

**IN THE COURT OF MUNISH SINGAL,
SESSIONS JUDGE, LUDHIANA.
(UID No.PB0053)**

CNR No.PBLD01-000393-2022

Regn. No.SC/26/2022

Date of Order : 18.04.2024

State Versus Neelam aged 32 years daughter of
Harbans Lal, r/o H.No.1378/14, Street
No.8.1/2, Kwality Road, Shimlapuri,
Ludhiana.

...Convict

FIR No.166 dated 28.11.2021

Under Section: 364, 302, 201 IPC

Police Station: Shimlapuri, Ludhiana

Present: Sh. BD Gupta, Addl.PP for the State assisted by
Sh.Parupkar Singh Ghumman, Advocate for complainant.
Convict Neelam in custody represented by Sh.Varinder Jit
Singh Randhawa, Advocate and Ms. Seema Sangowal,
Advocate.

ORDER ON QUANTUM OF SENTENCE :

1. This order on the quantum of sentence forms part of my judgment
dated 12.04.2024. Heard the convict on the question of quantifying
sentence to be awarded to her.

2. Sh. BD Gupta, Ld. Addl. Public Prosecutor for State assisted by
Sh.P.S. Ghumman, Ld Counsel for the complainant argued that the convict has
been held guilty under Section 302 which also provides death penalty and that

the present case called for imposition of maximum penalty prescribed by law i.e. the capital punishment and any lesser sentence would not do justice to the case. He argued that the manner in which this ghastly crime had been committed by the accused by burying the minor child alive in a pit shows that it was committed in a premeditated way. He further argued that such an accused Neelam was danger to the society at large and she was beyond reformation or rehabilitation as per the report from Superintendent, Women Jail, Ludhiana and accordingly, death penalty be awarded to the convict.

3. On the other hand, Ld counsel for the convict argued that the convict was a woman and mother of two children who belonged to a socially and economically backward section of the society and was not well educated and therefore, she should not be considered beyond reformation and that she had no criminal antecedents and therefore he prayed that a lenient view may be taken in the matter of sentence.

4. After considering the rival contentions of the parties, the question that arises for consideration is whether this is a “rarest of rare case” in which death penalty should be imposed on the convict. Before determining whether this is a fit case for imposition of death sentence upon the convict, it would be necessary to have a brief look at the prevailing law on the aspect of awarding capital punishment.

4.1. In the case of ***Sunder @ Sundararajn Vs State by Inspector of Police 2013(1) RCR (Crml) 943***, Hon'ble Supreme Court confirmed the death

sentence while relying upon the judgement rendered in case titled ***Haresh Mohandas Rajput v. State of Maharashtra, 2011(4) RCR (Criminal) 257***, wherein Hon'ble Supreme Court had relied upon the guidelines laid down by the Constitutional Bench of Hon'ble Supreme Court in ***Bachan Singh Versus State of Punjab, 1980 AIR (SC) 898***, while upholding death sentence where three members of family had been murdered by accused and the guidelines were culled out as under:

- (i) *The extreme penalty of death need not be inflicted except in gravest cases of extreme culpability.*
- (ii) *Before opting for the death penalty, the circumstances of the 'offender' also require to be taken into consideration alongwith the circumstances of the 'crime'.*
- (iii) *Life imprisonment is the rule and death sentence is an exception. In other words, death sentence must be imposed only when life imprisonment appears to be an altogether inadequate punishment having regard to the relevant circumstances of the crime, and provided, and only provided, the option to impose sentence of imprisonment for life cannot be conscientiously exercised having regard to the nature and circumstances of the crime and all the relevant circumstances.*
- iv) *A balance sheet of aggravating and mitigating circumstances has to be drawn up and in doing so, the mitigating circumstances have to be accorded full weightage and just balance has to be struck between the aggravating and the mitigating circumstances before the option is exercised.*

4.2. It was reiterated in ***Machhi Singh and Others v. State of Punjab, 1984(2) RCR (Criminal) 412 (SC)*** and the following illustrative circumstances were laid down :

1. *When the murder is committed in an extremely brutal, grotesque, diabolical, revolting, or dastardly manner so as to arouse intense and extreme indignation of the community.*
2. *When the murder is committed for a motive which evinces total depravity and meanness; e.g. murder by hired assassin for money or reward; or cold-blooded murder for gains of a person vis-a-vis whom the murderer is in a dominating position or in a position of trust; or murder is committed in the course of betrayal of the motherland.*
3. *When murder of a member of a Scheduled Caste or minority community, etc. is committed not for personal reasons but in circumstances which arouse social wrath; or in cases of "bride-burning" or "dowry deaths" or when murder is committed in order to remarry for the sake of extracting dowry once again or to marry another woman on account of infatuation.*
4. *When the crime is enormous in proportion. For instance when multiple murders, say of all or almost all the members of a family or a large number of persons of a particular caste, community, or locality, are committed.*
5. *When the victim of murder is an innocent child, or a helpless woman or old or infirm person or a person vis-a-vis whom the murderer is in a dominating position, or a public figure generally loved and respected by the community.*

4.3. In ***Prajeet Kumar Singh versus State of Bihar, 2008 (2) RCR (Criminal) 588***, where 3 children of complainant, aged about 15 and 16 years, were murdered with a dagger while they were asleep, death sentence was upheld by Hon'ble Apex Court. In ***State of UP versus Sattan @ Satyendra and others, [2008(2) Law Herald (SC) 1229]: 2009 (2) RCR (Criminal) 319***, the Hon'ble Supreme Court while dealing with case involving murder of six members of a family observed on point of quantum of

sentence as under:-

*“Therefore, undue sympathy to impose inadequate sentence would do more harm to the justice system to undermine the public confidence in the efficacy of law and society could not long endure under such serious threats. It is, therefore the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed etc. This position was illuminatingly stated in **Sevaka Perumal etc. Versus Satte of Tamil Nadu, 1991(2) RCR (Criminal) 427** ”*

4.4. In *Holiram Bordoloi v. State of Assam, 2005(2) RCR (Criminal) 419 (SC)*, accused along with 17 others was convicted for murdering 4 persons by burning them alive in a hut and death penalty was imposed on the appellant. Hon'ble Supreme Court embarked on a discussion as to the aggravating circumstances and mitigating circumstances, by observing as under :

"Pre-planned, calculated, cold-blooded murder has always been regarded as one of an aggravated kind." A "murder is "diabolically conceived and cruelly executed", it would justify the imposition of the death penalty on the murderer..... In many cases, the extremely cruel or beastly manner of the commission of murder is itself a demonstrated index of the depraved character of the perpetrator. That is why it is not desirable to consider the circumstances of the crime and the circumstances of the criminal in two separate watertight compartments."

In that case, Hon'ble Supreme Court affirming the death penalty and held as under:

"Even when questioned under Section 235(2) of Criminal Procedure

Code, the accused stated that he had nothing to say on the point of sentence. The fact that the appellant remained silent would show that he has no repentance for the ghastly act he committed."

4.5. In another landmark judgment of the Hon'ble Supreme Court in ***Shivaji alias Dadya Shanker Alhat Versus State of Maharashtra 2008(4) R.C.R.(Criminal) 202*** in para numbers 31, 40 and 41 has held as under :

"31. Imposition of sentence without considering its effect on the social order in many cases may be in reality a futile exercise. The social impact of the crime, e.g. where it relates to offences against women, dacoity, kidnapping, misappropriation of public money, treason and other offences involving moral turpitude or moral delinquency which have great impact on social order, and public interest, cannot be lost sight of and per se require exemplary treatment. Any liberal attitude by imposing meagre sentences or taking too sympathetic view merely on account of lapse of time in respect of such offences will be result-wise counter productive in the long run and against societal interest which needs to be cared for and strengthened by string of deterrence inbuilt in the sentencing system.

*40. The plea that in a case of circumstantial evidence death should not be awarded is without any logic. If the circumstantial evidence is found to be of unimpeachable character in establishing the guilt of the accused, that forms the foundation for conviction. That has nothing to do with the question of sentence as has been observed by this Court in various cases while awarding death sentence. **The mitigating circumstances and the aggravating circumstances have to be balanced.** In the balance sheet of such circumstances, the fact that the case rests on circumstantial evidence has no role to play. In fact in most of the cases where death sentence are awarded for rape and murder and the like, there is*

practically no scope for having an eye witness. They are not committed in the public view. But very nature of things in such cases, the available evidence is circumstantial evidence. If the said evidence has been found to be credible, cogent and trustworthy for the purpose of recording conviction, to treat that evidence as a mitigating circumstance, would amount to consideration of an irrelevant aspect. The plea of learned Amicus Curiae that the conviction is based on circumstantial evidence and, therefore, the death sentence should not be awarded is clearly unsustainable.”

4.6. In recent leading case, ***Manoj Vs. State of Madhya Pradesh, 2022(3) RCR (Criminal) 447*** the Hon’ble Supreme Court, again reiterated the principles and parameters in ***Bachan Singh’s case*** and held that death penalty comes into play only when the alternate opinion is unquestionably forfeited and principles of ***Bachan Singh’s case*** have to be applied to each individual case in light of their circumstances. In this case various guidelines were listed to facilitate better evaluation of parameters and scope of rehabilitation :

- i) Consider the mitigating factors in the case,*
- ii) Trial court must elicit information from both State and accused,*
- iii) State should collect additional information in certain time line i.e. age, family background, past & present circumstance, education, criminal antecedents, income, kind of employment etc.*
- iv) Other relevant factors should be considered as per requirement of each case – Say any ailments, unstable behaviour and such information must be conveyed to the accused at the stage of sentencing and accused should have apt opportunity for bringing substance for rebuttal and to bring before the court the mitigating factors in defence.*
- v) The conduct in the jail, work done there, activities and involvements and other relevant reports from the authorities and requisite*

experts.

5. Adverting back to the case on hand, following the guidelines issued in the case of ***Shivaji alias Dadya Shanker Alhat (Supra)***, the aggravating and the mitigating circumstances, as pointed out by both the sides, have been enumerated as follows :

Aggravating circumstances:

1. The victim was an innocent girl of tender age of 2-3/4 years on the day of incident. She was helpless and had no fault and she never provoked the convict.
2. The convict being in dominating position breached the trust of a child who was the daughter of her next door neighbour. The victim relied upon the trust of relationship with the convict and used to call her as her aunty and she willingly and happily went with the convict on her Aactiva Scooter and felt secured with the feeling that her aunty was going to buy something good for her or she was taking her for a joyride. But the convict broke her trust.
3. The murder was not done in the heat of spur of the moment and rather it was pre-planned, calculated, cold-blooded, which was diabolically conceived and cruelly executed. Convict being young lady of 25 years age was capable of understanding the consequences of her act but she premeditated the act with must have followed days of active planning and practice because the convict took minor Dilroz Kaur about 15 kms away to a deserted plot and buried her alive in a pit which must have already been dug. She spent about 35 minutes with the child Dilroz Kaur while she took her to the deserted plot and not for a moment her conscience pricked her or stopped her from committing this brutal murder of Dilroz.

4. The convict cannot be reformed as per the Report of the Superintendent, Women Jail, Ludhiana.

5. The manner in which the crime was committed i.e. by stuffing sand into mouth of the child and then burying her alive upside down in a pit has not only shocked the judicial conscience but the horrendous and barbaric nature of the offence has also shocked the collective conscience of society. Civil society in Ludhiana held many candle light marches for “ Justice for Dilroz”.

6. The conduct and behaviour of convict reflects her frustration and bestiality because she committed murder of a tender child only due to zealously. Such a person is a threat to society as she is beyond reformation because she had no provocation or strong motive to commit murder of the child.

7. The convict has no repentance or remorse for the act done by her.

Mitigating Circumstances:

1. No criminal antecedents of the convict.

2. Convict is divorcee and mother of two children who are dependant upon her.

3. Convict is illiterate and poor.

4. There is possibility of her reformation and rehabilitation.

5. Harbans Lal, father of the convict died a year back and therefore she had suffered a setback.

6. The case on hand did not fall in the category of 'rarest of the rare' as no bodily injury was caused to the victim.

6. Hon'ble Supreme Court in case of ***Sunder @ Sundararajan*** (*Supra*) has held that the court has to strike a balance between aggravating and mitigating circumstances and see towards which side the scale/balance of justice

tilts. On the weighing the above mentioned aggravating and mitigating circumstances on the scale of judicial conscience, it is noticed that aggravating circumstances have outweighed the mitigating circumstances which have torn apart the delicate fabric of civil society.

7. This Court is alive to the fact that every punishment imposed shall have far reaching ramifications not only on the convict but also on the society as whole, therefore while imposing the extreme punishment of death, the retributive and deterrent aspect of punishment has to be considered. In the case on hand, the manner in which the offence has been committed undoubtedly brings it within the ambit of "rarest of rare" cases and therefore the death penalty can be imposed.

8. As already held the accused has been held guilty for offence under Section 364, 302 and 201 IPC and the accused caused murder of girl child of 2-3/4 years and there was no enmity between them. Rather, there was relationship of trust between both of them and there was no sudden or grave provocation which might have been the reason to commit murder. The convict kidnapped the child at around 2.15 p.m., and both of them travelled for about 15 kms on the Activa scooter of the accused, for about 35/40 minutes, meaning thereby that the accused had sufficient time to rethink on her decision, but she was adamant and determined to commit murder of a tender child in the most horrendous manner and this demonstrates that she has no value for human life and it shows her extreme mental perversion, which cannot be ignored or condoned. The accused stuffed sand in mouth of the child and buried her alive in a pit already dug in a

deserted place, without there being any fault of the child or any provocation from her side and this reveals her brutal and abnormal mindset. It also shows that she must have had intense hatred against the family of child Dilroz Kaur, due to inferiority complex that she single-handedly orchestrated the entire incident and she must have first travelled all around to find the most deserted place outside the city and dug the pit therein, much prior to the incident and therefore it took just 10 minutes to gag the child with sand bury her alive. During this period the girl child must have inhaled sand particles which suffocated and choked her lungs and the death must have been extremely painful, more so when she had no clue as to why her next door neighbour whom she used to call 'Bua' was behaving with her in such a brutal manner. The poor girl child Dilroz Kaur did not even get the time to cry and shout for help because otherwise the Security Guard Mulkh Raj PW-8, who was on duty in the adjoining plot would have heard her cries. This Court is satisfied that there is no possibility of reforming the offender, the punishment must be befitting the nature of crime and deterrent with an explicit aim to make it an example and a warning to those who are still innocent.

9. Sh.VJS Randhawa, Ld. Defence counsel argued that the Convict during her custody in Women Jail, Ludhiana had reformed herself and she was now a changed person and therefore opportunity be granted to her to assimilate her life in the mainstream. I have considered this argument but find it wholly misconceived because conduct of the convict is very mischievous and beyond reformation. It is pertinent to mention here that during the pendency of the trial on

02.02.2023 she moved an application for taking action against police officials in the Women Jail, Ludhiana and for her medical examination on the ground that the police officials in the Women Jail, Ludhiana were demanding bribe from her and on refusal they particularly Himani and Kuldip gave merciless beating to her by using belt and sticks. She alleged that she was not getting any medical treatment in the jail and she was suffering from severe pain. On the application received from the Convict, matter was referred to Secretary DLSA, Ludhiana to conduct an enquiry who submitted a detailed report dated 24.04.2023 after conducting enquiry by interacting with Jail inmates, Medical Officer deputed in Jail, Superintendent and Dy. Superintendent of the Jail. The Secretary, DLSA, Ludhiana randomly interacted with several inmates of Jail, Ludhiana and enquired about the allegations leveled by Convict Neelam but none of the inmates gave any statement in support of the said allegations. On the contrary many of the inmates stated that jail authorities never gave any beatings to Neelam and in fact Neelam had pushed ahead Matron Kuldip Kaur and inflicted self injuries upon her body to falsely implicate the jail officials. It was reported that Neelam was quarrelsome lady and she was used to enter into altercations with the fellow inmates on routine manner. The Secretary, DLSA also checked the contents of Pen-drive submitted by Jail authorities which proved that inmate Neelam had created fake injury marks on her body by using ink. The Secretary, DLSA also checked the medical record pertaining to inmate Neelam which showed that proper medical aid was provided to her after her altercation with other inmates.

9.1. The Secretary DLSA finally reported that the allegations leveled by inmate Neelam against jail authorities were not genuine.

10. It is worthwhile to mention here that Hon'ble Supreme Court held in the case of *Manoj (Supra)* that for offence carrying capital punishment, the Trial court must elicit information from the accused and State, at appropriate stage to disclose the psychiatric and psychological evaluation of the accused and the information should be mandatorily provided to the Trial Court at the sentencing stage and accused should be given opportunity to produce evidence in rebuttal for establishing mitigating circumstances. Therefore, in compliance with the directions issued by Hon'ble Supreme Court in the case of *Manoj (Supra)*, after convicting accused Neelam and before hearing on the aspect of sentence, a Report was called from Superintendent, Women Jail, Ludhiana specifically on following points :

1. Age and family background.
2. Education and skill of the convict.
3. Criminal Antecedents, if any.
4. Behaviour and conduct of the accused during her custody in Women Jail.
5. Work done, activities and involvement of the convict during her custody.
6. Any other relevant information for the purpose of sentencing.

11. The Jail Superintendent, Women Jail, Ludhiana furnished detailed

report and the extract of which is reproduced below :

1. **Age and Family Background :**

(i) Age 33 years

(ii) Family Background : As per the records and as per the information from the inmate Neelam, she was divorced and was living with her parents. Her father had expired and she was living with her mother Kamlesh Rani. She has two sons. she was taking classes of Beautician. Her (brother) Rajesh Kumar is living separately from parents.

2. **Education and Skill of the inmate :**

(i) Education : 10+2

(ii) Skill of inmate : From 30.09.2023 to 04.11.2023 she attended Cutting and Tailoring Course organized at the Jail. As per the statement of Matron Naresh Kumari No.750 though she attended this Course but she never took keen interest in the Classes.

3. **Criminal Antecedents, if any :**

The above said inmate nursing grudge against Jail employees A/S Himani, HM Kuldeep Kaur and HM Daljit Kaur, accused the officials for demanding bribe and mercilessly beating but Judicial and Departmental enquiry was conducted which proved that Neelam lodged a false complaint against above said employees with malafide intention.

4. **Behaviour and conduct of the accused during her custody in Women Jail :**

(i) Statement of above said accused Neelam d/o Harbans Lal when she lodged a false complaint against the Jail Employees HM Kuldeep kaur No.470, HM Daljit Kaur No.3315 and Assistant Superintendent Ms Himani. She herself admitted of false allegations against above said employees with malafide intention.

(A) **Mulakaat (Meetings) :** Details of the Mulakaat since 02.12.2021 as per available record her father (Harbans Lal) her

sister (Pooja) and her brother (Rajesh Kumar) came for Mulakaat of the above said inmate.

Meaning thereby that both sons of Neelam never came to meet her.

(B) xxxxxxxxxxxx

(C) *As per statement of Head Matron Jasvir Kaur No.440 the above said inmate is unfriendly towards other fellow inmates.*

(D) ***Statements of fellow inmates regarding behaviour of the above said inmate :***

As per the statement of under trial Suman Bala w/o late Rajinder Kumar she used abusive language to her father at Court Peshi and also her behaviour towards jail staff is disrespectful.

As per the statement of convict Harpreet Kaur w/o Gurnam Singh, the behaviour of the above said inmate towards staff is disrespectful and whenever staff member try to convince her to obey the law, she threatens to lodge false complaints against them. She is unfriendly towards fellow inmates.

As per the statements of Barrak Nigrans of Barrack No.01 (Where the above said inmate is presently confined), she rarely visits Shri Gurudwara Sahib/Mandir and unfriendly towards fellow inmates.

As per the statements of Assistant Superintendent Ms Harpreet Kaur Women Jail Ludhiana conduct of above said inmate in general is right and being incharge of Barrack No.1 where the above said inmate is confined, she had received no complaints regarding undertrial Neelam.

5. ***Workdone, activities and involvement of the convict during her custody :***

From 30.09.2023 to 04.11.2023 she attended Cutting and Tailoring Course Organized at the Jail. As per the statement of Matron Naresh Kumari No.750 though she attended the course but she never took keen interest in the Classes.

As per the statement of Head Matron Jasvir Kaur No.440 the above said inmate does not get involved with her fellow inmates and also she unfriendly towards the other fellow inmates.

As per the statements of Barrack Nigrans of Barrack No.01 (where the above said inmate is presently confined) she rarely visits Shri Gurudwara Sahib/Mandir and unfriendly towards fellow inmates.

The above said inmate does not take part in any religious, cultural and reformatory activity of the Jail.

6. *XXXXXXXXXXXXX*

As per statement of employees and Jail inmates she is unfriendly quarrelsome towards the fellow inmates, disrespectful to staff, accused and levies false allegations against the Jail employees. The above said inmate does not take part in any religious, cultural and reformatory activity of the jail.

11.1. From the above mentioned report of Superintendent, Women Jail, Ludhiana and the report of Secretary, DLSA, Ludhiana, it is crystal clear that over the years during her custody in Jail, she has not shown any traces of remorse or repentance and she is not amenable to reformation.

12. Ld Counsel for the convict argued that leniency be shown to the convict who was a woman and there was possibility of her reformation. I have considered this much stressed argument but I am not convinced with the same because merely being woman is not the mitigating circumstance in her favour. It has been held in case ***Renuka Bai @ Rinku @ Ratan & Anr. v. State of Maharashtra, 2006(4) RCR (Criminal) 128 (SC)*** that there was no mitigating circumstances in favour of the appellant, except for the fact that they were

women. It further held as below:

“Further, the nature of the crime and the systematic way in which each child was kidnapped and killed amply demonstrates the depravity of the mind of the appellants. These appellants indulged in criminal activities for a very long period and continued it till they were caught by the police. They very cleverly executed their plans of kidnapping the children and the moment they were no longer useful, they killed them and threw the dead body at some deserted place. The appellants had been a menace to the society and the people in the locality were completely horrified and they could not send their children even to schools. The appellants had not been committing these crimes under any compulsion but they took it very casually and killed all these children, least bothering about their lives or agony of their parents.

We have carefully considered the whole aspects of the case and are also alive to the new trends in the sentencing system in criminology. We do not think that these appellants are likely to be reformed....” [Emphasis supplied]”

13. In the case on hand, the convict being a woman was rather required to be compassionate and humane towards the little girl child, who had full trust on her but she crossed all limits of cruelty and killed the child in most barbaric manner as if it was a mediaeval age. There cannot be more graver, heinous and barbaric crime than burying alive a girl of tender age of 2-3/4 years of age who must not have understood the acts of her next door neighbour. On watching the CCTV footages it is seen that Dilroz Kaur was standing in the front of the Activa Scooter being driven by Neelam and Dilroz Kaur can be seen in happy and jovial mood and the small child must be thinking that her aunt whom she used to call 'Bua' was taking her on a joyride or perhaps going to buy some goodies for her.

Little did she know she had been kidnapped by her aunty whom she trusted and she had no idea that her life was going to end soon. Infact the tender child of 2-3/4 years does not even know about life or death. She must have been totally confounded when convict Neelam was stuffing sand into her mouth and burying her upside down into a pit. It was complete betrayal of trust of a minor child. In the case titled *Md. Mannan @ Abdul Mannan Vs State of Bihar 2011(5)SCC 317*, Hon'ble Supreme Court has held that the case falls under category of 'rarest of rare case' when the accused who held position of trust and misused the same in calculated and preplanned manner to execute his diabolical and grotesque desire. In the instant case accused Neelam stooped so low that out of jealousy, inferiority complex and hatred towards family of child Dilroz Kaur, she unleashed her monstrous and cruel mindset on innocent, helpless and defenceless child Dilroz Kaur.

14. In the case on hand, crime committed by the convict has made a devastating effect on the civilized society. Gravity of the crime has to be necessarily assessed from the nature of the crime. A crime may be grave but the nature of the crime may not be so grave. Similarly, a crime may not be so grave but the nature of the crime may be very grave. Ordinarily, murder is grave by its nature, more so, when the perpetrator of the crime is a known person, it is more graver and the rarest of rare, which warrants a strong deterrent judicial hand. In the case on hand, the convict took the victim from street across her house where she was playing and killed her brutally by burying her alive in a pit. Indeed, such

a criminal is danger to the society at large and is beyond reformation and rehabilitation. The manner in which crime has been committed is so intense that it has shocked the collective conscience of the society in extreme indignation of the community. The accused has not acted on any spur of the moment provocation and she has very meticulously, cleverly and deliberately planned the crime against an innocent and helpless child. As against all the aforesaid aggravating circumstance, the convict or her Ld. Counsel has not pointed out a single mitigating circumstance worth giving any attention. Infact, the report of Superintendent, Women Jail speaks volumes that the convict was beyond all possibility of reformation. The convict is lacking in basic human values or psyche which can be amenable for any reformation. The entire act of committing murder of small girl child by burying her alive is a scar on the human values and the accused has broken the faith of neighbours and the faith in humanity.

14.1. Therefore, this Court is of the firm opinion that the present case falls within the purview of '*rarest of rare cases*' and calls for imposition of the capital punishment upon the convict and any lesser sentence would do grave injustice not only to the victim and her family but to the collective conscience of the society as well. Accused Neelam is a menace to the society and she continues to be so and cannot be reformed.

15. In view of the entire above discussion, the convict Neelam is sentenced as under :

Name of Convict	Offence	Quantum of Sentence	Fine
Neelam	U/s 302 of IPC	Death sentence and she be hanged by neck till she is dead. Death sentence subject to its confirmation by the Hon'ble High Court of Punjab and Haryana, Chandigarh.	In case her death sentence is not confirmed by the Hon'ble High Court, convict to pay fine of ₹ 50,000/- (Fifty thousand) and in default of payment of fine to undergo rigorous imprisonment for one year.
	U/s 364 IPC	Imprisonment for Life.	₹10,000/- and in default of payment of fine, to undergo rigorous imprisonment for one year.
	U/s 201 IPC	Rigorous Imprisonment for Seven years.	₹2,000/- and in default of payment of fine, to undergo rigorous imprisonment for 6 months.

16. The death sentence awarded to the convict is subject to confirmation by the Hon'ble Punjab and Haryana High Court as provided under Section 28 (2) and Section 366 of the Code of Criminal Procedure. Let the proceedings be submitted to the Hon'ble High Court by way of reference and the sentence of death be not executed unless it is confirmed by the Hon'ble High Court. The convict stands committed to the jail custody under a warrant for that. The period

of custody already spent by the convict shall be set off against the substantive sentence awarded to her under Section 428 Cr.P.C. All the sentences shall run concurrently.

17. The case property, if any, be disposed of as per rules. Fine has not been paid. Warrant of commitment be prepared accordingly. File be consigned to record room after due compliance.

**Pronounced in Open Court:
18.04.2024.**

**(Munish Singal)
Sessions Judge, Ludhiana.
(UID No.PB0053)**

Certified that this order of sentence contains 21 pages and all the pages are checked and signed by me.

18.04.2024.

**(Munish Singal)
Sessions Judge, Ludhiana.
(UID No.PB0053)**

Arun Sehgal, E.A.