary to record, that the appellant expressed that he had extremely good relations with his wife. In his above statement, in order to explain the ligature marks on her neck, he referred to an incident which had occurred a year prior to the occurrence. He pointed out, that whilst the appellant and the deceased were riding on a scooter, the scarf worn by the deceased had got stuck in the rear wheel of the vehicle leading to her being strangled accidentally. It was the case of the accused, that the

ligature mark on the neck of the deceased was of the said occurrence.

A relevant fact in the instant case emerges from the statement of Dr. Y.K. Chaudhary (PW-12). In his statement, Dr. Y.K. Chaudhary (PW-12) has not only indicated that the deceased died of asphyxia, but also, that she had been administered Zinc Phosphide poison. In fact in the explanation tendered by Dr. Y.K. Chaudhary (PW-12), he emphasised that Zinc Phosphide poison was administered only for sedation. The deceased, on being sedated, was strangulated with her scarf. The deposition of the Dr. O.P. Singla (PW-6), also render an answer to the submission advanced by the learned counsel, that the deceased could not have committed suicide by hanging. Even the High Court while examining the instant issue, arrived at the conclusion, that the deceased was suffocated to death by using her scarf, and thereafter her body was hung to create an impression that it is a case of suicide by hanging. This was sought to be explained by relying on the medical evidence wherein it was expressed, that the saliva of the deceased dropped from her mouth to her ear, which could only have been possible if the deceased was in a sedate condition. The courts below have accepted the above position and we find no reason to differ therewith.

Insofar as the explanation tendered by the appellant- Amarjeet Singh in respect of the ligature mark suffered by the deceased, an year prior to the occurrence is concerned,

the High Court, having examined the medical report, arrived at the conclusion, that the ligature mark was in a depressed condition which indicates that they were of a recent origin, and therefore, rejected the defence advanced by the appellant, that the ligature marks were on account of a fall suffered by the deceased from the scooter a year prior to the occurrence. We are of the view that the above inference was fully justified, and hence we endorse the same.

For the reasons stated hereinabove, we find no justification whatsoever to record a finding different from the findings recorded by the trial court, as well as, by the High Court.

The instant appeal is accordingly dismissed.

By order dated 15th April, 2013, the appellant was released on bail. In view of the dismissal of his appeal, he shall be taken into custody forthwith, to suffer the remainder of his sentence.

.....J
(JAGDISH SINGH KHEHAR)

.....J
(KURIAN JOSEPH)

.....J
(ARUN MISHRA)