

The police as well as State authorities had given reply in the writ petition of habeas corpus filed by Paramjit Kaur in the Hon'ble Supreme Court of India in the form of affidavits that they could not trace out the whereabouts of Jaswant Singh Khalra. He is not heard of for the last more than 10 years. So, he is presumed to be dead and the accused could not explain where Sh. Jaswant Singh Khalra had gone. Moreover, it is not necessary in order to prove offence under Sections 302/34 and 201 I.P.C. that dead-body must be found. It has been held by the Hon'ble Supreme Court of India in case Ram Gulam Choudhary and others Vs. State of Bihar, 2001(2) Apex Court Journal 263 (SC) that where the accused took away the deceased, dead body not found, it is not necessary for a conviction for murder that the corpus delicti be found. In the absence of corpus delicti, there must be direct or circumstantial evidence leading to the inescapable conclusion that the person has died and that the accused are the persons who had committed the murder, and it has been fully proved by P.W.16 that Jaswant Singh Khalra was murdered by the aforesaid accused 3/4 days after Diwali of 1995 in a room in the quarter of S.H.O. Satnam Singh, Police Station Chabbal by shots from a fire arm and his dead-body was thrown in the canal at Harike on the same night at about 12

ATTESTED
Superintendent
Magistrate & Sessions Judge
BAVIANA

22/11/05

midnight. So, the prosecution has also succeeded in proving the fact that Jaswant Singh Khalra was murdered and his dead-body was thrown into the canal. Therefore, the prosecution has fully proved the point for determination No.(iv) in their favour.

33. As regards the defence taken by the accused, nodoubt, the accused have admitted their postings in the Police District Taran Taran in their statements recorded under Section 313 Cr.P.C. but they denied that they were present at the place of alleged abduction of Jaswant Singh Khalra at House No.8, Kabir Park, opposite Guru Nanak Dev University, Amritsar, on 6.9.1995. Accused Jasbir Singh alleged that he was on leave from 1.9.1995 to 5.9.1995 as he had gone to Gurdwara Siri Hemkund Sahib in U.P., now in Uttranchal Pradesh, to pay obeisance. He submitted that on 6.9.1995, he was at Gurdwara Siri Hemkund Sahib which is far away from the place of occurrence. In this regard he examined D.W.10 Chanan Singh who deposed that Jathedar Anoop Singh led Jatha consisting of 35/40 persons in all, on 1.9.1995 to pay obeisance at holly Gurdwara Hemkund Sahib. Jasbir Singh accused had also accompanied them in that Jatha. Jasbir Singh was travelling in his own Maruti car-800 alongwith his driver. They left Taran Taran on 1.9.1995

ATTESTED
[Signature]
Superintendent
Magist & Sessions Judge
PATIALA

22/11/05

early in the morning and reached Gurdwara Rishi Kesh and stayed there for night. On 2.9.1995, the Jatha left Gobind Ghat in the shape of procession and reached Gobind Ghat in the evening. On 3.9.1995, they left Gobind Ghat on way to Gobind Dham on foot and reached there and spent the night at Gobind Dham Gurdwara. On 4.9.1995, they left Gobind Dham for Gurdwara Hemkund Sahib and reached Gurdwara Hemkund Sahib, paid obeisance there, stayed there for a while and returned to Gurdwara Gobind Dham and stayed there for ~~the night~~ ^{a while;} on 4.9.1995 and left Gobind Dham for Gurdwara Gobind Ghat and stayed there at night. On 5.9.1995, they left Gobind Ghat in the morning and reached Joshi Math but there was land slide and rain, therefore, they stayed there upto 3 p.m. on 6.9.1995. Then they reached Karan Paryag in the evening and stayed there for night due to road blockage and heavy rain/land slide. They left Karan Paryag on 7.9.1995. So, this witness stated that Jasbir Singh remained with the Jatha from 1.9.1995 to 7.9.1995. The accused also examined D.W.11 Sh.Ajit Singh, Manager, Gurdwara Hemkund Sahib Management Trust who deposed that he had seen the record of Gurdwara Siri Hemkund Sahib Management Trust which also runs affairs of Gurdwaras at Rishi Kesh, Joshi Math, Gobind Ghat and Gobind Dham. At

WITNESSES

ATTESTED

[Signature]
Superintendent
Criminal & Sessions Judge
PATIALA

22/11/95

CITIZEN 364

serial No.1194 dated 1.9.1995 of the registers, there is entry of Jasbir Singh son of Harbhajan Singh, resident of Master Colony, House No.1, Taran Taran, district Amritsar. They reached Gurdwara Siri Rishi Kesh Sahib at 6-45 p.m. vide vehicle No.DLB-2016. The persons arrived in the Gurdwara Sahib are six in number and they stayed at night in room No.81. This entry has also been attested by Gurbachan Singh, Manager. He has also seen entry dated 5.9.1995 in respect of Jasbir Singh, S.H.O. Manochahal and as per this entry, five persons shown to stay in room No.3 at Gurdwara Sahib Joshi Math. This entry was made by some person of temporary staff. He identified the signatures of Granthi Balwant Singh on this register. This witness has seen receipt No.886 dated 2.9.1995 in the name of Jasbir Singh, S.H.O. Manochahal for a sum of Rs.1100/- for performing Akhand Path at Gurdwara Rishi Kesh for welfare of the family. So, the counsel for accused Jasbir Singh has submitted that Jasbir Singh was on way to Gurdwara Siri Hemkund Sahib from 1.9.1995 to 7.9.1995. So, he has been falsely implicated in the case of abduction of Jaswant Singh Khalra on 6.9.1995 at Amritsar.

1/05

34. Whereas the Special Public Prosecutor for the CBI submitted that the accused being S.H.O./Sub Inspector in police department has cleverly made this alibi. Nodoubt, he

ATTESTED

[Signature]
 Superintendent
 District & Sessions Judge
 PATIALA
 29/11/05

went to Gurdwara Rishi Kesh on 1.9.1995 and stayed there for night and made entry in the register of Gurdwara Rishi Kesh on 1.9.1995 at serial No.1194 which bears signatures of Jasbir Singh which have been duly confirmed by the Government Examiner P.W.17 Dr.B.A.Vaid, AGEQ, Simla, who compared the disputed signatures of Jasbir Singh with his admitted signatures and in his report Ex.PK and reasons for opinion Ex.PM and Ex.PN. Then on 2.9.1995, accused Jasbir Singh got receipt of Rs.1100/- No.886 for performing Akhand Path at Gurdwara Rishi Kesh for welfare of his family and then left Gurdwara Rishi Kesh. Thereafter, his entry nowhere figures in any of the registers of Gurdwaras under the management of Siri Hemkund Sahib Management Trust. The next entry dated 5.9.1995 at Gurdwara Joshi Math does not bear signatures of Jasbir Singh. Rather one member of the group had decreased from six to five. Moreover, from 5.9.1995 onwards, there is no entry of Jasbir Singh in any of the registers of Police Station Manochahal where he was posted. He was neither on leave nor on rest. So, he has created this alibi just to wriggle out from this case.

35. I have gone through the entire evidence produced on the record by this accused Jasbir Singh. Admittedly, Jasbir Singh accused went to Gurdwara Hemkund Sahib on

ATTESTED

 Superintendent
 District & Sessions Judge
 PATIALA 28/11/05

1.9.1995. There is entry in the register of Gurdwara Rishi Kesh i.e. entry at serial No.1194 dated 1.9.1995 and this entry bears signatures of Jasbir Singh and the group of six persons stayed for night in room No.81 and on 2.9.1995, this group left Gurdwara Rishi Kesh. Thereafter, there is no entry in any of the registers at Gurdwara Gobind Ghat or at Gurdwara Gobind Dham and then again at Gurdwara Gobind Ghat on return journey. However, there is entry in the name of Jasbir Singh on 5.9.1995 at Gurdwara Joshi Math where initials J.Singh have been appended in the register but these signatures are not of Jasbir Singh. Moreover, a group of five persons stayed at Gurdwara Joshi Math in room No.3 on the night of 5.9.1995 which shows that one person was missing from this group and this entry did not bear the signatures of Jasbir Singh as stated by P.W.17 Dr.B.A.Vaid, AZEQ, Simla (Assistant Government Examiner of Questioned Documents). Moreover, if the accused could produce registers of Gurdwara Rishi Kesh and Gurdwara Joshi Math, why he did not produce the entries at Gurdwara Gobind Ghat and Gurdwara Gobind Dham and return journey to Gurdwaras Gobind Dham, Gobind Ghat, Rishi kesh, etc. Further both these witnesses examined by the accused i.e. D.W.10 Chanan Singh has categorically stated that he had no documentary proof to

ATTESTED

**Superintendent
District & Sessions Judge
PATIALA**

28/11/95

show that he had visited Hemkund Sahib from 1.9.1995 to 7.9.1995 nor he gave any application/representation in writing to C.B.I. or any higher authorities that Jasbir Singh was the member of the Jatha who had gone to Gurdwara Hemkund Sahib from 1.9.1995 to 7.9.1995. D.W.11 Sh.Ajit Singh, Manager, Gurdwara Hemkund Sahib Management Trust in his cross-examination has stated that on the entry of 1.9.1995 at Gurdwara Rishi Kesh, the father's name of Jasbir Singh is written as Harbhajan Singh, whereas on the entry of 5.9.1995 at Gurdwara Joshi Math, the father's name of Jasbir Singh has been written as Harbans Singh. Moreover, this witness has admitted that any person can get the entry recorded in the register in the name of any other person. He also admitted that in both these entries the address of the pilgrim is also different from each other. So, it is clear that any person can get the entry in the name of any other person in the register. So, it is clear that in the entry dated 5.9.1995 in the register of Gurdwara Joshi Math, Jasbir Singh accused was not present in the group, that is why he has not signed that entry in the register as he had signed the entry dated 1.9.1995 in the register of Gurdwara Rishi Kesh. So, there is every possibility that from 2.9.1995 onwards, Jasbir Singh was not the member of that group. So, Jasbir Singh has failed

105

ATTESTED
[Signature]
Superintendent
District & Sessions Judge
PATIALA
[Signature]

to prove that he was in the Jatha which went to Gurdwara Siri Hemkund Sahib from Taran Taran from 1.9.1995 to 7.9.1995.

36. Accused DSP Jaspal Singh, SI Satnam Singh and ASI Amarjit Singh created alibi that on 6.9.1995, accused Satnam Singh and ASI Amarjit Singh in the police party headed by SI Satnam Singh apprehended accused Kulwant Singh on the bridge of canal minor in the area of Meerpur at about 10 a.m. on the basis of secret information and recovered from his possession opium weighing one kg. in the presence of DSP Jaspal Singh. Resultantly, F.I.R. was registered against Kulwant Singh dated 6.9.1995 and challan was presented against Kulwant Singh and he was convicted by the Court of Special Judge, Amritsar. So, all these three accused were present at village Meerpur at about 10 a.m. on 6.9.1995. So, they have been falsely implicated in the abduction case of Jaswant Singh Khaira on 6.9.1995 in the area of Kabir Park, Amritsar at 9-20 a.m.

37. The learned Special Public Prosecutor for the C.B.I. submitted that Kulwant Singh has been acquitted by the Hon'ble Punjab and Haryana High Court vide judgment dated 8.12.1997, copy of which is on record, holding that these accused Jaspal Singh, Satnam Singh and Amarjit Singh

ATTEST

1/4/97
Superintendent
District & Sessions Judge
PATIALA

23/11/95

were not present there. Moreover, the accused being so clever, they had abducted Jaswant Singh Khalra at 9-20 a.m. in the area of Kabir Park, Amritsar and Meerpur is hardly a distance of 15/20 minutes on a Govt. Gypsy from Amritsar and they in order to create alibi after abducting Jaswant Singh Khalra could easily reach Meerpur and plant this case on Kulwant Singh. That is why he has been acquitted.

38. I have gone through the judgment passed by the Hon'ble High Court dated 8.12.1997 reported as 1998(1) RCR (Criminal) 846, Kulwant Singh Versus State of Punjab. The Hon'ble High Court has held that the presence of accused DSP Jaspal Singh, SI Satnam Singh and ASI Amarjit Singh at the spot in the area of village Meerpur was highly doubtful on 6.9.1995 at about 10 a.m. So, accused Kulwant Singh was acquitted on this ground. Further village Meerpur is just near Amritsar and there is every possibility that after abducting Jaswant Singh Khalra from his house No.8, Kabir Park, Amritsar, the accused could easily reach in the area of village Meerpur by 10 a.m.

39. It has been held by the Hon'ble Supreme Court of India in case Dudh Nath Pandey Vs. State of U.P., A.I.R. 1981 Supreme Court 911 that the plea of alibi postulates the physical impossibility of the presence of the accused at the

1105

ATTESTED
Superintendent
District & Sessions Judge
PATIALA

27/11/13

scene of offence by reason of his presence at another place. The plea can, therefore, succeed only if it is shown that the accused was so far away at the relevant time that he could not be present at the place where the crime was committed. The same view has been taken by the Hon'ble Supreme Court of India in case State of U.P. Versus Ifikhar Khan, A.I.R. 1973 Supreme Court 863. But in the present case firstly the Hon'ble High Court vide its judgment in case Kulwant Singh Vs.State of Punjab (supra) has held that the presence of accused Jaspal Singh DSP, Satnam Singh SI and Amarjit Singh ASI at village Meerpur at 10 a.m. on 6.9.1995 is highly doubtful. Secondly, village Meerpur is not far away from Amritsar from where the accused abducted Jaswant Singh Khalra at 9-20 a.m. They can reach from Amritsar to village Meerpur within 15/20 minutes. So, they could easily reach at village Meerpur at 10 a.m. So, the alibi created by these accused is of no help to them.

40. Accused Pirthipal Singh created alibi that on 6.9.1995, he was present at village Gorkha alongwith ASI Bahal Singh and two S.P.Os in connection with Thikri Pehra in that village. So, he could not be present at the place of abduction of Jaswant Singh Khalra in Kabir Park area, Amritsar on 6.9.1995 at about 9-20 a.m. In this regard he

ATTESTED

 Superintendent
 District & Sessions Judge
 PATIALA

27/11/95

examined D.W.3 Kuldip Singh and D.W.4 ASI Bahal Singh. Both these witnesses have stated that on 6.9.1995 at about 9 a.m., ASI Bahal Singh alongwith HC Pirthipal Singh and two S.P.Os were present on 6.9.1995 at about 9 a.m. in the area of village Gorkha in connection with Thikri Pehra to be held in the area from 8-30 p.m. to 4 a.m. on that night but in the cross-examination D.W.3 Kuldip Singh has stated that he came to know that accused Pirthipal Singh has been involved in the abduction case of Jaswant Singh Khaira but he did not give any representation to the police or any higher authorities that he had seen H.C.Pirthipal Singh in his village on 6.9.1995 at 9 a.m. He was member Panchayat at that time. He did not pass any resolution regarding the Thikri Pehra nor he could produce any document regarding the order of the authorities for Thikri Pehra in the village. Similarly, D.W.4 ASI Bahal Singh could not produce any entry in the DDR to prove that they left for village Gorkha at about 9 a.m. on 6.9.1995. Further he stated that there was no written order from the higher officers regarding the Thikri Pehra at village Gorkha. Volunteered that there were oral instructions but no witness could be produced by the accused from which authority they had received oral instructions regarding the Thikri Pehra in that area. Further this witness has admitted

ATTESTED
Superintendent
District & Sessions Judge
PAVANA

29/11/05

that he had not given any written representation to the higher authorities or to the C.B.I. that Prithpal Singh remained with him on 6.9.1995. Both these witnesses have deposed in the Court for the first time on 25.7.2005 i.e. after a period of about 10 years. The accused could produce the written documents in the form of any order regarding Thikri Pehra or the copy of DDR to prove that this witness left for village Gorkha on 6.9.1995 at 9 a.m. So, this alibi created by accused Prithpal Singh is nothing but a concocted story and as such has no merit.

41. Accused Surinderpal Singh created alibi that he remained in Police Station Sirhali on 6.9.1995. So, his presence at Kabir Park, Amritsar, the place of abduction of Jaswant Singh Khaira was not possible and he has been falsely implicated in this case. In this regard he examined D.W.5 Kulwant Singh, resident of village Chohla Sahib who deposed that on 6.9.1995 at about 9-15 a.m., he along with Nasib Chand, Sarpanch of village Gharaka, P.S.Sirhali visited Police Station Sirhali. They went to M.H.C. and told him that they want to see S.H.O. Surinderpal Singh in connection with some work. M.H.C. informed them that a meeting of the police officers is going on and the S.H.O. will be available after the meeting. At about 10-15 a.m., M.H.C. informed them that the

CITIZEN Form 7/200

ATTESTED

[Signature]
Superintendent
District & Sessions Judge
PATAIA

[Handwritten signature]
22/11/05

meeting is over and they could see S.H.O. Surinderpal Singh. Then they met S.H.O. Surinderpal Singh and they remained with him upto 11 a.m. They went to the S.H.O. at the direction of S.D.M. Taran Taran as he was to get demarcation of shamlat land where Telephone Exchange was to be constructed. As there was some breach of apprehension of peace, in that connection he went to S.H.O. Surinderpal Singh to seek his help. But in the cross-examination this witness admitted that he did not submit any application to S.D.M. regarding demarcation of land or breach of peace nor he could produce any order of S.D.M. to S.H.O. Sirhali nor this witness could produce any document to prove that he was to get demarcation of shamlat land for Telephone Exchange nor he submitted any representation to S.H.O. PS Sirhali in this regard nor he made any entry in the Rozenamcha nor he got recorded any DDR or F.I.R. at Police Station Sirhali to this effect that there could be breach of peace in their village. The accused also examined D.W.7 HC Jaspal Singh, the then Addl.M.H.C. at P.S. Sirhali who produced the DDR register of P.S. Sirhali dated 6.9.1995 and as per entry No.34 dated 6.9.1995, Surinderpal Singh, the then S.H.O. PS Sirhali left the Police Station at 5-15 a.m. alongwith other police officials for patrolling the area of Police

10/11/95

ATTESTED

[Signature]
Superintendent
District & Sessions Judge
BAVIALA

28/11/95

Station and also for checking of bad elements and he returned to the Police Station at 10 a.m. vide DDR No.7 on 6.9.1995. The entry in this regard is Ex.DW 7/D. However, in the cross-examination this witness admitted that after first two leaves in the register entry starting from 4.9.1995 at 9 a.m., a leaf is contained in the DDR register showing the entries dated 3.9.1995 and 4.9.1995 after the entries of 4.9.1995 and 5.9.1995. This witness further admitted that he does not know if Surinderpal Singh accused alongwith other accused namely Jaspal Singh DSP, etc. had gone to the area of Kabir Park, Amritsar at the residence of Jasbir Singh Khaira at 9 a.m. He also do not know whether the accused alongwith other accused abducted Jaswant Singh Khaira from his residence at Kabir Park, Amritsar, on 6.9.1995 at 9-15 a.m. Moreover, Sirhali is about 30 K.Ms from Amritsar and it is possible to reach Sirhali within 30/35 minutes from Amritsar. It is easily possible that one may reach Sirhali after committing the crime at Kabir Park, Amritsar within 40 minutes. The accused party abducted Jaswant Singh Khaira from Kabir Park, Amritsar at 9-20 a.m. and after that the accused could safely reach Police Station Sirhali by 10 a.m. Moreover, the entries in the D.D.R. are totally wrong. This witness has admitted that there are entries of 3.9.1995 after

CITIZEN Form 93a

ATTESTED

[Signature]
Superintendent
District & Sessions Judge
PATIALA

29/11/95

entries of 4.9.1995 and there are entries of 4.9.1995 after the entries of 5.9.1995. Moreover, this witness had no knowledge whether the accused went to Amritsar at about 9/9-15 a.m. on 6.9.1995. Moreover, the statement of DW 5 Kulwant Singh and the statement of DW 7 HC Jaspal Singh are contradictory. D.W.5 has stated that S.H.O. Surinderpal Singh was in the Police Station from 9-15 a.m. to 10-15 a.m. as stated by MHC because a meeting was going on in the Police Station, whereas the DDR register shows that S.H.O. was on patrol duty in the area from 5-15 a.m. to 10 a.m.. Moreover, DW 5 Kulwant Singh met Surinderpal Singh at P.S.Sirhali at 10-15 a.m. which shows that the accused could easily reach Police Station Sirhali after committing the offence at Kabir Park, Amritsar at 9-20 a.m. So, this alibi is also of no help to the accused in the light of the law laid down by the Hon'ble Supreme Court of India in case Dudh Nath Pandey Vs. State of U.P., A.I.R. 1981 Supreme Court 911 that the plea of alibi can succeed only if it is shown that the accused was so far away at the relevant time that he could not be present at the place where the crime was committed but he could easily reach the place i.e. Police Station Sirhali at 10-15 a.m. after committing crime at Kabir Park, Amritsar at 9-20 a.m. So, the alibi created by all the aforesaid six accused are

ATTESTE
[Signature]
Superintendent
Magistrate & Sessions Judge
PATIALA
28/11/95

CITIZEN FOUNDATION

nothing but the concocted stories created by the accused lateron to wriggle out from this case. Therefore, the defence produced by the accused is without merit.

42. From the above discussed evidence, it stands fully proved on record that all the accused had motive to abduct and eliminate Jaswant Singh Khalra as he did not desist from releasing to the press the investigative reports regarding the disappearance of the youths in Punjab and cremation of unidentified and unclaimed dead-bodies by the Punjab Police in the cremation ground of Durgiana Mandir, Amritsar, cremation grounds of Patti and Taran Taran and he openly challenged these illegal acts of the Punjab Police which were lateron confirmed by the order of National Human Rights Commission dated 4.10.2005 in Reference Case No.1/97/NHRC. Therefore, all the accused hatched conspiracy to abduct Jaswant Singh Khalra to shut his mouth from speaking against the Punjab Police regarding illegal cremation of unclaimed and unidentified bodies in the area of Amritsar, Taran Taran and other parts of the Punjab. Resultantly, they executed the conspiracy through all the accused in this case. Resultantly, on 6.9.1995, all the accused namely DSP Jaspal Singh, DSP Ashok Kumar, SHO Satnam Singh, P.S.Chabbal, SHO Surinderpal Singh, PS

CITIZEN Case 7324

ATTESTED

[Signature]
Superintendent
District & Sessions Judge
PATIALA

22/11/05

Sirhali, SHO Jasbir Singh, PS Manochahal, ASI Amarjit Singh and HC Pirthipal Singh abducted Jaswant Singh Khalsa from his house No.8, Kabir Park, opposite Guru Nanak Dev University, Amritsar at 9-20 a.m. They kept Jaswant Singh Khalsa in illegal custody from 6.9.1995 onwards, tortured and beaten him to the extent that he could not move or take meals or go to bath-room and in this regard he was assisted by P.W.14 Kulwant Singh and P.W.16 Kuldip Singh. He was not produced by the police before the Hon'ble Supreme Court of India despite the direction given by the Hon'ble Supreme Court of India in Writ Petition No.497 of 1995, decided on 15.11.1995 Mrs.Paramjit Kaur Versus State of Punjab, cited in 1996(1) RCR (Criminal) 282 Ex.PP. He was tortured by all the accused in the lock ups of various Police Stations of district Taran Taran and in the kothi of Sh.Ajit Singh Sandhu at Manawala, Amritsar and ultimately he was killed about four days after Diwali of 1995 in a room in the quarter of Satnam Singh, S.H.O. PS Chabbal and then his dead-body was thrown on the same day at about 12 midnight in canal at Harike, district Amritsar. So, all the accused namely Ajit Singh Sandhu, SSP (since expired), Ashok Kumar, DSP (since expired), Satnam Singh, Jasbir Singh, Amarjit Singh, Surinderpal Singh, Pirthipal Singh and Jaspal Singh DSP

303
ATTESTED


Superintendent
District & Sessions Judge
PATIALA

29/11/95

have committed offence of hatching criminal conspiracy to abduct and eliminate Jaswant Singh Khaira, General Secretary, Human Rights Wing of Shiromani Akali Dal on or about September 6, 1995. Therefore, all the aforesaid accused have committed offence punishable under Section 120-B I.P.C. Resultantly, I convict all these ^{six} accused under Section 120-B I.P.C.

43. All the accused namely DSP Ashok Kumar, Surinderpal Singh, Satnam Singh, Jasbir Singh, Jaspal Singh, Amarjit Singh and Pirthipal Singh abducted Jaswant Singh Khaira on 6.9.1995 from his house at Kabir Park, Amritsar with an intention to eliminate him thereby all these accused have committed offence punishable under Section 364 read with Section 34 I.P.C. Resultantly, I convict all these accused for the commission of offence punishable under Section 364 read with Section 34 I.P.C.

44. Accused Jaspal Singh and Amarjit Singh have been charged with the allegation that they committed the murder of Jaswant Singh Khaira by intentionally causing his death. Nodoubt, the other accused have also played part in causing the death of Jaswant Singh Khaira but only accused Jaspal Singh and Amarjit Singh have been charged under Section 302 I.P.C. Therefore, I hold both these accused guilty

ATTESTED

[Signature]
Superintendent
District & Sessions Judge
PATIALA

28/11/95

for the commission of offence punishable under Section 302 I.P.C. and convict them thereunder. Both these accused DSP Jaspal Singh and ASI Amarjit Singh have been charged and it has been fully proved that they have after committing the murder of Jaswant Singh Khalra caused the corpus of Jaswant Singh Khalra to disappear by throwing the same in canal at Harike with the intention of screening them from legal punishment. Nodoubt, the other accused have also played part in the commission of this crime, as discussed above, but charge has been framed by my learned predecessor on 25.7.1998 under Section 201/34 I.P.C. against only these accused. So, I hold both these accused DSP Jaspal Singh and ASI Amarjit Singh guilty for the commission of offence punishable under Section 201 read with Section 34 I.P.C. and convict them thereunder. Let the accused be heard on the quantum of sentence.

Pronounced in open Court.

[Signature]
 Addl Sessions Judge,
 Patiala.

Dated: 18.11.2005.

ATTESTED
[Signature]
 Superintendent
 District & Sessions Judge
 PATIALA

Contd-

29/11/05

CITIZEN Form 7/50

Present: All the accused/convicts with their counsel
Sh. K.S. Nagra, Advocate.
Sh. H.P.S. Verma, Special Public Prosecutor
for the C.B.I. assisted by Sh. B.S. Sodhi,
Advocate for the complainant.

ORDER OF SENTENCE

45. I have heard the accused/convicts, their counsel as well as Special Public Prosecutor for the C.B.I. on the question of sentence. The statements of the accused were also recorded separately. All the accused requested for lenient view in the matter of sentence on the grounds that they are of the age of 41 to 57 years. They have been facing trial for the last 10 years in this case. They are the only bread earners in their family. There is no other member to look after their parents and some of their children are of marriageable age. They are the first offenders.

46. I have gone through the record of this case. As per the police report, the accused/convicts are first offenders. They have been facing trial for the last about 10 years but keeping in view the gravity of the offence they have committed i.e. the abduction of an innocent person from his house, torturing him and then finally eliminated him and disposed of his dead-body by throwing the same in the canal, particularly when the accused/convicts were the protectors of law and order, I am of the view that the accused/convicts do not

ATTESTED

18/11/25
Superintendent
Magistrate & Sessions Judge
PATIALA

27/11/25

deserve any leniency in the matter of sentence. Accordingly, I sentence the accused/convicts as under:-

- (1). All the accused/convicts to undergo rigorous imprisonment for 5 years each and to pay fine of Rs.2000/- each or in default of payment of fine to further undergo rigorous imprisonment for two months each under Section 120-B I.P.C.
- (2). All the accused to undergo rigorous imprisonment for 7 years each and to pay fine of Rs.5000/- each or in default of payment of fine to further undergo rigorous imprisonment for five months each under Section 364 read with Section 34 I.P.C.
- (3). Accused Jaspal Singh and Amarjit Singh to undergo imprisonment for life and to pay fine of Rs.5000/- each or in default of payment of fine to further undergo rigorous imprisonment for five months each under Section 302/34 I.P.C.
- (4). Accused Jaspal Singh and Amarjit Singh to undergo rigorous imprisonment for two years each and to pay fine of Rs.2000/- or in default of payment of fine to further undergo rigorous imprisonment for two months each under Section 201 I.P.C.

ATTESTED

[Signature]
Superintendent
Magist & Sessions Judge
PATIALA

27/11/05

47. All the sentences shall run concurrently. The period of imprisonment already undergone by the convicts shall be set off from the substantive sentences imposed upon the accused/convicts. The case property be disposed of after the expiry of period of appeal/revision, if any, under rules. File be consigned to the Record Room.

Pronounced in open Court.

Dated: 18.11.2005.

S. P. Singh
Addl. Sessions Judge,
Patiala.

CITIZEN Form 9500

Writed to be True Copy
16/11/05 22/11/05
Superintendents
of Sessions Judge, Patiala
th. 81374 of Bandone Ar.
22/11/05

COMPARED

READ HEARD

7347
Name of application *S. B. S. Chhina*
Date of Presentation *21/11/05*
Date of Preparation *22/11/05*
No. of Pages *228*
Cost *164/-*
Prepared by *S. S. Chhina*
Compared by *[Signature]*
Delivered by *[Signature]*
Date of delivery *23/11/05*