



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**Reserved on: 25.08.2026
Pronounced on: 26.08.2026
Uploaded on: 27.08.2026**

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

1. CRR No.712 of 2008

**Satnam Singh (since deceased) through
his LR Rajwinder Kaur**

...Petitioner

Versus

State of Punjab

...Respondent

2. CRR No.713 of 2008

Balwinder Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Argued by:- Mr. Lokesh Vohra, Advocate
for the petitioner *in CRR-712-2008*.

Ms. Gurpreet Kaur Bhatti, Amicus Curiae
for petitioner No.1-Balwinder Singh *in CRR-713-2008*.

*Petitioner No.2-Darshan Singh dead in CRR-713-2008 and
the revision petition qua him has already been rendered
infructuous vide order dated 08.05.2008.*

Mr. Sahil Chowdhary, AAG, Punjab.



MANDEEP PANNU, J.

1. Both the above-said revision petitions have been filed by the petitioners, challenging the judgment of conviction and order of sentence passed by learned Additional Chief Judicial Magistrate, Gurdaspur, dated 24th August 2006, whereby all the four accused, namely Pradeep Kumar, Darshan Singh, Balwinder Singh and Satnam Singh, were convicted and sentenced as under:-

Under Section	Imprisonment awarded	Fine	Imprisonment in default of payment of fine
Section 380 IPC	R.I. for 06 months each	Rs.200/- each	R.I. for 01 month each

2. The revisionist-petitioners have also challenged the judgment passed by learned lower appellate Court, dated 29th March 2008, whereby four appeals, out of which one was filed by the State for enhancement of sentence, while the other three were filed by Darshan Singh, Balwinder Singh, Satnam Singh and Pradeep Kumar against their conviction, were decided. The judgment was modified to the extent that the conviction was upheld, whereas the sentence was modified as under:-

Under Section	Imprisonment	Fine	Imprisonment in default of payment of fine
Section 380 IPC	R.I. for 02 years each	Rs.1000/- each	R.I. for 03 months each
Section 201 IPC	R.I. for 02 years each	Rs.1000/- each	R.I. for 03 months each

3. The brief facts of the prosecution case are that on 6th June 2000, Shri H.S. Dhaliwal, the then Chief Judicial Magistrate, Gurdaspur,



had written a letter No. 977, dated 6th June 2000, to the SHO, Police Station City Gurdaspur, to the effect that Criminal Case No.70 of 24.04.2000, titled as '*State versus Gurmit Singh etc.*', arising out of FIR No.65 dated 24.07.1999, under Sections 420, 467, 468 and 471 IPC, of Police Station City Gurdaspur, was pending in his Court. The said case was fixed for consideration on charge on 2nd June 2000. It was reported by the Reader of the Court, Shri Sukhwinder Singh Riar, that the judicial file of the concerned case, along with other files fixed for 2nd June 2000, had been arranged on the dais of the Court as per the cause list. In the afternoon, it was noticed that the concerned file, i.e *State versus Gurmit Singh etc.*, was missing from the dais of the Court. The file in question could not be traced despite efforts made by the Court staff. The loss of the record was intimated to learned District and Sessions Judge, Gurdaspur. The SHO, Police Station City Gurdaspur, was requested to register a case regarding theft of the concerned file titled '*State versus Gurmit Singh etc.*', FIR No.65 dated 24.07.1999, and to investigate the matter and recover the missing file at the earliest.

4. On the basis of the aforesaid letter, a formal FIR was registered. Thereafter, ASI Kirpal Singh visited the spot and prepared a rough site plan.

5. On 27th July 2000, Shri Sukhwinder Singh Riar, Reader of the Court of the Chief Judicial Magistrate, Gurdaspur, got his statement recorded before ASI Kirpal Singh to the effect that the file in question had been stolen by accused Satnam Singh, Driver, in connivance with the other accused. On 4th August 2000, Shri Ajay Verma, Vice-President, Bharatiya



Janata Party, District Gurdaspur, got his statement recorded before ASI Kirpal Singh to the effect that accused Pradeep Kumar had told him that he, along with Gurmit Singh, Balwinder Singh and Darshan Singh, had got the judicial file of the case registered against them under Section 420 IPC stolen through Satnam Singh, Driver, by giving him an amount of Rs.10,000/-. On 4th August 2000, accused Pradeep Kumar, Darshan Singh and Balwinder Singh were arrested in the present case. However, the file in question was not recovered from them. During interrogation, accused Darshan Singh made a disclosure statement to the effect that he had burnt the file in question. Accused Satnam Singh was subsequently arrested in the present case, whereas accused Gurmit Singh was declared a proclaimed offender.

6. On completion of the investigation, challan against the accused was presented before learned trial Court for their trial. On presentation of the challan and after completing the necessary formalities, charge under Sections 380 and 201 IPC was framed against the accused persons, to which all the four accused did not plead guilty and claimed trial. The fifth accused, namely Gurmit Singh, was declared a proclaimed offender.

7. In order to prove its case, the prosecution examined PW-1 Hardial Singh, PW-2 Ashwani Kumar, Criminal Ahlmad, PW-3 ASI Kirpal Singh, PW-4 Raj Kumar, PW-5 Sukhwinder Singh Riar, Reader, PW-6 H.S. Dhaliwal, Additional Sessions Judge, Ferozepur, and PW-7 SI Swinder Singh. Thereafter, learned APP for the State closed the prosecution evidence.

8. After the closure of the prosecution evidence, the statements of the accused were recorded under Section 313 Cr.P.C., wherein they denied the prosecution allegations and pleaded false implication. However,



they did not lead any evidence in their defence.

9. Learned trial Court, after hearing the arguments advanced by learned APP for the State and learned defence counsel and going through the record of the case, opined that the prosecution had failed to prove the burning of the file by accused Darshan Singh through the evidence of PW-1 Hardial Singh. As such, it was held that the prosecution had not been able to prove that the file bearing No.70 of 24.04.2000, titled as '*State versus Gurmit Singh etc.*', arising out of FIR No.65 dated 24.07.1999, under Sections 420, 467, 468 and 471 IPC, was burnt by accused Darshan Singh in order to destroy the evidence in the case. Since the prosecution had failed to prove the charge under Section 201 IPC, all the accused were acquitted of the charge under Section 201 IPC.

10. It was, however, further held that the prosecution had been able to bring home the guilt of the accused under Section 380 IPC. Accordingly, learned trial Court held all the four accused, namely, Pradeep Kumar, Darshan Singh, Balwinder Singh and Satnam Singh, guilty of the offence under Section 380 IPC and convicted them thereunder. They were thereafter sentenced, as already mentioned in paragraph No.1 of this judgment.

11. Feeling aggrieved by the aforesaid judgment of conviction and the quantum of sentence, four appeals were filed, which were segregated into two sets. One appeal was filed by the State for enhancement of sentence, while the other three appeals were filed by the appellants, namely Darshan Singh, Balwinder Singh, Satnam Singh and Pradeep Kumar, seeking their acquittal by assailing the impugned judgment dated 24th August 2006, passed by learned Additional Chief Judicial Magistrate, Gurdaspur.



12. Learned Additional Sessions Judge, Gurdaspur, after considering the evidence on record, observed that the loss of the judicial file stood established and that the circumstances, particularly the role attributed to accused Satnam Singh and his links with the other accused, established that the file had been stolen in concert by the accused with the object of destroying the evidence and securing benefit in the case pending against them. Learned Appellate Court further held that the accused were also liable under Section 201 IPC for causing the disappearance/destruction of the judicial record with the intention of screening themselves from legal punishment. Accordingly, the conviction under Section 380 IPC was upheld and the sentence was enhanced as detailed in Para No.2 of this judgment. The appeal filed by the State for enhancement of sentence was accepted, whereas the appeals filed by the accused were dismissed.

13. Feeling aggrieved by the aforesaid concurrent findings of the Courts below regarding the conviction of the accused and the order of sentence passed by learned trial Court, as well as the order passed by learned Appellate Court whereby the sentence was enhanced, the present two revision petitions have been filed. One revision petition has been filed by Satnam Singh, who died during the pendency of the revision petition and is represented through his legal representative, namely Rajwinder Kaur, aged 46 years, his wife. The other revision petition has been filed by Balwinder Singh and Darshan Singh. However, during the pendency of the revision petition, Darshan Singh also died and the revision petition stands abated qua accused-petitioner Darshan Singh.

14. Learned counsel for the petitioners contended that the



conviction recorded by the Courts below is based primarily on circumstantial evidence and that there is no direct, cogent or reliable evidence connecting the petitioners with the theft of the judicial file. It was further argued that PW-1, the alleged eyewitness to the burning of the file, has not supported the prosecution, while the material witness before whom the alleged extra-judicial confession was made has not been examined. It was also submitted that no specific role has been attributed to petitioner Balwinder Singh and that mere presence or suspicion cannot substitute proof beyond reasonable doubt. Accordingly, acquittal of the petitioners was prayed for.

15. Per contra, learned State counsel opposed the revision petitions and submitted that the Courts below have concurrently appreciated the evidence and rightly recorded the conviction of the accused. It was argued that the disappearance of the judicial file, the presence of accused Satnam Singh in the Court at the relevant time and the evidence of PW-4 and PW-5 establish the involvement of the accused in the theft of the file. It was, therefore, contended that no interference is warranted with the concurrent findings of conviction recorded by the Courts below.

16. I have considered the respective contentions of the learned counsel for the petitioners and learned state counsel and gone through the record carefully.

17. The evidence led by the prosecution requires close scrutiny. PW-1 Hardial Singh, who was cited as the witness to the alleged burning of the judicial file by accused Darshan Singh, has not supported the



prosecution case. He has denied having made any statement to the police regarding the alleged incident and has further stated that accused Darshan Singh is not known to him. Though he was confronted with his alleged statement Mark-A, he did not admit the same. Thus, the testimony of PW-1 does not provide any incriminating evidence against accused Darshan Singh regarding the alleged burning of the file. Consequently, the prosecution case under Section 201 IPC suffers from a material deficiency, as the very witness relied upon to prove the act of burning has completely resiled from the prosecution version.

18. PW-2 Ashwani Kumar is a formal witness, while PW-3 ASI Kirpal Singh is the Investigating Officer and his evidence is primarily with regard to the investigation conducted by him. Their evidence, therefore, does not furnish any direct evidence connecting the accused with the actual theft of the judicial file.

19. The material evidence is that of PW-4 Raj Kumar and PW-5 Sukhwinder Singh Riar, Reader of the Court, as well as PW-6 H.S. Dhaliwal, the then Chief Judicial Magistrate. PW-5 has stated that the concerned file was lying in the Court and that accused Satnam Singh, Driver, entered the Court at about 1:15 p.m. and thereafter left the Court. PW-6 has also stated that the files, including the concerned file, were lying on the desk till the lunch time and that the file was subsequently found missing. Thus, the evidence establishes the presence of Satnam Singh in the Court during the relevant period and the subsequent disappearance of the file, but the prosecution is required to establish, beyond reasonable doubt, the further link that it was Satnam Singh who actually removed the file



from the custody of the Court.

20. PW-4 Raj Kumar has given evidence regarding the presence of the accused persons together and the alleged handing over of the file by Satnam Singh to Darshan Singh, in the presence of the other accused. However, this part of the evidence also requires cautious scrutiny, particularly in view of the fact that the alleged extra-judicial confession, which was relied upon as an important link in the prosecution story, has not been proved through the person before whom such confession was allegedly made. The non-examination of the said material witness leaves a significant gap in the prosecution case regarding the alleged conspiracy and the motive for removal of the judicial file.

21. Thus, while the evidence on record establishes that the judicial file was missing from the Court and raises suspicion regarding the involvement of the accused, the prosecution evidence has to be examined on the touchstone of proof beyond reasonable doubt. The evidence of PW-1 does not support the allegation of burning of the file, and there is no direct evidence proving that Darshan Singh destroyed or burnt the file. Similarly, the non-examination of the material witness before whom the alleged extra-judicial confession was made deprives the prosecution of an important link in the chain of circumstances relied upon against the accused.

22. So far as the role of petitioner Balwinder Singh is concerned, the prosecution evidence does not disclose any specific overt act attributable to him in relation to the theft of the judicial file. Significantly, the testimony of the prosecution witnesses does not establish that Balwinder Singh either removed the file from the Court, received the same



from Satnam Singh, or participated in its subsequent destruction. Rather, the evidence of PW-4, when examined in its entirety, does not attribute any specific role to Balwinder Singh in the commission of the alleged offence. Mere presence of an accused along with the other persons, without any further reliable evidence demonstrating his participation in the commission of the offence, cannot by itself be made the basis of conviction. Learned Courts below, therefore, were not justified in fastening criminal liability upon petitioner Balwinder Singh merely on the basis of conjectures and inferences, particularly when no specific act connecting him with the theft or disappearance of the judicial file has been proved by the prosecution.

23. On a careful appreciation of the evidence, it appears that the Courts below have placed undue reliance upon the circumstances appearing against the accused without properly examining whether those circumstances form a complete and unbroken chain pointing towards their guilt. Learned trial Court itself noticed the absence of direct evidence regarding the theft of the file and acquitted the accused of the charge under Section 201 IPC, particularly as PW-1 Hardial Singh did not support the allegation that Darshan Singh had burnt the file. Having arrived at such a finding, learned trial Court nevertheless proceeded to hold the accused guilty under Section 380 IPC largely on the basis of the presence of Satnam Singh in the Court and the evidence of PW-4 and PW-5. The mere presence of Satnam Singh in the Court at the relevant time, followed by the disappearance of the file, could certainly give rise to suspicion, but suspicion, however strong, cannot take the place of proof.

24. The learned Appellate Court, while interfering with the



findings of the trial Court, also fell into error in treating the circumstances as conclusively establishing a concerted plan amongst all the accused. The Appellate Court relied substantially upon the alleged conduct of Satnam Singh and the purported links between him and the remaining accused, but failed to adequately consider that the alleged extra-judicial confession, which was an important link in the prosecution case, was not proved through the person before whom it was allegedly made. The absence of examination of such a material witness assumes significance when the prosecution case is based predominantly upon circumstantial evidence. The Appellate Court also appears to have drawn an adverse inference from circumstances which, at their highest, create suspicion but do not conclusively establish that Satnam Singh removed the file and thereafter, handed it over to the other accused.

25. There is yet another material infirmity in the approach of the learned Appellate Court. Having noticed that PW-1 Hardial Singh had not supported the prosecution and had denied the alleged statement attributed to him regarding the burning of the file, the finding that the accused had caused the disappearance or destruction of the evidence under Section 201 IPC could not have been sustained merely on the basis of inference. The evidence required to establish the essential ingredients of Section 201 IPC was thus lacking. The learned Courts below, therefore, appear to have converted a chain of suspicious circumstances into a finding of guilt without first satisfying themselves that every material link in the chain had been proved by reliable and legally admissible evidence.

26. In these circumstances, the concurrent findings of the Courts



below cannot be sustained merely because the file was admittedly missing from the Court. The factum of disappearance of the judicial file is one thing; the identity of the person who removed it, the participation of the other accused, the alleged conspiracy amongst them, and the subsequent destruction or concealment of the file are distinct matters which were required to be proved independently and beyond reasonable doubt. On the evidence available on record, these links do not appear to have been established with the degree of certainty required for recording a conviction.

27. In view of the aforesaid discussion, this Court is of the considered opinion that the prosecution has failed to establish the guilt of the accused beyond reasonable doubt. The learned Courts below have erred in appreciating the evidence on record and have placed undue reliance upon circumstances which, at best, give rise to suspicion but do not constitute a complete and cogent chain of evidence connecting the accused with the theft of the judicial file. The material contradictions and deficiencies in the prosecution evidence, particularly the failure of PW-1 to support the allegation regarding burning of the file and the non-examination of the material witness before whom the alleged extra-judicial confession was made, have not been given due consideration.

28. Consequently, the impugned judgments of conviction and orders of sentence passed by learned trial Court and the learned Appellate Court cannot be sustained. Accordingly, both the present revision petitions are allowed. The judgment of conviction and order of sentence dated 24th August 2006 passed by learned Additional Chief Judicial Magistrate, Gurdaspur, as modified by the judgment dated 29th March 2008 passed by



learned Appellate Court, are hereby set aside, and the petitioners, namely, Satnam Singh (since deceased), through his legal representative, and Balwinder Singh, are acquitted of the charges under Sections 380 and 201 IPC. The revision petition qua Darshan Singh already stands abated on account of his death. The petitioners, if on bail, shall stand discharged from their bail bonds.

29. Any pending application(s), if any, shall also stand disposed of.

26.08.2026
neetu

(MANDEEP PANNU)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>