2026 INSC 1285

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

**CRIMINAL APPEAL NOS.1735-1737 OF 2017**

**STATE OF PUNJAB** **APPELLANT**

**VERSUS**

**NEERAJ RANA @ SONU AND OTHERS** **RESPONDENTS**

**J U D G M E N T**

**ATUL S. CHANDURKAR, J.**

**1.** We are, in these criminal appeals, concerned with the correctness of the common judgment dated 29.11.2016 passed by the Division Bench of the High Court of Punjab and Haryana[1] in CRA Nos.721 and 887 of 2012 as well as 981 of 2013 by which the conviction of the respondents for the offence punishable under Sections 302 and 382 of the Indian Penal Code, 1860[2] was set aside, resultantly acquitting them of the charges framed against them.

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[1] For short, 'the High Court'
[2] For short, 'the Penal Code'

**2.** The case of the prosecution, in brief, is that on 16.01.2009, informant Subhash Chander recorded his statement stating that at about 04.00 p.m. on the said day, he had gone to his house after receiving a phone call from his wife, Kamlesh Rani that their clothes were to be washed. After washing the clothes, he had gone back to his shop. He, thereafter, returned home at about 07.30 p.m. and found the main gate of his house open. On entering his house, he found his wife lying in a pool of blood. Gold ornaments worn by her on person were found missing. The informant immediately called his father, who came there shortly. He, thereafter, rushed to the police station to make a report. On the aforesaid basis, First Information Report No.12 of 2009 was registered. Investigation was, thereafter, carried out. Supplementary statements of the informant were recorded on 18.01.2009 and 07.04.2009. On this basis, raids were conducted at the houses of the accused namely Neeraj Rana-A1, Rajbir Singh-A2, Gurpreet Singh-A3 and Amarjit Singh-A4. The accused were, thereafter, arrested on 11.04.2009. On the basis of recoveries effected by them, a datar was recovered from A1 and gold rings were recovered from A2 and A3. On completion of investigation, a chargesheet was filed against all the accused for the offence

punishable under Sections 302 and 382 of the Penal Code. On being chargesheeted, the respondents pleaded to be not guilty and were, thus, tried. Twenty-three witnesses were examined during the course of trial. The learned Judge of the Sessions Court, thereafter, held all the accused guilty for the offence punishable under Sections 302 and 382 of the Penal Code. They were, accordingly, sentenced to undergo life imprisonment for the offence punishable under Section 302 of the Penal Code and rigorous imprisonment of ten years with a fine of ₹5,000/-, in default, to undergo further rigorous imprisonment for a period of six months for the offence punishable under Section 382 of the Penal Code.

**3.** Being aggrieved, the respondents preferred separate appeals before the High Court. On re-considering the entire evidence, the High Court held that the prosecution had failed to prove its charge against the respondents. Various vital links in the chain of circumstantial evidence were missing. Merely on the basis of recovery of certain incriminating articles, the High Court found it insufficient to hold them guilty. It, accordingly, set aside the conviction of all the respondents and acquitted them by allowing all the appeals. The State of Punjab has, thus, challenged the

aforesaid common judgment of acquittal.

**4.** Mr. Karan Sharma, learned counsel for the State of Punjab submitted that the High Court erred in reversing the conviction of the respondents. The Sessions Court, after considering the entire evidence on record, had found that the evidence on record was sufficient to bring home the charge against the respondents. As per the deposition of PW3-the father of the informant, the respondents were last seen near the house of the informant on 16.01.2009. Further, the informant on 06.04.2009 had overheard the respondents discussing their involvement in the said crime. Moreover, A1 had been working in the shop of the informant earlier and various ornaments of the deceased had been recovered at his behest. The Sessions Court having found the prosecution evidence to be sufficient to hold the respondents guilty, the High Court erred in reversing their conviction. Notwithstanding the fact that some of the prosecution witnesses had turned hostile, the evidence of other witnesses was sufficient to sustain their conviction. He, therefore, submitted that on a re-consideration of the entire material on record, it was clear that the judgment of the Sessions Court was not liable to be reversed. He, therefore, prayed for setting aside the judgment of the High Court and restoring the

conviction of the respondents.

**5.** Per contra, Ms. Mahalakshmi Pavani, learned Senior Advocate for the respondents supported the impugned judgment. According to her, the well-settled parameters while examining a challenge to the judgment of acquittal by the High Court ought to be borne in mind. In absence of any eye-witness to the offence in question, the case of the prosecution was based entirely on circumstantial evidence. The evidence on record was not sufficient to complete the chain of events so as to bring home the guilt of the respondents. It was rightly found by the High Court that there were various inconsistencies in the case of the prosecution and, hence, only on the basis of a disclosure statement, the respondents had been convicted by the Sessions Court. It was highly doubtful that after about three months from the incident, the accused were heard discussing their involvement in the said offence in the presence of the informant. She, therefore, submitted that the judgment of acquittal did not warrant any interference in appeal. To substantiate her submissions, the learned Senior Advocate placed reliance on the decision in **Ramanand @ Nandlal Bharti Vs. State of Uttar Pradesh**[3]. She, thus, prayed for dismissal of the

[3] 2022 INSC 1075

appeals.

**6.** We have heard learned counsel for the parties at length and with their assistance, we have also perused the records of the case. Having given due consideration to the prosecution material on record and bearing in mind the broad parameters to be considered while dealing with a challenge to a judgment of acquittal, we are of the considered view that the acquittal of the respondents by the High Court was justified and the said conclusion does not call for any interference.

**7.** Undisputedly, the case of the prosecution is based on circumstantial evidence as there were no eye-witnesses to the unfortunate incident in which the informant's wife lost her life. Informant Subhash Chander was examined as PW2 and according to him, the murder of his wife took place on 16.01.2009. He had made a report on the same day and had also noticed that her gold ornaments such as gold bangles and gold finger rings were missing along with her mobile phone. After about three months on 06.04.2009, when he was present at Anand Hotel, he heard A1 along two others discussing about the crime in question and that A4 had taken away most of the gold ornaments. He stated that A1 had been working in his shop for about a month, which was about

two months prior to the occurrence. He further stated that on 11.04.2009, recovery of a datar was made at the behest of A1 from his house. Similarly, recovery of a gold ring was at the instance of A3. In his cross-examination, this witness stated that the mobile phone was registered in his name but he had not brought any document to show his connection with the same. He further stated that his son, Sunil was undergoing life imprisonment for the murder of his wife. He admitted that he was also an accused and was in jail for some time. He further admitted that initially, the husband of his daughter as well as his father and their servants were investigated by the police. He also admitted that he had filed a writ petition before the High Court against his son-in-law and his father as the police were not registering a case against them. As regards his presence on 06.04.2009 at Anand Hotel, he stated that the accused were sitting there before he entered the hall. Though he saw them in the hall, the accused did not notice him. He admitted that the datar recovered from the spot did not have blood stains. As regards recovery of the gold ring, he stated that it was recovered from a trunk but the same was not produced before the police.

**8.** PW1-Gaurav Sood stated that he had purchased a mobile phone from A1. He, thereafter, sold the same mobile to one Rohit Kumar. In his cross-examination, he stated that he did not maintain any register with regard to sale of mobile phones. Though he demanded proof of identity from A1 and the same was not given, he did not report the matter to the police. He admitted that no identification parade was held in the police station for identifying A1. A1 was standing in the police station when he had gone there. On the police asking him if he was the same person who had sold the mobile to him, he had answered in affirmative.

**9.** PW3-Ram Lal is the father of the informant, Subhash Chander. According to him, on 16.01.2009 at about 05.00 p.m., when he had gone to the house of his son, he had seen four persons standing near the vicinity of his son's house. After the accused were apprehended on 11.04.2009 and were in police custody, he identified them as being the persons who were standing near the house on 16.01.2009. In his cross-examination, he stated that he did not refer to the presence of the accused persons as noticed by him on 16.01.2009. He further admitted that in the police station on 11.04.2009, only four accused persons were present and besides them, no other person was present.

**10.** Various other witnesses were examined by the prosecution, out of which PW5, PW7 and PW9 turned hostile. The Investigating Officer was examined as PW16. He admitted that he had not sent the datar for forensic examination. He further admitted that while effecting recoveries, he did not join any independent person in that process.

**11.** It can, thus, be seen that except the depositions of the informant Subhash Chander and his father, there is no other evidence to link the respondents to the crime. The murder of Kamlesh Rani took place on 16.01.2009. It is only on 06.04.2009 that the informant stated that he overheard the accused discussing the said crime. This talk is stated to have taken place at Anand Hotel in a hall. It is highly improbable that such discussion was ever heard by the informant without the respondents noticing his presence. The High Court has refused to accept this piece of evidence and in our view, it was right in not doing so. The plea that the mobile phone being used by the deceased was subsequently sold by A1 to PW1 is also not free from doubt. No record of any sort was produced by PW1 that could lead at least to an inference that it was the same mobile phone that was brought by A1 for being sold to PW1. Merely on the basis of

recovery of a datar, which was also not subjected to forensic examination or the recovery of the gold ornaments, the respondents could not have been convicted for the offence punishable under Sections 302 and 382 of the Penal Code. The prosecution evidence when considered in its entirety does not inspire confidence nor is it corroborative in nature.

**12.** We are conscious of the approach to be adopted while dealing with a judgment of acquittal. In a case based entirely on circumstantial evidence, the chain of events ought to be complete in all respects so as to lead only to one hypothesis that the accused alone are guilty of the offence in question. On a re-consideration of the entire evidence on record, we are satisfied that the chain of circumstances is not at all complete so as to lead to the guilt of the respondents and that it was the respondents themselves, who were guilty of the offence in question. As held in **Ramanand @ Nandlal Bharti** *(supra)*, it is only when all circumstances are collectively considered and they lead only to the irresistible conclusion that the accused alone were the perpetuators of the crime, that a conclusion as regards their guilt can be recorded. This aspect is conspicuously missing in the present case.

**13.** For the aforesaid reasons, we are satisfied that the High Court was legally correct in acquitting the respondents of the alleged offence. The chain of circumstances is not shown to be complete and there are various gaping holes in the prosecution case. We, therefore, do no find any reason to upset the judgment of the High Court. Consequently, the Criminal Appeals are dismissed and the acquittal of the respondents is affirmed.

**.....J.**
**[ATUL S. CHANDURKAR]**

**.....J.**
**[APARESH KUMAR SINGH]**

NEW DELHI,
NOVEMBER 27, 2026.