



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**Criminal Appeal No. of 2026
(@Special Leave Petition (Crl.) of 2026)
(@Diary No.46882 of 2024)**

Jaswinder Singh @ Shinder Singh

...Appellant

Versus

State of Punjab

...Respondent

JUDGMENT

K. VINOD CHANDRAN, J.

Delay condoned.

2. Leave granted.
3. The learned Senior Counsel appearing for the appellant-accused and the learned Government Advocate appearing for the State were *ad idem* that the impugned judgment is slightly incomprehendable; a remand would have been ideal. But, once the conviction by the Trial Court was reversed and the accused acquitted by the High Court, then a remand was made in which the impugned judgment affirming the conviction was passed, which has persuaded us to go into the merits. The offense is of the year 1999, a

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double murder having occurred on 14.10.1999 at about 06:00 pm and an FIR having been registered at 10:15 am on the very next day. Only one of the accused is in appeal before us, who was alleged to be the driver of the vehicle in which the assailants came and whose role in the crime proper, as we will presently see, was not fully established considering the entire circumstances.

4. We looked into the records and heard the learned Senior Counsel, Mr. Shoeb Alam appearing for the appellant and Mr. Siddhant Sharma, learned Government Advocate for the State.

5. Briefly stated, both the murders occurred on 14.10.1999, when the assailants were alleged to have come in a Tata Mobile 207 of blue colour and near the bus stand at Village Poonia, Shingara Singh son of Ujagar Singh @ Jagar Singh was shot by Sukhdev Singh @ Deba and Dhalwinder Singh @ Bhinder. The two accused, other than the appellant, were armed with .315 bore rifle. The appellant herein, Jaswinder Singh @ Shinder Singh was alleged to be the driver of the vehicle. The son having been shot dead in front of his father, it is the testimony of the father, PW-7, that he

immediately boarded a bus, to inform his people and on reaching home, he found his wife and daughter-in-law crying aloud, apprising him of the murder of the other son, Balkar Singh, by the very same accused, when the deceased was coming back to his home in his scooter. The dead body of the victim was kept in the neighboring house where he was shot dead. There too the appellant was accused to have been driving the Tata Mobile, in which the other accused were travelling.

6. The prosecution went to trial producing two key witnesses PW-7 and PW-10, the father of the persons murdered and the wife of one of the brothers murdered. The recoveries were with respect to the other accused and not the appellant herein. The learned Government Advocate pointed out that the other accused are absconding and hence, the consideration may be confined to the appellant herein.

7. On going through the evidence of the key witnesses, we find that PW-7, the father though spoke of the appellant having driven the vehicle, did not speak of any overt act on the part of the appellant resulting in a direct involvement in

the crime proper. The recorded testimony of PW-7 indicates that he only identified the other two accused standing in the dock, as the persons who shot his son in the first incident. The narration indicates that he also spoke of the appellant having dragged the son before he was shot by the other two. In cross-examination, he was specifically confronted with the statement under Section 161 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Cr.P.C.') and the omission in the same of a statement of the appellant having alighted and dragged his son having been recorded by the police. The omission is fatal when we consider that the appellant was not arrayed at the first instance and was summoned under Section 319 of the Cr.P.C. by order dated 24.08.2000 of the Trial Court.

8. PW-10, the wife of the deceased who was shot dead later, projected as an eyewitness spoke only of the appellant having driven the vehicle. She has identified the appellant along with the other accused in the dock. Pertinent is the fact that there was no statement recorded of the said witness by the police at the first instance, after the inquest was carried out. They were admittedly present in

the premises, but no statement is seen recorded under Section 161 of the Cr.P.C.

9. Pertinent is also the fact that DW-1, the DSP who was examined for the defense clearly stated that PW-7 and PW-10, despite his summoning them failed to cooperate in the investigation. He carried out the investigation at the first stage and also filed a report without the appellant in the array of accused, as testified by him before court, finding him to be innocent.

10. The Tata Mobile, which was involved in both the incidents, we find, was seized by the police, on the next day, testified by PW9, the Reader of the DSP (R) Jalandhar who was in the police party. The witness speaks of the other accused being in the vehicle and not the appellant. There is nothing incriminating against the appellant found in the vehicle and the vehicle was not even produced before the Court or got identified by the eyewitnesses. The father of the registered owner of the Tata Mobile, who had possession of the same, since his son was abroad, was examined, on the side of the defense, as DW-2 who categorically stated that he had not entrusted the vehicle to

either of the accused. There is no connection established between the owner of the vehicle and the appellant herein.

11. In the totality of the circumstances, we find absolutely no reason to uphold the conviction of the appellant as held by the Trial Court and affirmed by the High Court. The deposition of PW-7 reveals a history of animosity between two families related to each other. The members of one of which was the accused and in the other group, there was active participation of the sons of PW-7. Both groups, as is seen from the evidence of PW-7 were involved in illegal activities and each have implicated the others in criminal cases by information given to the police. Based on such information, raids were conducted and recoveries made of contraband and narcotics, which also led to constant clashes between the two groups. Vengeful actions were taken against each other which have also resulted in the death of members of both the gangs. On an overall conspectus, we are inclined to acquit the appellant finding no incriminating circumstance against him but for a vague statement of the appellant having driven the vehicle and the involvement in

the crime proper omitted to be stated to the police and for the first time stated before Court.

12. The criminal appeal is allowed setting aside the judgment only insofar as the appellant herein. We make it clear that we have dealt with only the lack of incriminating circumstances against the appellant and have not spoken on the evidence or the testimony with regard to the other accused.

13. The appellant is acquitted of the crime alleged, if the appellant is in custody, he shall be released forthwith and if already released on bail, the bail bonds shall be cancelled.

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

..... J.
(AHSANUDDIN AMANULLAH)

..... J.
(K. VINOD CHANDRAN)

NEW DELHI
JANUARY 06, 2026.