

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

CNR No.PBLD01-000393-2022

Regn. No.SC/26/2022

Date of Decision : 12.04.2024

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

...Accused

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.  
Accused Neelam in custody represented by Sh.Varinder Jit  
Singh Randhawa, Advocate and Ms. Seema Sangowal,  
Advocate.

**JUDGMENT**

1.                      The above said accused was forwarded for trial under Section  
364, 302, 201 IPC by SHO P.S. Shimlapuri, Ludhiana, by presenting a  
challan before Ld. Illaqa Magistrate on 24.12.2021 for commitment  
proceedings.

**Brief facts:**

2.                      Briefly stated the facts of the case that the present FIR was

got registered by Shaminder Singh on the basis of his statement that he was doing private job in a factory and he was having two children i.e. one elder son Harpreet Singh who was doing job in Punjab Police and was married and he was having two children i.e. a son aged 6.1/2 years and a daughter Dilroz Kaur aged 2.3/4 years. He alleged that on 28.11.2021 his wife Harvinder Kaur was playing with her grand daughter in the street and at about 2.15 PM she came inside the house to drink water after leaving her grand daughter Dilroz Kaur playing in the street. He alleged that after about five minutes when his wife went back to the street, she did not find grand daughter Dilroz Kaur and she called him and then he alongwith his wife Harwinder Kaur and daughter-in-law Kiran Kaur wife of Harpreet Singh started searching for Dilroj Kaur and during search they came to know that their neighbour Neelam had abducted their grand daughter with the intention to kill her. He alleged that the motive behind this was that due to bad character of Neelam, he and his son Harpreet Singh had restrained his daughter-in-law Kiran Kaur from talking with Neelam.

2.1. On the basis of said statement of complainant, the present FIR under Section 364 IPC was registered against accused Neelam. Investigation was pressed into service. During investigation, Gurpreet Singh came to police and told that some time back, accused Neelam had met him outside his house and told him that she had buried Dilroj Kaur in a pit. On 28.11.2021 at about 11.30 PM accused was apprehended along

with his Aactiva bearing no.PB-10GT-5402 black in colour. During further investigation, the accused disclosed that Harpreet Singh son of her neighbour was doing job in Punjab Police who usually brought things for his children and on looking at those things, her own children also demanded the same but she could not fulfill their demands, due to which she took Dilroj Kaur on her Aactiva Scooty to a vacant plot having boundary walls situated at GT Road, near Eldigo City where a pit had already been dug and she buried Dilroz Kaur in that pit and threw sand upon her and none other than her was involved in this incident.

2.2. In the midnight of 28/29.11.2021 at about 2 p.m., the accused was arrested and her arrest-cum-intimation memos were prepared. At that time, information regarding death of Dilroz Kaur was received from DMC Hospital by Inspector Balkar Singh. During investigation, Inspector Balkar Singh alongwith police officials and complainant took the accused to the place disclosed by the accused i.e. Jalandhar GT Road Eldigo City in an abandoned vacant plot having boundary wall at a distance of 150-200 meter from Eldigo City where she got demarcated the place of occurrence and Inspector Balkar Singh inspected the spot and prepared the site plan. Shoes of grand daughter of the complainant namely Dilroz Kaur were recovered from the spot and complainant identified the same as shoes of his grand daughter Dilroz Kaur. Inspector Balkar Singh took the same into possession and he prepared sealed parcel of the same bearing his seal

impression BS. Offences under Sections 302 and 201 IPC were added and postmortem of Dilroz Kaur was got conducted from Civil Hospital, Ludhiana and after postmortem dead body of Dilroz Kaur was handed over to her legal heirs. On 30.11.2021, Mulakh Raj identified the accused and on 2.12.2021 footage of CCTV cameras of two different chowks were taken, in which accused was seen taking Dilroz Kaur on her Activa while on return she could be seen alone and said footage were taken in pen drive. From the CCTV Cameras footage, photographs were prepared and after completion of investigation, challan was prepared and presented in the Court against the accused.

3. On appearance of the accused, the Ld. Judicial Magistrate Ist Class, Ludhiana supplied copies of documents.

4. After hearing Ld. APP as well as Ld. defence counsel vide commitment order dated 03.01.2022, this case was committed for trial to the Court of Sessions. Upon its commitment, it was self-entrusted to self.

5. On finding prima facie against the accused, she was charge-sheeted under sections 364, 302, 201 IPC, to which the accused pleaded not guilty and claimed trial.

**Prosecution evidence :**

6. To support its case, prosecution examined in all nine following witnesses:-

PW1- Shaminder Singh, complainant/ Grand Father of the deceased Minor and proved the social media coverage of the murder.

- PW2- Gurpreet Singh, witness of extra Judicial Confession
- PW3- Harvinder Kaur, Grand Mother of deceased Minor.
- PW4- Avtar Singh, neighbor who provided CCTV footage of cameras installed at his home.
- PW5- Baljinder Singh, a shopkeeper who saw accused Neelam alongwith Dilroz Kaur, on the day of incident, near Jalandhar Bypass.
- PW6- Kiran Kaur, Mother of the deceased Minor.
- PW7- Davinder Singh, for identification of dead body.
- PW8- Mulakh Raj, who proved the Last Seen Theory.
- PW9- Kuldeep Singh, Draftsman who prepared the scaled site plan.
- PW10- Dr. Gurbinder Kaur, who conducted the postmortem.
- PW11- Dr. Shubham Dutta who sent the information regarding deceased to PS Shimlapuri, Ludhiana.
- PW12- Jaspreet Kaur, Data Entry Operator, RTA, Ldh., who proved the ownership of Scooter used in offence.
- PW13- Rajesh Sharma, Manager M/s RIPSS Infrastructure Pvt.Ltd. to prove that Mulakh Raj was appointed as Security Guard in their plot owned.
- PW14- ASI Jaswinder Singh, Incharge Safe City Project, Ludhiana, to prove the CCTV Footage of the accused along with deceased, from Shimlapuri to Jalandhar Bypass.
- PW15- SI Ranjit Singh, Incharge PCR Zone-I, who took

out deceased Dilroj from the pit and took her to DMC Hospital.

- PW16- Amandeep Singh, Director Jagjit Securities who had deputed Mulakh Raj as Security Guard for the plot owned by M/s RIPS Infrastructure Pvt. Ltd..
- PW17- Baljeet Chauhan, Nodal Officer, Reliance Jio Infocom, who furnished call detail record of M.No.62830-02092 in the name of accused Neelam.
- PW18- Sh.Palwinder Singh, JMIC who recorded statement u/s 164 Cr.PC of Mulakh Raj.
- PW19- ASI Gurbakshish Singh, Investigating Officer.
- PW20- Retd. Inspector Balkar Singh, SHO PS Shimlapuri.
- PW21- ASI Dhani Ram, member of PCR Zone-I, Ludhiana and driver of Govt. Vehicle Ertiga which was used by SI Ranjit Singh.
- PW22- HC Bahadur Singh, with whom case property was deposited.
- PW23- ASI Rajinder Pal Singh, MHC, PCR Ludhiana to prove the duties of some police officials.
- PW24- ASI Ram Simran to prove the posting of some police officials in PCR Ludhiana.
- PW25- PHG Manjeet Kaur, member of police team who arrested the accused.
- PW26- Parminder Singh Ahuja, Legal Correspondent, Daily Ajit Newspaper, Jalandhar, who covered the news regarding murder of Dilroz by burring her alive in a pit.

7. To substantiate its case, prosecution examined complainant

Shaminder Singh as PW-1 who deposed that he was doing job in a private factory and that he had two children, eldest son Harpreet Singh, who was doing job in Punjab Police and he was having two children and his eldest son was 6 ½ years old and younger daughter Dilroj Kaur was almost 2 years 9 months. He deposed that on 28.11.2021 at about 2:15 PM, his wife Harvinder Kaur, who was playing with their grand daughter Dilroj Kaur in the street came inside the house to have water and after about five minutes, when she went back in the street, she could not find Dilroj Kaur. He deposed that his wife started calling him (PW1) in a high pitch and thereafter, he (PW1) alongwith his daughter-in-law came out in the street and they all started searching for Dilroj Kaur and during the search he came to know that his grand daughter Dilroj Kaur had been kidnapped by his neighbour Neelam daughter of Harbans Lal resident H.No. 1378/14, Street No. 8 ½, Kwaliti Chowk, Shimlapuri, Ludhiana with an intent to kill her. He deposed that the motive behind the same was that his neighbour Neelam did not have good character and his son Harpreet Singh used to refrain his wife Kiran from talking to Neelam and this was the reason that Neelam used to keep grudge against his family. He deposed that he went to inform the police and who met him in the Kwaliti Chowk where he got recorded his statement and the same was read over to him and after admitting its contents to be true, he appended his signatures on the same and he proved his statement as Ex.P1 and signature as Ex.P2.

7.1. He further deposed that after that he alongwith police party reached at the place of occurrence where his wife showed the place of occurrence and police prepared the site plan and recorded the statement of his wife Harvinder Kaur and daughter in law Kiran Kaur. He deposed that Gurpreet Singh also came at the spot and got recorded his statement to the police regarding the confession made by the accused Neelam with him and thereafter police left the spot and before 11:30 PM on 28.11.2021, he received a phone call from police asking him to reach near Service Road near Gill canal and upon reaching there he identified accused Neelam and she was apprehended alongwith her black colour activa bearing No. PB-10-GT-5402.

7.2. He deposed that during interrogation, Neelam made a disclosure statement that his son Harpreet Singh who was working with the Police department often used to bring some gifts for his children and on seeing the said gifts brought by Harpreet Singh for his children, her own children also raised demands which she could not fulfill and as such, she was having a complex feeling towards Harpreet Singh and therefore she kidnapped Dilroj Kaur on 28.11.2021 in the afternoon at about 2:15 PM on the pretext of purchasing some gifts for Dilroj Kaur and took her on her black Activa scooter bearing No. PB-10-GT-5402 while Dilroj was sitting in the front of her scooter and took her towards Ludhiana-Jalandhar G.T. Road near Eldeco City and then took her to a vacant plot which had



four walls and a pit had already been dug there and she buried Dilroj Kaur alive in the said pit and put soil on her and murdered her. He deposed that she further disclosed that she was alone in this incident and she knew about the place where the body of Dilroj Kaur had been buried and she could get the body recovered from that place. Her disclosure statement was recorded by the police, which was signed by the accused Neelam and witnessed by him (PW1) and police officials. He proved the disclosure statement as Ex.P3 and his signature Ex.P4.

7.3. He deposed that above said Activa scooty alongwith original RC were taken into police possession vide recovery memo Ex.P5 and he also identified his signatures on it as Ex.P6. Accused was arrested vide arrest-cum-intimation memo Ex.P7, on which he identified his signature Ex.P8. He deposed that she was personally searched by lady police personnel and her personal search memo Ex.P9 was prepared, on which he identified his signature as Ex.P10. He deposed that thereafter accused Neelam led the police party to the disclosed place near Eldeco City and showed the place of occurrence, where she had buried Dilroj Kaur and on her identification, police prepared the site plan of the place of occurrence and from that place one pair of shoes of colour blue, pink and white having laces with No.7 mentioned on the sole of the shoes were found. He deposed that he identified that shoes of his grand-daughter Dilroj Kaur and on his identification police took the same and put them in a cloth bag

and converted them into parcel and sealed the parcel with seal bearing impression "BS" and took the same into police possession vide memo Ex.P11 on which he identified his signature as Ex.P12. He deposed that his supplementary statement was recorded.

7.4. He deposed that before they left for Eldeco City, police got information that dead body of Dilroj Kaur had been recovered by some other police party and was taken to DMC Hospital, Ludhiana and on 29.11.2021 in the morning, police prepared 25.35 Form which was signed by him and Davinder Singh his brother and he identified his signature as Ex.P13 and signature of his brother Davinder Singh as Ex.P14. He deposed that his statement Ex.P15 regarding identification of Dilroj Kaur was also recorded. He deposed that after the postmortem of the dead body of Dilroj Kaur, the dead body was handed over to them vide receipt Ex.P16. He deposed that they also got transit pass from the DMC Hospital to take a dead body from DMC Hospital to Civil Hospital, Ludhiana and that transit pass was also signed by him and ASI Gurbakshish Singh and the same was Ex.P17. He identified the accused Neelam in the Court produced through video conferencing by Central Jail (Women), Ludhiana. He saw photographs on the court file in which accused Neelam could be seen while taking Dilroj Kaur on her Activa scooty and proved the photographs as Ex.P18 to Ex.P21 and Neelam and Dilroj Kaur were shown at point-A on each photographs. He identified Neelam and Dilroj

Kaur on those photographs and deposed that the photographs had been taken from the DVR recordings. He saw a sealed parcel of shoes bearing seal impression "BS" produced in the court in intact condition which was opened in the Court and he identified the shoes of his grand-daughter Dilroj Kaur recovered from the place of occurrence, where his grand-daughter was buried alive in a pit. He proved the shoes as Ex.MO/1 and Ex.MO/2.

8. PW-2 Gurpreet Singh was examined by the prosecution who deposed that he was running a cycle parts factory in the name and style of M/s Sardar Enterprises at Tagore Colony, Cycle Market Millerganj, Ludhiana. He deposed that Rajesh Kumar alias Sonu Sharma son of Harbans Lal resident of Street No. 8 ½, Shimlapuri, Ludhiana, who was working as an agent outside the office of Sub-Registrar (Central), Gill Road, Ludhiana to facilitate work of registration of sale deeds and at many occasions he had come in contact with Rajesh Kumar as he used to visit in the above-said office in context of his work and he had developed cordial relations with him. He deposed that they used to visit each other's house and therefore he personally knew his father Harbans Lal, mother Kamlesh and his sisters namely Pooja and Neelam. He deposed that Pooja was married at Jamalpur and other sister Neelam was a divorcee and she was living with her parents and brother Rajesh Kumar at Shimlapuri. He deposed that as he used to visit his house and meet his family members

and as such, they knew that he had good relations with the police department as well as political personnels.

8.1. He deposed that on 28.11.2021 at about 9 PM, when he was present in his house, Neelam sister of Rajesh Kumar came to his house and disclosed him that Harpreet Singh who was a police employee residing in her neighborhood, often brought different kinds of gifts for his children and on seeing those gifts, her own children also demanded the same from her, but she could not afford the same. He deposed that she further disclosed that Harpreet Singh used to stare at her brother and children and therefore she hated his children. He deposed that she further disclosed that on that day in order to scare Harpreet Singh, she had kidnapped his daughter Dilroj Kaur when she was playing in the street and took her on her Aactiva scooty near Jalandhar Bye-pass in a vacant plot and buried her in a pit and put sand upon her. He deposed that she further disclosed that she had thought that family members of Dilroj Kaur would request her to get back their child but it came to her knowledge that they had made a complaint to the police and police was searching for her. He deposed that she disclosed to him that she was aware that he had good relations with the police and political leaders, therefore she had come to him for help as she had committed a very wrong act and he would take her to the police. He deposed that he went inside his room to change clothes but when he came back, Neelam had already left. He deposed that

thereafter, in order to confirm the said incident he went to the neighborhood of Neelam where he met the police and got recorded his statement. He identified accused Neelam in the court produced through video conferencing by Central Jail (Women), Ludhiana.

9. The prosecution also examined Harvinder Kaur as PW-3 who deposed that she was house-wife and on 28.11.2021 near about 2:15 PM, she was playing with her grand-daughter Dilroj Kaur daughter of Harpreet Singh in the street and she had gone inside the house to have water and after about five minutes, when she came back in the street she could not find Dilroj Kaur and she started calling her husband Shaminder Singh who alongwith her daughter-in-law Kiran Kaur came out in the street and they all started searching for Dilroj Kaur and during the search she came to know that her grand daughter Dilroj Kaur had been kidnapped by her neighbour Neelam daughter of Harbans Lal with an intent to kill her. She deposed that the motive behind the same was that their neighbour Neelam did not have good character and they used to stop their daughter-in-law Kiran Kaur from talking with Neelam and therefore Neelam used to keep grudge against their family and due to this reason, Neelam kidnapped her grand-daughter Dilroj Kaur with intention to kill her and subsequently murdered her by burying her alive in a pit. She deposed that her statement was recorded by the police and she identified accused Neelam in the court produced through video conferencing by Central Jail (Women), Ludhiana.

She also identified the shoes which Dilroj Kaur was wearing on that fateful day and which was recovered from the place of occurrence, where her had been buried alive in a pit. She proved the shoes as Ex.MO/1 and Ex.MO/2.

10. The prosecution then examined Avtar Singh as PW-4 who deposed that he was an agriculturist and he had installed four CCTV cameras for security purpose at his residence and the CCTV cameras installed outside his house covered all the directions and the movement had been recorded in the DVR installed inside his residence. He deposed that the DVR could store recording for 15 days and as per the recording in the CCTV cameras, on 28.11.2021 in the after noon at about 2:15 to 2:17 PM, Neelam daughter of Harbans Lal passed by the street No.9 on her Activa scooty colour black while taking Dilroj Kaur daughter of Harpreet Singh towards Kwality Chowk side. He deposed that Dilroj Kaur was standing in the front space of the Activa scooter. He deposed that the said fact was duly recorded through CCTV camera in his DVR and he knew Neelam and minor Dilroj Kaur personally as they lived near to his house. He deposed that he handed over to police, the CCTV footage by downloading it in pen-drive from the DVR. He deposed that during the above said period, all the above said CCTV cameras and DVR were in the working condition and had not been tampered by anyone and footage provided in the pen-drive to the police had not been tampered. He deposed

that he had also given a certificate Ex.P-22 regarding the correctness on which he appended his signature as Ex.P3. He saw the photographs Ex.P18 to Ex.P20 on which at point-A of all the photographs, Neelam was found alongwith Dilroj Kaur on her Aactiva scooty while she took her away. He also saw the pen-drive which he had handed over to the police and same was played in the court which carried the footage of the incident and in which Neelam was clearly seen alongwith Dilroj Kaur on her Aactiva scooty while taking away Dilroj Kaur. He proved the pen-drive as Ex.P24 and he also identified accused Neelam in the Court produced through video conferencing.

11. Prosecution examined Baljinder Singh as PW-5 who deposed that he was running a ready made garment shop under the name of Brothers Gallery at Chimni Road, Ludhiana and he knew Harpreet Singh son of Shaminder Singh, was his friend and he was working as a police official and often used to visit his house and as such, he knew his family members and the neighbours living in the vicinity. He deposed that on 28.11.2021, in the afternoon, while he was coming back from his work from Ladhuwal side on the GT Road, towards Ludhiana at about 2.30 p.m., he reached near Jalandhar Bye Pass, he saw Neelam daughter of Harbans Lal, neighbour of Harpreet Singh going on her black colour Aactiva scooter, from Ludhiana to Jalandhar side and she was alongwith Dilroj Kaur, aged about 2-1/2-3 years, daughter of Harpreet Singh, who

was standing in front of the scooter. He deposed that he personally knew both of them and he thought that being Sunday, Neelam might be taking Dilroj Kaur to Hardy's world for a ride. He deposed that on the next day, he came to know that Neelam had taken Dilroj towards Eldigo city and had committed her murder by burying her alive in a vacant plot. He deposed that he had seen Neelam taking away Dilroj near Jalandhar Bye Pass on 28.11.2021 in the afternoon at about 2.30 PM and he identified accused Neelam through video conference.

12. PW-6 Kiran Kaur was examined by the prosecution who deposed that she was a house-wife and on 28.11.2021, she was present inside her home and her mother-in-law Harvinder Kaur wife of Shaminder Singh was playing with her daughter Dilroj Kaur outside the house in the street at about 2.15 PM and her mother-in-law after leaving her daughter in the street came inside the house to have water and after about five minutes, when she went back in the street but could not find Dilroj Kaur. She deposed that she (Harvinder Kaur) raised alarm and started calling her husband Shaminder Singh and thereafter, she (Kiran Kaur) alongwith her father-in-law Shaminder Singh came out in the street and they all started searching Dilroj Kaur and during the search she came to know that her daughter Dilroj Kaur had been kidnapped by her neighbour Neelam daughter of Harbans Lal with the intention to kill her. She deposed that the motive behind the same was that her neighbour Neelam did not have good



character and her family members used to stop her (Kiran Kaur) from talking with Neelam and due to this reason Neelam kept grudge against her family and kidnapped her daughter Dilroj Kaur with intention to murder her and buried her alive in a pit. She deposed that her statement was recorded by the police and she identified accused Neelam in the Court produced through video conferencing by Central Jail (Women), Ludhiana.

13. Prosecution then examined Davinder Singh as PW-7 who deposed that he was running a grocery shop and on 28.11.2021, Dilroj Kaur grand daughter of his brother Shaminder Singh aged about 2-1/2 years daughter of Harpreet Singh was kidnapped by Neelam while she was playing outside the house in the street with the intention to murder her and to eliminate her body. He deposed that he went to DMCH, Ludhiana mortuary and saw the dead body of Dilroj Kaur, grand daughter of his brother Shaminder Singh and he identified the body on 29.11.2021. He deposed that his statement was recorded in this regard and he proved the same as Ex.P.24 on which he identified his signatures as Ex.P.25. He also identified his signatures Ex.P.26 on Ex.P.14 i.e. request for postmortem of Dilroj Kaur. He further deposed that after postmortem of Dilroj Kaur, the dead body of Dilroj Kaur was received vide Ex.P.16 and he signed the said receipt at Ex.P.27. He also identified his signatures on Ex.P.27.

14. Prosecution also examined Mulakh Raj as PW-8 who deposed that he was working with Jagjit Manpower and Securities Services near

HDFC Bank, Bhattian, Ludhiana for the last about one and half month and posted at the plot owned Rips Company near Eldeco City, G.T. Road, Ludhiana-Jalandhar road as security man. He deposed that he was on duty from 8 a.m. to 8 p.m. on 28.11.2021, when at about 2:50 p.m. in the afternoon while he was sitting in the security cabin, he saw a lady aged 30-35 years riding a black activa scooter bearing no. PB-10-GT-5402 who came at the spot alongwith a small child aged about 2-3 years who was standing in the front of her scooter. He identified the accused in the Court who had come on the black Activa scooter alongwith abovesaid child. He deposed that she parked the scooter by the wall in the plot adjoining their plot and took the said child inside the plot. He deposed that after about 10 minutes said lady came out of the plot all alone and hurriedly went from the spot on her scooter.

14.1. He deposed that thereafter, he went to the plot to look for the child but he could not find the child and after sometime a PCR motorcycle alongwith one vehicle with four police officials who were on patrolling came at the spot. He deposed that he informed the police about the said incident and they took him inside the plot and they started searching for the child inside the plot and during search, they found a pair of shoes lying in the plot and saw fresh sand which covered a pit and due to which they became suspicious and they removed the sand and found the child unconscious with head in downside position. He deposed that sand was

also filled in the mouth of the child and her entire body was covered with sand. He also deposed that the police officials took out the girl child and tried to give first-aid to her but she was unconscious and thereafter, the police officials took her to the hospital and later on he came to know the name of the child as Dilroj Kaur daughter of Harpreet Singh resident of Street No. 8 ½, Shimlapuri, Ludhiana and that she was 2-¾ years old and that the lady who had brought the child along with her and had left the place after burying her in the plot was named Neelam daughter of Harbans Lal, who was the neighbour of the said child. He deposed that he came to know that Doctor declared the child dead during treatment in DMC Hospital. He deposed that he had seen the entire incident and on 30.11.2021 he visited the police station as he was called by the police and he saw accused Neelam in the lock-up and identified her. He also proved the identification memo as Ex.P-28 and also identified his signature on it as Ex.P-29.

14.2. He further deposed that on 07.12.2021 he was asked by the police to come in the Court Complex, Ludhiana and he was produced before Sh. Palwinder Singh, Judicial Magistrate First Class, Ludhiana and his statement was recorded by him. He saw his statement in the court Ex.P-30 and he identified his signatures on it as Ex.P-31. He also deposed that on 08.12.2021 police along with Kuldeep Singh came at the spot and he prepared scaled site plan on his (PW8) demarcation and he appended

his signature on scaled site plan Mark-A and he proved his signature as Ex.P-32. He deposed that his statement was also recorded regarding preparation of scaled site plan. He also proved his application form given to Jagjit Securities as Ex.P33 (objected to) and he identified his signature on the same as Ex.P34 (objected to). He had also proved copy of his Aadhar card as Ex.P35.

15. Prosecution then examined Kuldeep Singh, Surveyor as PW-9 who deposed that he had done diploma in Civil Engineering from GNE College, Ludhiana in the year 1988 and he had experience of more than 30 years in preparing site plans and maps. He deposed that on 08.12.2021, he was called by ASI Gurbakhshish Singh to reach P.P. Bansant Park from where they went to the place of occurrence near Eldeco City, Ludhiana-Jalandhar G.T. Road where witness Mulakh Raj son of Suresh Kumar came present and on his demarcation he prepared scaled site plan Ex.P36 which was signed by Mulakh Raj and ASI Gurbakhshish Singh. He deposed that he handed over the scaled site plan to ASI Gurbakhshish Singh. He proved the scaled site plan Ex.P36 on which he also identified his signatures. His statement was recorded.

16. Prosecution then examined Dr. Gurbinder Kaur, Medical Officer, Civil Hospital, Ludhiana as PW-10 who deposed that on 29.11.2021, she was posted on postmortem duty and on that day at about 13:00 hours, she alongwith Dr. Varun Saggar and Dr. Ripudaman

conducted postmortem on the body of Dilroz Kaur daughter of Harpreet Singh, aged about 2 years and 9 months, female, resident of H.No. 1378/15, Street No. 8 ½, Kwality Road, Shimlapuri, Ludhiana. She deposed that the body was brought by ASI Gurbakshish Singh, Belt No. 805/Ldh of P.S. Shimlapuri and was identified by Shaminder Singh son of Jeet Singh and Davinder Singh son of Jeet Singh. She deposed that as per police information, death was caused due to suffocation or head injury. She deposed that the inquest papers were received on 29.11.2021 at 12:14 PM. She also deposed that on examination of body following injuries were recorded vide PMR No. PMR/GBK/192/21 :

(1) Abrasion 1 CM x 1 CM bruised swelling 1 CM x 1 CM and 1 inch x 1 inch on right side on forehead. On removing scalp clotted blood present; (2) Abrasion 1 CM x 1 CM on left side on forehead. On removing scalp clotted blood present and

(3) Diffuse swelling on occipital region. On removing scalp clotted blood was present.

16.1. She further deposed that the cause of death in this case in their opinion was due to asphyxia due to choking due to foreign body which was sufficient to cause death in ordinary course of nature. She deposed that the time period between injury and death was within few minutes and time between death and postmortem examination was within 24 hours. She brought the original register of PMR in the court and

proved computerized copy of PMR as Ex.P37, upon which she identified her signatures as well of Dr. Varun Saggar and Dr. Ripudaman.

17. Dr. Shubham Dutta, Jr. Resident, DMC Hospital, Ludhiana was examined by prosecution as PW-11 who deposed that on 28.11.2021, he was posted at DMC Hospital, Ludhiana and on that day, he sent information regarding Dilroz Kaur daughter of Harpreet Singh to Police Station Shimlapuri, Ludhiana. He deposed that the patient was brought dead at about 5:41 PM. He deposed that the mobile number which was mentioned lateron, in the police information report was of the grand-father of deceased. He proved the police information as Ex.P38 and he deposed that on the same day at about 5:45 PM, Dilroz Kaur was brought in Emergency with no respiratory efforts and cardiac activity. He deposed that the following observation were made :

- (1) There was wet sand covering nostrils and mouth with bruise over right forehead,
- (2) clothes soiled with sand, external ear covered with sand, bulbar conjunctiva-sand present.

17.1. PW-11 proved the MLR as Ex.P39 and pictorial diagram as Ex.P40. He deposed that the dead body of Dilroz Kaur was handed over to ASI Gurbakshish Singh vide No. MRD1215202 dated 28.11.2021 and proved the same as Ex.P41. He also proved the complete medical record of Dilroz Kaur containing 08 (eight) pages as Ex.P42 and he identified his signatures on Code Blue Event Recording form and that on medical

certificate of cause of death of deceased Dilroz Kaur. He also proved the death form of Dilroz Kaur, as Ex.P43.

18. Prosecution examined Jaspreet Kaur, Data Entry Operator, RTA Office, Ludhiana as PW-12 who brought the summoned record pertaining to Activa bearing registration no.PB-10GT-5402 and as per record same was registered in the name of Neelam wife of Harbans Lal. She proved the computerized record of same as Ex.P44.

19. Prosecution then examined Rajesh Sharma as PW-13 who deposed that he had been working as Manager with M/s Ripss Infrastructure Pvt Ltd. He deposed that their Firm was having 13/14 acres of land near Eldeco City on Ludhiana-Jalandhar G.T. Road and for the security of said land, their Firm had entered into a contract on 25.10.2021 with Jagjit Security backside HDFC Bank near Metro Mall, Jalandhar Bye-pass village Bhatian, P.S. Salem Tabri, Ludhiana, for providing security personnel. He deposed that Mulakh Raj son of Suresh Kumar resident of Mohalla Ramgarh, Tehsil Phillaur District Jalandhar was appointed as Security Guard for the security of aforesaid land as per agreement dated 25.10.2021. He brought the original record regarding agreement dated 25.10.2021 and proved its copy as Ex.P48. He also proved his signatures on the said document as Ex.P50 and deposed that he had been authorized vide certificate dated 20.04.2022 whereby the Director of RIPSS Infrastructure Pvt Ltd. had issued a certificate Ex.P51.

He brought the copy of sale deed regarding the part of land situated at village Bhattian owned by M/s RIPSS Infrastructure Pvt Ltd for which the Guard had been deputed. He deposed that the original sale deed was lying with the bank and he proved its photocopy as Mark-13/A.

20. Prosecution then examined ASI Jaswinder Singh as PW-14 who deposed that on 28.11.2021, he was posted as Incharge Safe City Project, Police Lines, Ludhiana and he was having the control of all the CCTV cameras installed under the Safe City Project. He deposed that on 02.12.2021, an application was given by the IO to him for checking the CCTV footage installed under Safe City Project, Ludhiana as IO had told him about the appearance and features of deceased Dilroz Kaur and accused Neelam. He deposed that accordingly, he checked the CCTV footage of the route from Shimlapuri to Jalandhar bye pass and during the checking of the cameras, the accused was seen alongwith deceased Dilroz Kaur in the CCTV cameras of Ittan Wala Chowk, Shimlapuri, Gill Chowk and Jagraon Bridge, Ludhiana on Aactiva scooter bearing registration No. PB-10-GT-5402. He handed over the CCTV footage of the cameras installed in this route, in a pen-drive to the IO. He proved the pen-drive as Ex.P45 and his certificate u/s 65-B of Indian Evidence Act as Ex.P46.

21. SI Ranjit Singh was examined by prosecution as PW-15 who deposed that on 28.11.2021, he was posted as Incharge, PCR Zone-1, Ludhiana and on that day, he alongwith driver ASI Dhani Ram on



Government Ertiga bearing registration No. PB-10-FV-5922 were on patrolling duty in the zone area and at about 3:30 PM, when they reached near a plot adjoining to Eldeco City Colony, Jalandhar road where the Security Guard of the plot Mulakh Raj met him and he told him that at about 2:50 PM one lady of age 30 to 35 years alongwith a female child of age 2 to 3 years had come on an Activa scooter in the plot, who after parking her Activa scooter, went inside the plot alongwith the female child and after about 10 minutes, she returned back alone and thereafter, she went away on her scooter. He deposed that thereafter, he alongwith ASI Dhani Ram and other police officials alongwith the Security Guard went inside the plot and during the search, they found one pair of child shoes he also found some fresh sand in a pit. He deposed that on suspicion, he removed the sand from the pit and found that a small child was lying in unconscious position and her mouth and other parts of the body were covered with the sand, upon which he took out that child from the pit. He deposed that he found the child to be female child and thereafter, he alongwith police party took said female child to DMC Hospital, Ludhiana, where Doctor declared her brought dead. He deposed that later on, he came to know the name of the child as Dilroz Kaur daughter of Harpreet Singh, resident of H.No. 1378/14, Street No. 8 ½, Shimlapuri, Ludhiana and the lady who killed her as Neelam daughter of Harbans Lal.

22. Prosecution then examined Amandeep Singh as PW-16 who

deposed that he was the Director of Jagjit Securities and said company was owned by his father Dalbir Singh son of Surinder Singh, who had been given license to engage in the business of private security agency by Government of Punjab vide authorization letter No. PSA/L/51/PB/2021/APR/3/219. He proved the authorization letter as Ex.P47. He deposed that their Firm used to supply private security guards to various persons and companies and on 25.10.2021, an agreement was executed Ex.P-48 between their security agency and RIPS Infrastructure Pvt. Ltd for supplying of security guards and he identified his signatures Ex.P48/A. He deposed that as per the contract form dated 26.10.2021, Mulakh Raj son of Suresh Kumar resident of Khuhi wala Mohalla, Ramgarh, Tehsil Phillour, District Jalandhar was deputed for the duty as security guard for the plot near Eldeco City Colony, Ludhiana and the said plot was owned by RIPS Infrastructure Pvt. Ltd. He proved the application form of Mulakh Raj, which was filled and deposited with their company by said Mulakh Raj as Ex.P33, upon which Mulakh Raj had put his signatures as Ex.P34 and the same was also signed by him for Jagjit Securities at Ex.P49. He proved the copy of the Aadhaar card supplied by Mulakh Raj at the time of supplying the application form as Ex.P35. He also proved the authority letter Ex.P58.

23. Prosecution also examined Baljeet Chauhan, Nodal Officer, Reliance-Jio Infocom Ltd., B93, Industrial Area, Phase-VIII, Mohali as

PW-17 who deposed that he was working in the abovesaid telephone company as Nodal Officer since August, 2015 and he deposed that a letter Ex.P49 was received in their office from Addl. Deputy Commissioner of Police Sh.Balwinder Singh Randhawa to provide requisite information mentioned in that letter pertaining to mobile No. 62830-02092 for the period dated 28.11.2021 (one day). He deposed that customer application form relating to abovesaid number was in the name of Neelam daughter of Harbans Lal and he proved the same as Ex.P50. He also proved call details record of abovesaid number for the period as specified above containing two pages as Ex.P51, de-coded address/tower location as per CDR containing one page as Ex.P52 and certificate u/s 65-B of Indian Evidence Act as Ex.P53 on which he identified his signatures and stamps of the company.

24. Prosecution then examined Sh.Palwinder Singh, Ld. Judl. Magistrate I Class as PW-18 through Video Conferencing, who deposed that on 07.12.2021, he was posted at Ludhiana and the police moved an application for recording the statement of Mulakh Raj. He deposed that he recorded the statement of Mulakh Raj u/s 164 of Cr.P.C and said statement was read over to the Mulakh Raj and he after admitting the same to be correct and having recorded the same, without any pressure, coercion or undue influence and out of his own independent will, signed the same. He identified the statement of Mulakh Raj in the Court through video

conferencing and proved the same as Ex.P30, on which he identified his handwriting and signatures and he proved his signature as Ex.P54. He also proved the zimni orders in this regard as Ex.P55 and Ex.P56.

25. Investigation of this case was conducted by Inspector Gurbakshish Singh PW-19 who deposed that on 28.11.2021, he was posted as Incharge PP Basant Park, P.S. Shimlapuri, Ludhiana and on that day, he alongwith Inspector Balkar Singh SHO, P.S.Shimlapuri and other police party were on patrolling duty and were present in the Kwality Chowk where complainant Shaminder Singh S/o Jit Singh came present and got recoded his statement Ex. P1, which was read over to him and after admitting its contents as true, he appended his signatures Ex. P2, which was attested by Inspector Balkar Singh and Inspector Balkar Singh recorded police proceedings and sent it through ASI Balbir Singh for registration of FIR. He deposed that after that all the police party alongwith complainant reached outside the house of complainant and inquiry was conducted from the persons present there. He deposed that IO Inspector Balkar Singh prepared the site plan on the demarcation of Harwinder Kaur wife of complainant Shaminder Singh. He deposed that Statement of Harwinder Kaur, Kiran Kaur and Gurpreet Singh was recorded by IO and after that ASI Balbir Singh alongwith PHG Manjit Kaur came present with ruqa and FIR and they were also joined in the investigation and the statement of ASI Balbir Singh was recorded. He

deposed that after that police party alongwith complainant went for the search of accused Neelam and accused Neelam was arrested at about 11.30 PM on the service road near Gill canal bridge on her black colour Activa Scootery No. PB-10-GT-5402. He deposed that Neelam was apprehended on the identification of complainant. He deposed that by that time, date has been changed as 29.11.2021.

25.1. He deposed that during interrogation, Neelam made disclosure statement that Harpreet Singh son of Shaminder Singh, who was neighbour and working with the Police department often used to bring some things for his children and seeing the said gifts brought by Harpreet Singh for his children even the children of Neelam used to make demands but Neelam could not fulfill the demands and as such, Neelam was having a complex feeling towards Harpreet Singh and as such, she kidnapped Dilroj Kaur on 28.11.2021 in the afternoon at about 2:15 PM on the pretext of purchasing some things for Dilroj Kaur and took Dilroj Kaur on her black activa scooter bearing No. PB-10-GT-5402 while making her sit in front of her scooter and took her towards Ludhiana-Jalandhar G.T. Road near Eldeco City and after taking her in a vacant plot which had four walls there was already a pit in the said plot and she buried Dilroj Kaur alive in the said pit and put soil on her and murdered her. She further disclosed that no one else was with her and she knew about the place where the body of Dilroj Kaur was buried and she could get the body recovered from

that place. He deposed that her disclosure statement was recorded by the IO, which was signed by accused Neelam and witnessed by him, complainant Shaminder Singh and ASI Pritpal Singh. He proved the disclosure statement as Ex.P3.

25.2. He deposed that above said activa scooty alongwith original RC were taken into police possession vide recovery memo Ex.P5 attested by witnesses. He deposed that accused was arrested vide arrest-cum-intimation memo Ex.P7 attested by witnesses. He deposed that accused was personally searched by PHG Manjit Kaur by taking care the dignity of lady and her personal search memo Ex.P9 was prepared attested by witnesses. He deposed that IO Inspector Balkar Singh received a phone call from P.S. Shimlapuri that a child Dilroj Kaur had died and her dead body was in DMC Ludhiana. He deposed that after that accused Neelam led the police party to the disclosed place near Eldeco City and shown the place of occurrence, where she had buried Dilroj Kaur and on her identification, police prepared the site plan of the place of occurrence and from that place one pair of shoes having colour blue, pink and white having laces and on the sole of the shoes No.7 was written, was found. The complainant identified that shoes of his grand-daughter Dilroj Kaur. He deposed that on his identification IO took that shoes and put them in a cloth bag and converted them into parcel and sealed the parcel with seal bearing impression "BS" and took the same into police possession vide

memo Ex.P11 attested by witnesses. He deposed that seal after use was handed over to him and his statement was recorded by IO and he also recorded the statement of other witnesses. He deposed that IO added offence under Sections 302 and 201 IPC and regarding which special reports were sent. He deposed that thereafter, complainant was made free from there and they returned to the police station.

25.3. He deposed that on 29.11.2021 at about 09.30 a.m. in the morning, he alongwith police party headed by IO Inspector Balkar Singh reached DMC Hospital and IO moved requisite applications and IO also prepared inquest report and recorded the statement of Shaminder Singh and Davinder Singh regarding identification of dead body. He deposed that after that dead body of Dilroj Kaur was sent to Civil Hospital, Ludhiana after receiving the same from the DMC, Ludhiana vide transit pass Ex. P17 which was signed by him. He deposed that he also signed death Form Ex. P42 while receiving dead body from DMC Hospital, Ludhiana. He further deposed that in the Civil Hospital, Ludhiana IO moved applications for the postmortem of dead body and keeping the dead body in mortuary. He deposed that after the postmortem of dead body, the dead body was handed over to Shaminder Singh and Davinder Singh vide receipt Ex. P16 and thereafter police party returned to the police station.

25.4. He further deposed that on 30.11.2021, Inspector Balkar Singh was interrogating accused Neelam where security guard Mulakh Raj

came there who immediately identified accused Neelam as the woman who on 28.11.2021 at about 02.50 p.m. had taken a child Dilroj Kaur in the vacant plot near Eldeco City Ludhiana-Jalandhar GT Road and buried that child in the soil and due to that child was died. He deposed that Mulakh Raj identified Neelam, regarding which identification memo Ex. P28 was prepared, witnessed by Mulakh Raj, LC Sushma Rani. He further deposed that from 01.12.2021, investigation of the present case was handed over to him and during Investigation, ASI Jaswinder Singh handed a pen drive containing CCTV footage dated 28.11.2021 from Shimlapuri to Jalandhar by-pass, of different locations and accused Neelam could be seen driving her Activa while taking Dilroj Kaur. He identified the pen drive Ex. P45 in the Court file containing said footage and the photographs Ex. P18 to Ex. P21 in which Neelam could be seen taking away Dilroj Kaur on her Activa. He proved certificate Ex. P22 given under Section 65-B of Indian Evidence Act by Avtar Singh and also proved certificate Ex. P46 given by Jaswinder Singh regarding the genuineness of abovesaid pen drive and photographs. He deposed that he also collected call detail record, call location, section 65-B certificate from the concerned telephone company. He deposed that he also got verified ownership of the abovesaid Activa scooter vide his request Ex. P57.

25.5. He also deposed that during his investigation, he collected record regarding duty of Mulakh Raj in the Jagjit Securities and also



collected the ownership record of the plot where he was doing duty and he also collected record regarding posting and duty record of the concerned PCR officials who took Dilroj Kaur to the DMC Hospital from the place where she was buried.

25.6. He further deposed that in the present case, statement of Mulakh Raj was got recorded under Section 164 Cr.P.C. before the Judicial Magistrate Ist Class Sh. Palwinder Singh on 07.12.2021 and on 08.12.2021, he got prepared scaled site plan from Kuldeep Singh on the demarcation of Mulakh Raj. He deposed that he also recorded the statement of witnesses during his investigation on various dates. He deposed that he also collected medical record and after completion of investigation and collection of all the record, challan was prepared by Inspector Kamaljit Singh. He identified the accused in the Court.

26. Prosecution then examined Retired Inspector Balkar Singh who also conducted some investigation in this case, as PW-20. He deposed in his deposition that on 28.11.2021, he was posted as SHO, P.S. Shimlapuri and on that day, he alongwith ASI Gurbakshish Singh and other police party were on patrolling duty and were present in the Kwality Chowk where complainant Shaminder Singh S/o Jit Singh had come present and got recorded his statement Ex.P1, which was read over to him and after admitting its contents as true, he appended his signatures Ex.P2, which was attested by him and he proved his attestation as Ex. P59. He

deposed that he recorded police proceedings Ex.P60 and sent it through ASI Balbir Singh for registration of FIR and on the basis of it FIR Ex.P61 was registered by SI Ranjit Singh. He deposed that the police party alongwith complainant reached outside the house of complainant and inquiry was conducted from the persons present there and he inspected the place of occurrence from where child was kidnapped and prepared the site plan Ex.P62 on the demarcation of Harwinder Kaur wife of complainant Shaminder Singh and he recorded the statements of Harwinder Kaur, Kiran Kaur and Gurpreet Singh. He deposed that ASI Balbir Singh alongwith PHG Manjit Kaur came present with ruqa and FIR and they were also joined in the investigation and the statement of ASI Balbir Singh was recorded and thereafter police party alongwith complainant went for the search of accused Neelam who was apprehended at about 11.30 PM on the service road near Gill canal bridge on her black colour Activa Scootery No. PB-10-GT-5402. He deposed that accused Neelam was apprehended on the identification of complainant as complainant was with the police party and by that time, date had changed to 29.11.2021.

26.1. He deposed that during interrogation, Neelam made disclosure statement that Harpreet Singh son of Shaminder Singh, who was her neighbour and working with the Police department often used to bring some gifts for his children and seeing the said gifts, children of Neelam used to make demands but Neelam could not fulfill the demands

due to which Neelam was having complex feeling towards Harpreet Singh and as such, she kidnapped Dilroj Kaur on 28.11.2021 in the afternoon at about 2:15 p.m. by luring her to purchase some things for her and made her sit in the front of her black Activa scooter bearing No. PB-10-GT-5402 and took her towards Ludhiana-Jalandhar G.T. Road near Eldeco City and after taking her in a vacant plot which had four walls and a pit already dug in the said plot and she buried Dilroj Kaur alive in the said pit and put soil on her and thereby murdered her. He deposed that she further disclosed that no one else associated her and only she knew about the place where the body of Dilroj Kaur had been buried and she could get the body recovered from that place. He deposed that her disclosure statement was recorded by him, which was signed by the accused Neelam and witnessed by complainant Shaminder Singh, ASI Gurbakshish Singh and ASI Pritpal Singh and he proved the disclosure statement as Ex.P3.

26.2. He deposed that above said Activa scooty alongwith original RC were taken into police possession vide recovery memo Ex.P5 attested by witnesses. He deposed that accused was arrested vide arrest-cum-intimation memo Ex.P7 attested by the witnesses. He deposed that accused was personally searched by PHG Manjit Kaur by taking care the dignity of lady and her personal search memo Ex.P9 was prepared. He deposed that he received a phone call from P.S. Shimlapuri that a child Dilroj Kaur had died and her dead body was in DMC Ludhiana. Thereafter accused

Neelam led the police party to the disclosed place near Eldeco City and showed the place of occurrence, where she had buried Dilroj Kaur and on her identification, he prepared the site plan of the place of occurrence and proved the same as Ex.P63. He deposed that from that place one pair of shoes having colour blue, pink and white having laces and on the sole of the shoes No.7 was written was found and complainant Shaminder Singh identified the shoes of his grand-daughter Dilroj Kaur and on his identification he took that shoes and put them in a cloth bag and converted them into parcel and sealed the parcel with seal bearing impression "BS" and took the same into police possession vide memo Ex.P11 attested by witnesses and seal after use was handed over to ASI Gurbakshish Singh. Statement of witnesses were recorded. He deposed that he added offence under Sections 302 and 201 IPC and regarding which special reports were sent and he deposited the above said case property in intact condition with the MHC Bahadur Singh and accused Neelam was kept in the lockup.

26.3. He further deposed that on 29.11.2021 at about 09.30 a.m. in the morning, he alongwith police party reached DMC Hospital and moved requisite applications and he also prepared inquest report Ex.P64 and recorded the statement of Shaminder Singh and Davinder Singh regarding identification of dead body. He deposed that dead body of Dilroj Kaur was sent to Civil Hospital, Ludhiana after receiving the same from the DMC, Ludhiana vide transit pass Ex.P17 which was signed by ASI Gurbakshish

Singh and he also signed death Form Ex. P42 while receiving dead body from DMC Hospital, Ludhiana. He deposed that in the Civil Hospital, Ludhiana he moved application Ex.P65 for the postmortem of dead body and keeping the dead body in mortuary and after the postmortem of dead body, the dead body was handed over to Shaminder Singh and Davinder Singh vide receipt Ex. P16 and then the police party returned to the police station. He deposed that after the postmortem doctor handed over a sealed parcel bearing seal impression LMCH containing clothes of deceased and on return to the police station, he deposited the parcel in intact condition with the MHC Bahadur Singh. He deposed that ASI Pritpal Singh alongwith police party and accused Neelam were sent to the Court of Illaqa Magistrate and Ld. Court had given three days police remand.

26.4. He further deposed that on 30.11.2021, when he was interrogating accused Neelam, security guard Mulakh Raj came present who immediately identified accused Neelam as the woman who on 28.11.2021 at about 02.50 p.m. had taken a child Dilroj Kaur into the vacant plot near Eldeco City Ludhiana-Jalandhar GT Road and buried her in the pit due which she died. He deposed that Mulakh Raj identified Neelam, regarding which identification memo Ex. P28 was prepared, witnessed by Mulakh Raj, LC Sushma Rani and ASI Gurbakshish Singh and statements of witnesses were recorded. He deposed that PCR officials namely SI Ranjit Singh, ASI Dhani Ram, ASI Shaminder Singh, ASI

Gurmit Singh came to the police station and he recorded their statements.

He identified accused Neelam in the Court.

26.5. He also proved the case property i.e. shoes which are Ex. MO/1 and Ex. MO/2, Activa scootery bearing No. PB-10-GT-5402 as Ex. MO/3, clothes of deceased after opening the sealed parcel, i.e. one diaper Ex.MO/4, one lower Ex.MO/5 and one T-shirt Ex.MO/6. He also proved the mobile phone recovered from the accused from her personal search as Ex. MO/7.

27. ASI Dhani Ram was also examined by prosecution as PW-21 who deposed that on 28.11.2021, he was posted in PCR Zone-1, Ludhiana and on that day, he was the driver on Government Ertiga bearing registration No. PB-10-FV-5922 and was on duty. He deposed that he alongwith SI Ranjit Singh, Incharge, PCR Zone-I were patrolling on the above said vehicle and at about 3:30 PM, they alongwith PCR motorcycle No.60 being driven by ASI Gurmeet Singh and ASI Surinder Singh, who was on the rear seat of the motorcycle reached near a plot adjoining Eldeco City Colony, Jalandhar road where the Security Guard of the plot Mulakh Raj met them and he told them that at about 2:50 p.m. a lady of 30 to 35 years alongwith a child of 2 to 3 years aged came on the Activa scooter in the plot, who after parking her Activa scooter went inside the plot alongwith the child and after about 10 minutes, she returned alone and thereafter, she went away on her scooter.

27.1. He deposed that thereafter, he alongwith SI Ranjit Singh and other police party alongwith the Security Guard Mulakh Raj went inside the plot and searched there and during the search, they found one pair of child shoes and they also found some fresh sand in a pit. He deposed that on suspicion, they removed the sand from the pit and found that a small child was lying upside down in unconscious position and her mouth was filled with sand and other parts of the body were covered with the sand, upon which they took out that child from the pit and he found the child to be female child. He deposed that they sprinkled water drops on her face and cleaned her face and they thought that she was breathing, so, SI Ranjit Singh tried to give her water but the water did not enter her mouth and thereafter, they alongwith the police party took her to DMC Hospital, Ludhiana, where Doctor declared her brought dead. He deposed that later on, they came to know the name of the child as Dilroz Kaur daughter of Harpreet Singh, resident of H.No. 1378/14, Street No. 8 ½, Shimlapuri, Ludhiana and the lady who killed her was Neelam daughter of Harbans Lal. He deposed that his statement in this regard was recorded by the IO.

28. Prosecution then examined HC Bahadur Singh as PW-22 who tendered his duly sworn affidavit Ex.PW-22/A.

29. Prosecution also examined ASI Rajinder Pal Singh as PW-23 who deposed that he was posted as Mukh Munshi, PCR, Ludhiana and his duty was to allocate the area to PCR officials. He deposed that ASI

Gurbakhshish Singh had come to his office on 13.12.2021 and inquired regarding the duties of ASI Dhani Ram, No.798, ASI Gurmit Singh, No.137, SI Ranjit Singh, No.599 and ASI Sawinder Singh, No.3004. He deposed that as per record on 28.11.2021, SI Ranjit Singh and ASI Dhani Ram were on duty in PCR Zone No.1 on Government vehicle Ertiga No.PB10FV-5922 and SI Ranjit Singh was incharge of PCR Zone No.1 and their duty hours were from 8 AM to 8 PM on 28.11.2021. He also deposed that ASI Sawinder Singh and ASI Gurmit Singh were also on duty in PCR Zone No.1, Ludhiana, on PCR Motor Cycle No.60 and their duty hours were 8 AM to 8 AM. Eldigo City which is on Ludhiana Jalandhar G.T Road falls in PCR Zone 1, Ludhiana and it came in the beet area of PCR Motor cycle No.60. He proved the DDRs regarding above said duties, as Ex.P66 to Ex.P69 and attested copy of the above said record regarding PCR daily duty list of dated 28.11.2021 consisting of 10 pages as Ex.P70 and certificate under Section 65B as Ex.71 regarding authenticity of the above said record.

30. Prosecution further examined ASI Ram Simran as PW-24 who deposed that he was posted as Assistant Sena Clerk, in the office of CPO, Ludhiana, and record regarding transfer and posting of the police officials of Ludhiana, Police Commissionerate was with him. He deposed that on 13.12.2021 ASI Gurbakhshish Singh came to his office and inquired about posting of ASI Dahani Ram, No.798, ASI Gurmit Singh,



No.137, SI Ranjit Singh, No.599 and ASI Sawinder Singh, No.3004 on 28.11.2021. He also deposed that SI Ranjit Singh was posted as incharge Zone 1 PCR Ludhiana vide order NO.96627-710-OSI dated 13.7.2021, ASI Shavinder Singh was posted in PCR vide order No.45384-440-OSI dated 19.5.2020, HC Dhani Ram was posted in the PCR, Ludhiana vide order No.92377-450 dated 30.8.2014 and ASI Gurmit Singh was posted in the PCR Ludhiana temporarily vide the order of Commissioner of Police, Ludhiana. He proved the photocopies of the above said orders as Ex.P72, Ex.P73 and Ex.P74 and also identified signatures of Sh.Rajesh Aggarwal, Commissioner of Police, Ludhiana.

31. PHG Manjeet Kaur was also examined by the prosecution as PW-25 and she deposed in his deposition that on 28.11.2021 she was posted at Police Line and she was called on duty in the P.S. Shimlapuri and was joined in the investigation by investigating officer Inspector Balkar Singh. She deposed that during investigation, they reached near Service Road, Near Gill Canal Bridge, where accused Neelam was apprehended on the identification of complainant as she was on Activa Scootery No.PB10GT-5402 and by that time day had changed to 29.11.2021. She deposed that accused made disclosure statement before the I.O and she was arrested vide arrest cum intimation memo Ex.P7 attested by witnesses. She deposed that she personally searched the accused by taking care of dignity of a lady. She proved the personal search

memo Ex.P9 and deposed that her statement was recorded. She also identified accused in the Court.

32. Thereafter, Ld. Addl.PP closed the prosecution evidence by making separate statement on 16.11.2022.

**Statement under Section 313 Cr. P.C.**

33. After closure of prosecution evidence, statement of accused under Section 313 Cr. P.C was recorded, in which all the incriminating evidence appearing in the statements of various prosecution witnesses was put to the accused but she denied all the allegations and pleaded innocence. She stated that she was innocent and had not committed any offence. She further stated that she had been falsely implicated in this case. She further stated that she wanted to lead evidence in defence but despite availing opportunities, no evidence was led by her.

**Additional Evidence led by prosecution u/s 311 Cr.P.C.**

34. Prosecution filed application u/s 311 Cr.PC for recalling PW-1 Shaminder Singh and for examining Press Report Parminder Singh Ahuja of Daily Ajit. The said application was allowed by this Court vide order dated 20.02.2023.

35. PW-1 Shaminder Singh complainant when recalled for further examination deposed that after the murder of his grand-daughter Dilroj Kaur, there was public outrage which was duly covered by various newspapers as well as by the social media. He proved the original

newspapers Ex.PW1/RA to Ex.PW1/RI and the photographs taken from the social media as Ex.PW1/RJ to Ex.PW1/RAW and the pen drives containing the social media posts of Youtube as well as Facebook proved as Ex.PW1/RAY and Ex.PW1/RAZ. He deposed that he had given one certificate u/s 65-B of Indian Evidence Act bearing his signatures which proved on record as Ex.PW1/RBA. He deposed that he also got to know that another post regarding the footage where the police was taking out the body of Dilroj Kaur after digging pit and taking the body of Dilroj Kaur in a PCR vehicle on social media i.e. on Youtube, which had been downloaded by him and stored the same in a pen drive and proved the same as Ex.PW1/RAZ.

36. Parminder Singh Ahuja, Legal correspondent, Daily Ajit Newspaper, Jalandhar was examined by prosecution as PW-26 and in his deposition he proved the newspapers Ex.PW1/RF dated 22.12.2021 and newspaper Ex.PW1/RG dated 03.12.2021 and Ex.PW1/RI dated 29.11.2021 covering the news about the murder of child by burying her alive in a pit. PW-26 also deposed that there was an outrage in the general public who demanded death penalty and same was reported in various newspapers including the Daily Ajit newspaper.

**Additional statement of accused u/s 313 Cr.P.C.**

37. Thereafter, additional statement of accused under Section 313 Cr.PC was recorded in which incriminating evidence led by witnesses

examined on the basis of application u/s 311 Cr.PC moved by prosecution, was put to the accused but she denied all the allegations and pleaded innocence. She stated that she was innocent and had not committed any offence. She further stated that she had been falsely implicated in this case. She further submitted that nothing had been recovered from her and she had not suffered any disclosure statement. She further stated that she wanted to lead evidence in defence but despite availing numerous opportunities, no evidence was led by her.

**Contentions raised by Prosecution:**

38. Ld Addl P.P for the State assisted by Ld. Counsel for the complainant Sh.P.S. Ghumman, Advocate, pointed towards the testimony of complainant Shaminder Singh, Harvinder Kaur, Kiran Kaur and other witnesses Avtar Singh, Baljinder Singh, Mulakh Raj, Rajesh Sharma, Amandeep Singh, Baljit Chauhan, Parminder Singh Ahuja, also testimony of doctors and police officials and argued that the evidence of all these material witnesses was cogent and convincing, and it was sufficient to prove the guilt of the accused. He argued that chain link was complete in the evidence led by the prosecution and the testimony of the witnesses who had last seen accused alongwith minor girl child was corroborated by medical evidence thereby argued that ocular evidence and medical evidence were consistent with each other.

38.1. He further argued that the intent of the accused coupled with

the overt act in execution of the crime stood proved and the chain of circumstances was complete. He argued that from the evidence led by the prosecution it was apparent that the accused was planning the murder of the minor for quite some time and while executing the evil plan she seems to have visited the plot earlier and had already dug the pit. He argued that the area where the minor child was buried alive was at a distance of about 12-13 kms away from the place where the minor had been kidnapped. He argued that the accused had failed to led any evidence as per Section 106 of the Evidence Act as to what happened at the place of occurrence. He argued that various circumstances relied upon by the prosecution relating to guilt fully established beyond out the act of murder after kidnapping committed by the accused. He argued that the accused was put the incriminating circumstances but she failed to give any explanation for the same. He argued that it was the duty casted upon the accused to explain the circumstances under which the death of the victim had occurred but the accused failed to do so. He then argued that confessional statement of the accused and the consequential recovery of shoes of the deceased provided a link in the chain of circumstances and said information leading to the discovery of the shoes was admissible and the recovery had also been effected at the instance of the accused. He further argued that the extra judicial confession made voluntarily by the accused to PW-2 Gurpreet Singh also corroborated by other circumstances and said extra

judicial confession was reliable, trustworthy and beyond shadow of doubt and it could be made the sole foundation for awarding capital punishment to the accused. He further argued that the witnesses examined by the prosecution also proved the motive. He also argued that factum of kidnapping was proved through CCTV Camera recordings and locations with timing of the Cell ID proved by PW-17. He argued that from the tower location it showed that the route used by the accused and the timing of the murder of minor matched with each other and the location of the mobile phone of the accused was consistent with the place of the murder of the minor and place of kidnapping of the minor. He argued that the act of the accused was so heinous and she deserves for death penalty.

**Contentions raised by Defence Counsel :**

39. On the other hand, Ld. counsel for the accused argued that there was nothing on file to connect the accused with the commission of offence. He argued that there were many contradictions in the testimonies of prosecution witnesses and the prosecution had failed to prove the motive of the murder. He further argued that medical record showed that family members told that they did not know regarding the recovery of the body despite the fact that particulars of the family members was mentioned on record of the Hospital. He further argued that as per PW11 Dr. Gurwinder Kaur the body was brought by the police and not by the relatives of the deceased and he did not know the parentage and address of

the deceased then how could the name and parentage of deceased be mentioned on the medical record. He further argued that PW1 in his cross-examination had deposed that he came to know in the midnight at 2.00 AM about the recovery of Dilroj Kaur and she was in the DMC Hospital and neither he nor his wife, nor daughter- in-law nor any other family member had visited the DMC Hospital on 28.11.2021. Ld. defence counsel then argued that if PW1 and his family members had not visited the DMC Hospital on 28.11.2021, then how the name of Dilroj Kaur and her parentage was mentioned on Ex P38 and Ex P39. He further argued that as per prosecution case, PW-15 SI Ranjit Singh took Dilroj Kaur to DMC Hospital but his name was mentioned on memos Ex.P38 and Ex.P39 which created a doubt regarding story of prosecution. He argued that statement of Harpreet Singh father of the deceased was not recorded. He further argued that no FIR was registered regarding loose character of accused and therefore there was no grain of truth in any such allegations. He further argued that when police recovered the body, the police official did not inform anybody till registration of FIR and no video recording was prepared at the time of recovery of the body, which created doubt regarding recovery of body from plot in question. He further argued that there was discrepancy with regard to clothes worn by the deceased, in the deposition of prosecution witnesses. Ld. defence counsel by referring the statement of prosecution witnesses, pointed out that there were many other

discrepancies in their deposition which made the case of prosecution doubtful and he prayed for acquittal of the accused by giving benefit of doubt.

40. I have heard the Ld. Addl. Public Prosecutor assisted by Ld. Counsel for the complainant as well as Ld. Defence counsel and carefully gone through the evidence and documents on record.

**Analysis by the Court:**

41. Admittedly, there is no direct evidence to prove the charge against the accused and the entire case of the prosecution is dependent upon circumstantial evidence. When the case is based on circumstantial evidence, prosecution is required to prove the complete chain of circumstances. In *K.T. Palansamy versus State of Tamilnadu 2008 (1) RCR (Criminal) 870*, Hon'ble Apex Court held:

*"It is now well settled that in a case where an offence is said to have been established on circumstantial evidence alone, indisputably all the links in the chain must be found to be complete as has been held in **Sharad Birdhichand Sarda Vs. State of Maharashtra, AIR 1984 (SC) 1622** in the following terms:-*

*"A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established:*

*(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established.*

*It may be noted here that this Court indicated that the circumstances concerned 'must or should' and not 'may be' established. There is not only a grammatical but a legal distinction between 'may be proved' and 'must be or should*



*be' proved as was held by this Court in **Shivaji Sahebrao Bobade Vs. State of Maharashtra**, where the following observations were made:*

*“certainly, it is a primary principle that the accused must be and not merely may be guilty before a Court can convict, and the mental distance between 'may be' and 'must be' is long and divides vague conjectures from sure conclusions.*

*(2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty.*

*(3) the circumstances should be of a conclusive nature and tendency.*

*(4) they should exclude every possible hypothesis except the one to be proved, and*

*(5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.*

*These five golden principles, if we may say so, constitute the panchsheel of the proof of a case based on circumstantial evidence.”*

42. In **Nanhar Vs. State of Haryana, 2010 (3) RCR 548** also, Hon'ble Supreme Court held that when case is based on circumstantial evidence, the chain of circumstances should be complete in all respects and the pointer of guilt should continuously be on the accused only. Any deviation of the pointer of guilt on the accused would enure him the benefit of doubt.

43. In present case, although there was no direct evidence against

the accused, yet the prosecution has enumerated following circumstances based on positive evidence to prove guilt of the accused :-

- (a) 'last seen' of minor deceased in the company of the accused by Grand Parents PW-1 and PW-3 of minor Dilroj Kaur in street no.8 and thereafter by Baljinder Singh PW-5 near Jalandhar Bypass and lastly by Mulakh Raj Security Guard PW-8 near the plot where the minor deceased was buried;
- (b) CCTV Camera footage installed in the house of Avtar Singh PW-4, in Street No.9, in which accused is seen taking away Dilroz Kaur on her scooter.
- (c) Various Tower Locations of the mobile which was carried by accused Neelam when she carried minor Dilroj from Shimlapuri to Jalandhar Bypass and returned back alone by following the same route;
- (d) Jealousy towards family of minor Dilroj Kaur and inferiority complex as a motive to commit her murder;
- (e) extra judicial confession by accused Neelam;
- (f) Recovery of the body of minor Dilroj Kaur from a pit dug in a vacant plot immediately after the accused left the plot;
- (g) Presence of wet sand covering nostril, mouth and ear and the entire body of the minor covered with sand;
- (h) Disclosure statement and recovery of body of minor deceased and her shoes from the spot.
- (i) Complete denial to incriminating evidence put to her during her statement U/S 313 Cr.P.C., and no explanation to the last seen theory propounded by prosecution.

44. All the above said links of circumstances put up by the prosecution to prove the guilt of accused are intertwined in each other and on careful analysis of the evidence on record, it is evident that pointer of

guilt in all the links of circumstances, is continuously on the accused persons. The evidence both oral and documentary, led by the prosecution was sufficient to arrive at the finding of guilt against the accused.

45. The first strong circumstance relied upon by the prosecution is the 'last seen theory' because immediately before minor Dilroz died, she was seen in the company of accused person. In case of ***Ramreddy Rajeshkhanna Reddy & Anr. Vs. State of Andhra Pradesh 2006(2) RCR (Criminal) 462***, Hon'ble Supreme Court has held that last seen theory comes into play where the time gap between the point of time when the accused and the deceased were last seen alive and the deceased is found dead is so small that possibility of any person other than the accused being the author of the crime becomes improbable. In the case on hand, the accused person was seen in the company of deceased by persons i.e. firstly by Baljinder Singh, PW-5 at about 2.30 p.m. on 28.11.2021 near Jalandhar Bypass, who saw minor child standing in front of the scooter being driven by accused from Ludhiana to Jalandhar side and secondly at about 2.50 P.M. by Mulakh Raj Security Guard PW-8, near the plot where the accused parked her scooter and took the minor child into a vacant and deserted plot and then she came out alone after about 10 minutes.

45.1. Ld. Counsel for the accused argued that PW-5 was interested witness being friend of the father of deceased child and hence his testimony could not be believed. The argument raised by Ld. Counsel is

without any merit, because it is settled principle of law that the evidence of a relative or friend does not lose its significance mainly because he is known to the deceased. In *Bhargavan and others Vs. State of Kerala, 2004 (1) RCR (Criminal) 452*, it has been held by Hon'ble Supreme Court that relationship of the witnesses with the victim is not a factor to affect the credibility of a witness. It is more often than not that a relation would not conceal actual culprit and make allegations against an innocent person. Foundation has to be laid if plea of false implication is made. In this regard, reference can also be made to the law laid down in *Anil Sharma etc. Vs. State of Jharkhand, AIR 2004 (SC) 2294* and *State of Rajasthan Versus Hanuman, 2001 (1) RCR (Criminal) (SC) 157*. In *Gajoo Vs. State of Uttarakhand 2013 (1) Criminal Court Cases 393*, it has been held by Hon'ble Supreme Court that a close relative, who is a very natural witness cannot be termed as interested witness. A witness may be called "interested" only when he or she derives some benefit from the result of litigation. In *Kartik Malhar Versus State of Bihar, 1996 (1) RCR 308*, it has been held by Hon'ble Supreme Court that relative who is natural witness cannot be regarded as an interested witness. Hon'ble Supreme Court further held that the term "interested" postulates that the witness must have some direct interest in having the accused somehow or other convicted for some animus or for some other reason.

45.2. In this case, Baljiner Singh friend of father of the deceased

has been cross-examined at length by astute legal aid counsel but he has withstood the test of cross-examination and his testimony could not be shattered in any manner. Simply because this witness happens to be known to the family of the deceased, is no reason to discard his testimony, as has been contended by Ld. defence counsel.

45.3. In light of the above cited law, it is clear that an interested witness must have some direct interest in having the accused somehow convicted for some extraneous reason and a near relative of the victim is not necessarily an interested witness. In the light of this legal position, I find absolutely no reason not to rely on the trustworthy testimony of PW-5, who has deposed that he was running a ready made garment shop at Chimmi Road, Ludhiana and he often used to visit house of his friend Harpreet Singh, father of the deceased Dilroz Kaur and he knew his family members as well as his neighbour i.e. Neelam, living in the vicinity. During his cross-examination he has deposed that house of Harpreet Singh was about 5/10 minutes drive from his shop and house and he knew Harpreet Singh for last about 17 years. He has deposed that he personally knew both Dilroz and Neelam and when he saw them together going from Ludhiana to Jalandhar side on Jalandhar Bypass, he thought that it being a Sunday, Neelam might be taking Dilroz to Hardy's World, an amusement park for a ride. The argument raised by Ld defence counsel that PW-5 had concocted entire story only to strengthen the case of prosecution is without

any merit because PW-5 does not gain in any manner by deposing against accused Neelam and there is no evidence to show that he had any previous enmity with Neelam so as to depose against her. PW-5 appears to be truthful witness as he has given complete details of the house and neighbourhood of Harpreet Singh and he has also explained his presence at Jalandhar Bypass where he incidentally saw deceased Dilroz on an Activa Scooter being driven by accused Neelam. In his cross-examination he has stated that he knew as to who resided next the house of Harpreet Singh and he also stated that Mamaji of Harpreet Singh and an auto driver resided in front of the house of Harpreet Singh and a school was situated on right side while facing the house of Harpreet Singh while house of accused Neelam was situated on left side. Meaning thereby that PW-5 was fully aware about the locality and neighbourhood of the house of deceased. He has stated that on 28.11.2021 at about 1 P.M., when he had gone to deliver a parcel to one Harry at Ladhowal and when he reached Jalandhar Bypass, he saw accused Neelam due to traffic congestion in the Chowk. Statement of this witness PW-5 was recorded by day after the incident, when he came to know that Neelam had taken Dilroz towards Eldeco City and had buried her alive in a pit in a vacant plot. The behaviour and conduct of this witness seems to be natural because (having known to the family of Harpreet Singh and his neighbour Neelam) when he saw Neelam with Dilroz on 28.11.2021, he would have never suspected

that Neelam would be taking Dilroz on his scooter, with the intention to commit murder. The testimony of Baljinder Singh PW-5 inspires confidence because it has been corroborated by the testimony of Avtar Singh PW-4 and Mulakh Raj PW-8 and the evidence led by all these three witnesses when read together with evidence of PW-1 and PW-3 grandparents of Dilroz and Kiran Kaur PW-6 mother of Dilroz, complete the chain of events starting from street in front of the house of Dilroz till the plot at Jalandhar Bypass where Dilroz was murdered by Neelam.

45.4. The complainant PW-1 has deposed that on 28.11.2021 at about 2.15 P.M., his wife Harwinder Kaur was playing with his granddaughter Dilroz in the Street in front of their house and his wife came inside the house to have some water and when she went back to the Street, did not find Dilroz and thereafter he along with his wife and Kiran Kaur, mother of Dilroz started searching for Dilroz. The version of complainant has been corroborated by his wife Harwinder Kaur PW-3 and also by Kiran Kaur PW-6. The argument raised by Ld Counsel for the accused that family members of deceased Dilroz were inimical towards Neelam and therefore they falsely implicated her in this case, is wholly without any merit. On the contrary, the family members of deceased Dilroz appear to be truthful witnesses because when they found that Dilroz was missing, they did not immediately made a complaint to the police against Neelam and kept on searching for Dilroz on their own. In case they

were inimical towards accused Neelam or if they had any suspicion against her, they would have immediately lodged a complaint against Neelam. PW-1 has stated in his cross examination that he did not report the matter to the police between 2.15 p.m. and 7.30 p.m. on 28.11.2021 and he discussed with many people about the particulars of Dilroz. He stated that he came to know only in the evening that accused Neelam had kidnapped his grand-daughter. Therefore, the behaviour and conduct of PW-1 is quite normal and it does not in any way hint at false implication of accused Neelam. The testimony of PW-1, PW-3 and PW-6 fully proves that at about 2.15 P.M. on 28.11.2021, Dilroz was playing with children in the street and when her grandmother PW-3 went inside her home for some time, she went missing.

46. Now the question arises as to who kidnapped Dilroz within just 5 minutes and thereafter committed her murder in a plot on Jalandhar Bypass. This vital question has been fully explained by the cogent and convincing testimony Avtar Singh PW-4, Baljinder Singh PW-5, ASI Jaswinder Singh PW-14 and finally by Mulakh Raj PW-8. As already explained above, Dilroz went missing from the street in front of his house at about 2.15 p.m. and after about two minutes i.e. at 2.17 p.m. she was seen standing on the Activa scooter of accused Neelam as proved by the CCTV footage of the cameras installed in the house of Avtar Singh PW-4, and 15 minutes thereafter she was seen by Baljinder Singh PW-5, while



she was standing in the front of Aactiva Scooter which was being driven by accused Neelam at about 2.30 p.m. The time period between 2.15 p.m. and 2.50 p.m. has been fully explained by CCTV footage of the cameras installed in the house of Avtar Singh PW-4, as well as CCTV footage of cameras installed under the Safe City Project, and proved by ASI Jaswinder Sing PW-14. PW-4 has deposed that on 28.11.2021 at about 2.15 p.m. to 2.17 p.m., Neelam daughter of Harbans Lal passed by his Street no. 9 on her Aactiva Scooter towards Kquality Chowk and Dilroz Kaur was standing on front space of the scooter. He deposed that he personally knew Neelam and minor Dilroz Kaur as they lived near to his house. He provided the CCTV footage in pendrive Ex.P-24 duly supported by certificate u/s 65-B of Indian Evidence Act Ex.P22, by downloading the same from the DVR, to police and from the photographs Ex.P-18 to Ex.P-20, developed by police, he identified Neelam while she was taking away Dilroz Kaur on her Aactiva Scooter. The ownership of Aactiva Scooter bearing no. PB-10GT-5402 has been proved by PW-12 Jaspreet Kaur, Data Entry Operator, RTA Office, Ludhiana who brought the record and proved that the Aactiva Scooter was owned by Neelam resident of H.No.1378, Street No.8 ½, Shimlapuri, Ludhiana. Now looking at the photographs Ex.P-18 to Ex.P-20 and the CCTV footages in pendrive Ex.P-24 proved by PW-4 and CCTV footage in pendrive Ex.P-45 duly supported by certificate u/s 65-B of Indian Evidence Act Ex.P46 proved by ASI

Jaswinder Singh PW-14, it is crystal clear that accused Neelam wearing a white color jacket was driving her Activa Scooter bearing no. PB-10-GT-5402 and Dilroz Kaur was standing in the front of the said scooter. In the photograph Ex.P-19, accused Neelam and Dilroz can be seen going on a black colour Activa Scooter in Street No.9 at about 2.17 p.m. which is very near to the street no.8-1/2, from where minor Dilroz Kaur was kidnapped in front of her house. This corroborates the version of PW-1 and PW-3, residents of H.No.1378/14, Street No.8.1/2 Kwaliti Chowk, Shimlapuri, Ludhiana that at about 2.15 p.m. PW-3 had gone to her house to take some water leaving behind her grand daughter Dilroz Kaur, who was playing in the street and when she came back within 2-3 minutes, she found that Dilroz Kaur was missing. Meaning thereby that Dilroz Kaur was kidnapped by accused Neelam from the street no.8-1/2 in front of her house between 2:15-2:17 p.m. and she passed through the adjoining Street No.9 at about 2:17:24 p.m. for approaching the main road and her movement was captured in the camera installed on the main gate of the house of Avtar Singh PW-4 and can be seen in CCTV footage no.1. The accused had to reach a deserted plot adjoining the plot of RIPSS Infrastructure Pvt. Ltd. near the Eldeco City on the Jalandhar Bypass and on checking the directions on web application of Google Maps, it is noticed that for the shortest possible route from Shimlapuri to the place of incident near Eldeco City, one has to pass through Gill Chowk,

Vishwakarma Chowk, Clock Tower and Jalandhar Bypass in that seriatim. The CCTV footages from the cameras installed in the city of Ludhiana in the Safe City project, proved by ASI Jaswinder Singh PW-14 shows that after passing through street no. 8-1/2, Neelam crossed Ittanwala Chowk at 2:27:17 hrs and headed towards Gill Chowk where she reached at 2:34:56 hrs and from the footage of the camera installed at Jagraon Bridge, it is noticed that she reached Jagraon Bridge at 2:40:33 hrs and she can be seen going towards Jalandhar Bypass. The application of Google Maps shows that from Jagraon Bridge it takes just 10 to 11 minutes on Scooter to reach the place of incident near Eldeco City and therefore testimony of PW-5 and PW-8 Mulakh Raj is found to be credible because PW-5 saw Neelam when she was crossing the Jalandhar Bypass and PW-8 has deposed that at about 2:50 p.m., Neelam parked her Scooter near the wall of the deserted plot adjoining the plot where he was deputed to work as Security Guard and went inside the plot along with a small girl child. He has deposed that after about 10 minutes she came out alone and hurriedly went from the spot on her scooter. Meaning thereby that she must have left the spot at about 3:02 p.m. The timings as mentioned by PW-8 fully tallies with the timings when the accused Neelam is seen in the CCTV footage at Jagraon Bridge because as mentioned earlier it takes about 10 to 12 minutes to reach Jagraon Bridge from the place of incident and CCTV footages of camera at Jagraon Bridge and at Gill Chowk show

that Neelam reached back at Jagraon Bridge at 3:14:21 hrs, from where she reached Gill Chowk at 3:17:15 hrs.

46.1. The oral testimony of PW-8 and the digital evidence of PW-4 and PW-14 who produced CCTV footages has been further corroborated by Baljeet Chauhan, Nodal Officer, Reliance Jio Infocom, examined as PW-17 who furnished call detail record of mobile no. 62830-02092, registered in the name of accused Neelam. He has proved the customer application form Ex.P-50 which shows that above-said mobile number was in the name of Neelam d/o Harbans Lal and the call details of this number for the day of 28.11.2021 proved by him as Ex.P-51 and de-coded address/ tower locations as per CDR proved as Ex.P-52 shows the route followed by accused Neelam from her house in Street No.8-1/2 Shimlapuri to the place of incident near Eldeco City, Ludhiana and this route matches with the route taken by her as shown in the CCTV footages. On her way to the place of incident, accused Neelam has made certain telephone calls mentioned below, which depict various locations of the carrier of the mobile, on route to the place of incident :

CALL TIME	CALL TERMINATION TIME	CELL ID	ADDRESS SHOWING LOCATION OF THE TOWER
12:56:38	13:01:48	4058670042132	Shiva Polymers, St. No.10, Quality Road, Opp. Dushera Ground, Shimlapuri, Ludhiana.

14:43:00	14:43:44	405867015B310	Bhai Manna Singh Colony, Chhauni Mohalla, Ludhiana.
14:47:24	14:48:21	405867003F223	Sikand Cold Storage, Ashok Nagar, Jalandhar Bypass, Ludhiana.
14:49:24	14:49:53	405867014E317	Plot No.1, Gurnam Nagar, GT Road, Near Dada Motor, Jalandhar Bypass, Ludhiana.
14:50:07	14:50:49	405867014E325	Plot No.1, Gurnam Nagar, GT Road, Near Dada Motor, Jalandhar Bypass, Ludhiana.
14:59:37	15:00:08	40586700BA023	Near Hotel Amaltas, Jalandhar Road, Ludhiana.
15:00:13	15:00:43	405867014F824	Gold Souk Mall, GT Road, Village Kadian, National Highway-1, Jalandhar Road, Ludhiana.
15:01:27	15:03:42	405867014F831	Gold Souk Mall, GT Road, Village Kadian, National Highway-1, Jalandhar Road, Ludhiana.
15:04:00	15:05:34	405867014E315	Plot No.1, Gurnam Nagar, GT Road, Near Dada Motor, Jalandhar Bypass, Ludhiana.
15:05:34	15:06:04	40586700FDF23	Gurudev Enterprises, Backside Duke Fashions, Navneet Nagar, Ludhiana.
15:06:13	15:06:26	405867003F223	Sikand Cold Storage, Ashok Nagar, Jalandhar Bypass, Ludhiana.
15:22:47	15:23:09	405867009CC11	J.P. Central Industry, Gill Road, Near ATI College, Ludhiana.

15:34:19	15:34:41	405867004211B	Shiva Polymers, St. No.10, Quality Road, Opp. Dushera Ground, Shimlapuri, Ludhiana.
15:45:49	15:47:44	4058670041F24	Mahinder Singh Jewellers, Near Quality Chowk, Ludhiana.
15:59:03	16:00:34	4058670042118	Shiva Polymers, St. No.10, Quality Road, Opp. Dushera Ground, Shimlapuri, Ludhiana.

46.2. Perusal of above mentioned tower locations of the mobile carried by accused Neelam show that she was present in Shimlapuri at about 1.00 p.m. and she reached Chhauni Mohalla, Ludhiana at 14:43:00 hrs, and thereafter she made another call at 14:47:24 hrs which shows her location at Sikand Cold Storages, Jalandhar Bypass and both the locations are ahead of Jagraon Bridge, which lends credibility to the CCTV footage of the camera at Jagraon Bridge which was proved by ASI Jaswinder Singh PW-14, according to which accused Neelam was seen with child Dilroz Kaur at Jagraon Bridge, at 2:40:33 p.m.. The tower locations of the mobile of accused Neelam at 14:47:24 hrs near Jalandhar Bypass and thereafter at 14:49:24 hrs near Plot No.1, Gurnam Nagar, Near Dada Motors shows that accused was moving towards the place of incident and this fully supports the testimony of PW-5 Baljinder Singh who has deposed that he saw accused Neelam, at Jalandhar Bypass, when she was taking Dilroz Kaur on her scooter. As per the testimony of PW-8 Mulakh

Raj, accused Neelam along with Child Dilroz reached the place of incident at about 2:50 p.m. and she left the said place after about 10 minutes and his deposition is corroborated by the tower location of the mobile phone of accused Neelam because when she made a call at 14:59:37 hrs near hotel Amaltas, Jalandhar Road, Ludhiana and two calls at 15:00:13 hrs and then at 15:01:27 hrs near Gold Souk Mall, GT Road, Ludhiana. Meaning thereby that after committing the murder of child Dilroz Kaur, accused Neelam left the place of incident within approximately ten minutes and moved towards Jalandhar side because to come back to Ludhiana side she had to take a U-turn by using a divider on the GT Road. To reach the U-turn, she travelled for about five minutes and crossed hotel Amaltas, Gold Souk Mall and after taking U-turn, she made a call at 15:04:00 hrs which again shows her location near Plot No.1, Gurnam Nagar, GT Road, near Dada Motors, Jalandhar Bypass. Thereafter, before reaching her house near Kwality Chowk, Ludhiana/Dusehra Ground, Shimlapuri, Ludhiana, seven telephone calls made by her at various intervals of time shown above, depict that she reached Gurdev Enterprises, Navneet Nagar Ludhiana at 15:05:34 hrs, then at Sikand Cold Storage Jalandhar Bypass at 15:06:13 hrs, thereafter at JP Central Industry, Gill Road, Ludhiana at 15:22:47 hrs and at Shiva Polymers Dusehra Ground, Shimlapuri at 15:34:19 hrs and finally at Kwality Chowk, Ludhiana at 15:45:49 hrs. The two telephone calls made at 15:59:03 hrs and at 16:13:36 hrs made by her

shows her location near Shiva Polymers, Opposite Dushera Ground, Shimlapuri. The mobile phone tower locations as per the calls made by accused Neelam makes it crystal clear that on 28.11.2021 she travelled from her house near Dushera Ground, Shimlapuri to the place of incident near Jalandhar Bypass and after committing back the crime at a deserted plot near Eldeco City, she returned back near her house at about 3.34 p.m.

46.3. The above said evidence of Baljinder Singh PW-5 and Mulakh Raj PW-8 supported by evidence of other material witnesses i.e. Shaminder Singh PW-1, Harvinder Kaur PW-3 and Kiran Kaur PW-6 coupled with CCTV footage provided by Avtar Singh PW-4 and ASI Jaswinder Singh PW-14 and the De-coded address/Tower Locations of mobile phone of accused Neelam on 28.11.2021 proved by Baljit Chauhan PW-17, provide a complete chain and the prosecution has successfully proved that the incident occurred in the manner and the place which has been alleged. The time difference between death of minor Dilroz Kaur and last she was seen in the company of accused Neelam is very less and there is no possibility of any person other than the accused to commit her murder.

47. PW-8 Mulakh Raj has deposed that he was working with Jagjit Manpower and Securities Services and he was posted as a security man at a plot owned by RIPSS Company near Eldeco City, G.T. Road, Ludhiana. The posting of Mulakh Raj at plot owned by RIPSS has been



proved by PW-13 Rajesh Sharma, Manager of M/S RIPSS Infrastructure Pvt Ltd. and PW-16 Amandeep Singh, Director of Jagjit Securities Services. PW-8 has deposed that on 28.11.2021, while he was on duty at the plot owned by M/s RIPSS Infrastructure Pvt Ltd, at about 2.50 p.m., accused who was in the age group of 30-35 came on an Activa scooter bearing no. PB-10-GT-5402 and a small child about 2-3 years was standing in front of that scooter and she stopped her scooter by the wall in the plot adjoining the plot of RIPSS and after parking the scooter next to the wall, she took the child inside the plot and after about 10 minutes she came about of the plot all alone and hurriedly went away on her scooter. The scooter used by accused was registered in her name and this fact has been proved by PW-12 Jaspreet Kaur, Data Entry Operator, RTA office, Ludhiana. Thereafter, PW-8 went inside the said plot to look after the child but could not find her and after some time a PCR motorcycle alongwith one vehicle came there and when he informed the PCR motorcycle about the incident that a lady alongwith a girl child had gone into deserted plot but had come alone, police took him inside the plot and when they started searching for the child, they found pair of shoes lying in the plot and some fresh soil which had covered the pit and as such they got suspicious and when they removed the sand, they found the child buried with head down and she was unconscious. Ld counsel for the accused argued that PW-8 had concocted the entire story because he could not possibly notice any

movement of vehicle or scooter while he was sitting in his Security Guard room and he could not see the dismantled portion of the wall of the plot which was allegedly used by the accused to enter the plot. He further argued that in case, PW-8 had seen the accused going to the vacant plot alongwith the child and then coming out alone from the plot, then he could have stopped the accused and asked her about the child. I have considered these argument raised by Ld Defence counsel but I am not convinced with the same because PW-8 has fully explained that normally people used to stop at the service lane for urination and he could see the accused with the child, as she had parked her scooter in front of his cabin near the dismantled boundary wall. The plot where accused went inside was not owned by RIPSS Pvt Ltd and therefore PW-8 was not authorized to keep a vigil on the said plot and moreover a person normally hesitates to put query to a woman who is a stranger. However, PW-8 went inside the said plot to look for the child but he could not see anything and by that time the accused had already left the place hurriedly. Nevertheless, PW-8 immediately informed about the entire episode to the police official who had come on PCR. The version of PW-8 has been corroborated by SI Ranjit Singh PW-15, Incharge PCR zone-1 who reached at the plot at about 3.30 P.M., while patrolling the area alongwith other police officials in the PCR, where Mulakh Raj met him and narrated the entire episode to him, whereupon they went inside the plot to look for the child and saw pair

of shoes and some fresh sand in a pit and on removing the same, they recovered the child lying unconscious in the pit. PW-15 deposed that he took the child to DMC hospital and in the meantime he informed to SHO, P.S. Salem Tabri. The version of both PW-8 and PW-15 has been corroborated by PW-21 ASI Dhani Ram, member of the team of PCR and he has deposed that he had accompanied Mulakh Raj PW-8 and SI Ranjit Singh PW-15 inside the plot from where body of girl child was recovered. He deposed that they sprinkled water on face of the child which was smeared with sand but water did not enter her mouth and then they took her to hospital.

47.1. Therefore, it is proved that accused Neelam was seen together with deceased Dilroz Kaur at 2.30 p.m. on 28.11.2021 by Baljinder Singh, PW-5 and they were again seen together at about 2.50 p.m. by Mulakh Raj, Security Gaurd, PW-8, in front of place of duty i.e. plot of RIPSS Company near Eldeco City, G.T. Road, Jalandhar Bypass, and soon thereafter at about 3.15/ 3.30 P.M. dead body of Dilroz was recovered from the plot adjoining the plot of RIPSS Company, where she was last seen with the accused by Mulakh Raj.

47.2. Therefore, the CCTV camera footages and the testimony of PW-5 and PW-8 prove beyond doubt that Dilroz Kaur was kidnapped by Neelam and taken out of the sight of people, by making her stand in the front of her Activa scooter. The last seen theory has been fully proved by

the prosecution and the guilt is pointed towards the accused Neelam, the onus thereafter shifted on the accused to explain that either she was not in the company of deceased or she had parted company much before her death. The accused has to establish as to how and when she released minor Dilroz from her custody and in the absence of any such proof produced by the kidnapper, it would be obviously presumed that Neelam (kidnapper) continued with the custody of Dilroz (kidnapped), till she was eliminated. Here the provision of Section 106, Indian Evidence Act, 1872 would come into play, which provides that when any act is especially within the knowledge of any person, the burden of proving the fact is upon him. However, in her statement under Section 313 Cr.P.C., the accused has simply denied the incriminating evidence put to her and has simply stated that she had been falsely implicated in this case and nothing had been recovered from her and that she had not suffered any disclosure statement. Accused Neelam has not tried to counter the last seen theory put up by the prosecution. She has neither offered defence that she was not with the deceased nor explained for having parted company with the minor Dilroz. An important circumstance is the time factor between when the deceased was last seen with the accused and the discovery of dead body by police. A short time gap of just 15 minutes in this case has made the last seen theory applicable and believable. In the cases of *Rohtash Kumar Vs. State of Haryana (2013-2014) SCC 434*, and *Sunder @ Sundararajn Vs State*

*by Inspector of Police 2013(1) RCR (Crml) 943*, Hon'ble Supreme Court has observed that the doctrine of last seen together shifts the burden of proof on the accused requiring him to explain how the incident had occurred. Failure on the part of the accused to furnish explanation in this regard would give rise to very strong presumption against him that he eliminated the person in his custody who was last seen with him. It has been proved from the evidence of PW-4, PW-5 and PW-6 that Dilroz Kaur was kidnapped by accused Neelam and she was never seen alive thereafter, and the facts as to what happened with Dilroz and under what circumstances she was murdered and her body recovered from a pit at a deserted place, were within the special knowledge of accused Neelam, but she failed to give any satisfactory explanation. Hon'ble Supreme Court has upheld conviction in case of *Nagesh Vs State of Karnataka 2012 AIR (SC) 1965* because the accused did not offer any explanation in statement under Section 313 Cr.P.C., and took up the stand of complete denial of his involvement in the crime. It held that law required the accused to offer some explanation as he was last seen with the deceased. In the case on hand, the accused Neelam has offered complete denial even to the pictures and CCTV footages of Dilroz Kaur standing on her Aactiva Scooter being driven by her, short while before she was found murdered in a deserted plot. This complete denial to the digital evidence is yet another vital circumstantial link in the chain of incriminating evidence against the

accused. Therefore, offence under Sections 302, 364 and 201 IPC are proved against the accused because she kidnapped the child in order to commit murder and thereafter committed her murder by burying her in a pit and thereby she caused disappearance of the evidence of offence.

48. It is worthwhile to note that the evidence of the material witnesses such as PW-8 who last saw the accused with the deceased, PW-15 who recovered the body of Dilroz Kaur from a pit is corroborated by the medical evidence. PW-8 has deposed that when Dilroz Kaur was recovered from the pit, it was noticed that sand had been filled in her mouth and entire body of the child had been covered with sand. He deposed that the child was then taken by police officials to hospital where she was declared brought dead. As discussed above, body of Dilroz Kaur was taken out from the pit by PW-15 SI Ranjit Singh and PW-21, Dhani Ram, member of the PCR Zone 1 and both of them have stated that mouth of Dilroz had been stuffed with sand and her entire body was covered with sand. PW-11, Dr Shubham Dutta, Junior Resident, DMC Hospital has proved that the body of Dilroz Kaur was brought dead at about 5.41 p.m., and her nostrils, ear and mouth were covered with wet sand and bruise on right forehead and sand was even found on eye balls. PW-10 Dr. Gurbinder Kaur who conducted post mortem on the body of Dilroz Kaur has deposed that abrasions and bruises were found on the right side as well as left side of the forehead and swelling on the occipital region of the deceased. She

has deposed that Dilroz died due to Asphyxia by choking due to foreign body and sand particles were even found in the trachea region and also in some parts of lungs. These injuries and presence of sand particles in body of the deceased have been fully explained by PW-8, PW-15 and PW-21 because they have deposed that Dilroz Kaur was buried into the pit and her mouth, ear, nose and eyes were covered sand. PW-10 has deposed that the time between injury and death was within few minutes which further corroborates the version of PW-8 Mulakh Raj who has stated that accused came out alone from the plot within just 10 minutes. Meaning thereby that girl child must have died within few seconds due to asphyxia when her mouth and nostrils were stuffed with sand by the accused and in this forcible process, sand particles must have reached her lungs and trachea leading to suffocation and choking. Therefore, injuries on the person of the girl child have been fully explained by the prosecution witnesses.

49. Ld defence counsel has argued that entire medical record had been fudged and fabricated because when body of Dilroz Kaur was brought to the hospital, her name, parentage and address was not known to the police or to the doctors but the same finds mention on the medical records. The argument is without merit because PW-11 has duly explained in his cross-examination that name, parentage and address of deceased Dilroz was lateron mentioned on the MLR.

50. Next important link in the chain of circumstances is the

motive to commit murder of Dilroz Kaur. In *State of U.P. v. Kishanpal, (2008) 16 SCC 73*, Hon'ble Supreme Court examined the importance of motive in cases of circumstantial evidence and observed that the motive is a thing which is primarily known to the accused themselves and it is not possible for the prosecution to explain what actually promoted or excited them to commit the particular crime. It further held that the motive may be considered as a circumstance which is relevant for assessing the evidence but if the evidence is clear and unambiguous and the circumstances prove the guilt of the accused, the same is not weakened even if the motive is not a very strong one. In the case on hand, Ld defence counsel argued that in the absence of any clear motive, it was unsafe reliance on circumstantial evidence adduced by the prosecution. I have considered this argument but it sans merit. It has come in evidence that accused was a divorcee with two children and she was living in the neighbourhood of the deceased child. PW-1 has deposed that due to the loose character of the accused, his son Harpreet Singh, father of the deceased child had restrained his wife Kiran Kaur from talking with the accused due to which she nourished a grudge against their family. PW-3 Harwinder Kaur has also deposed that they used to stop their daughter-in-law from talking with Neelam who had loose character and due to this reason she nourished grudge against their family. PW-6, Kiran Kaur, mother of the deceased has stated in her cross-examination that many unknown male persons used to visit house of



Neelam and therefore everyone in the locality had an opinion that she was of loose character. Furthermore, the accused has revealed in her disclosure statement that Harpreet Singh being in police department often used to bring gifts for his children and on seeing that her children also used to raise demand for such gifts which she could not fulfill and therefore she had ill will against the family of Harpreet Singh. In her extra judicial confession made to Gurpreet Singh PW-2, the accused has explained the reason for committing murder of Dilroz Kaur. She disclosed to him that Harpreet Singh used to bring gifts for his children which she could not afford to give to her own children and therefore she hated children of Harpreet Singh. This jealousy, inferiority complex and animosity harboured by Neelam against Harpreet Singh and his children was strong enough motive for her to commit murder of Dilroz Kaur daughter of Harpreet Singh.

50.1. Ld Counsel for the accused argued that there was contradiction in the motive put forth by family members of deceased Dilroz and PW-2 before whom the accused allegedly made extra judicial confession. He argued that this was a major contradiction which hit at the root of the case and therefore the story of prosecution could not be believable. I have considered this argument but I am not convinced with the same because grandparents and mother of deceased Dilroz explained the motive as per their opinion and understanding about accused Neelam. Motive is

something very close to the mindset of the accused and no one can read or decipher the same. In *State of U.P. v. Kishanpal, (2008) 16 SCC 73* Hon'ble Supreme Court examined the importance of motive in cases of circumstantial evidence and observed that motive is a thing which is primarily known to the accused themselves and it is not possible for the prosecution to explain what actually promoted or excited them to commit the particular crime. It held that the motive may be considered as a circumstance which is relevant for assessing the evidence but if the evidence is clear and unambiguous and the circumstances prove the guilt of the accused, the same is not weakened even if the motive is not a very strong one. It is also settled law that the motive loses all its importance in a case where direct evidence of eyewitnesses is available, because even if there may be a very strong motive for the accused persons to commit a particular crime, they cannot be convicted if the evidence of eyewitnesses is not convincing. In the same way, even if there may not be an apparent motive but if the evidence of the eyewitnesses is clear and reliable, the absence or inadequacy of motive cannot stand in the way of conviction.

It has been held by Hon'ble Supreme Court *Shiv Raj vs. State of Karnataka 2003(3) RCR (Crl.) 642* that in a case which turns on direct evidence, the motive element does not play such an important role as to cast any doubt on the credibility of the prosecution witness, even if there be any doubts raised in this regard. In the case on hand, the evidence of

last seen is so much overwhelming and convincing that it has overshadowed any contradiction in the motive. Moreover, in case prosecution had desired to cook up the evidence, PW-2 could have explained the same motive as it was explained by the complainant and his family members. However, the motive explained by PW-2 matches with the motive revealed by the accused in her disclosure statement. Since the motive is something very close to the heart and embedded in the mind of the accused, therefore none other than the accused can disclose the real reason behind the murder committed by him. It is important to note that not a single suggestion has been put to PW-2 or PW-1, PW-3 and PW-6, i.e. family members of Dilroz Kaur to disprove the motive as regards the gifts brought by Harpreet Singh for his children. And the accused has not examined any witness of the locality where she lived, to disprove the charges that she was a lady of loose character and that Harpreet Singh and his parents had restrained his wife from meeting with accused Neelam. Moreover, both the motives as explained by prosecution are interlinked and intertwined with each other. Accused Neelam suffered from inferiority complex and harboured jealousy against children of Harpreet Singh because Harpreet Singh used to bring gifts for his children which she could not afford for her children and in addition to it Harpreet Singh and his parents had restrained Kiran Kaur wife of Harpreet Singh from meeting with accused Neelam due to which she nourished grudge against the

family of Harpreet Singh and in order to teach lesson to them she eliminated minor Dilroz Kaur, the most vulnerable member of their family.

50.2. Ld defence counsels then argued that prosecution could not prove motive because Harpreet Singh was not joined in investigation. I have considered this argument but I do not find any merit in the same because non-joining of Harpreet Singh in investigation would not weaken the case of prosecution. Reliance may be placed on ***Karan Singh Versus State of Haryana, 2013 (4) RCR (Crl.) 205***, wherein it was held by Hon'ble Supreme Court that unless lapses made on the part of investigating authorities are such, so as to cast a responsible doubt on the case of the prosecution, or seriously prejudice the defence of the accused, the court would not set aside the conviction of the accused merely on the ground of tainted investigation. In ***Gajoo Vs. State of Uttarakhand, 2013(1) Criminal Court Cases 393***, it has been held by Hon'ble Supreme Court that defective investigation, unless affects the very root of the prosecution case and is prejudicial to the accused, should not be an aspect of material consideration by the court. PW-1 has clarified that on 28.11.2021, his son Harpreet Singh was out of Ludhiana and he reached back home at night. Furthermore, the accused could have easily examined residents of the locality in her defence to discard the motive put forth by the prosecution but none was examined for the reasons best known to her and therefore adverse has to be drawn against her.

51. Having referred to the relevant material evidence and the chain of circumstances, let us now consider the next vital link in the chain i.e. the confessional statement made by accused Neelam. Her extra judicial confessional statement is a major piece of evidence against her. No doubt, extra judicial confession is a weak type of evidence, but nevertheless, it can be proved like any other fact in accordance with law. In ***Tejinder Singh Vs. State of Punjab, 2013 (3) RCR (Criminal) 572***, commenting upon the evidentiary value of extra judicial confession, it was held by Hon'ble Supreme Court:

- (i) that extra judicial confession is weak evidence by itself and has to be examined by court with greater care and caution;*
- (ii) that it should be made voluntarily and should be truthful;*
- (iii) that it should inspire confidence;*
- (iv) that extra judicial confession attains greater credibility and evidential value, if it is supported by a chain of cogent circumstances and is further corroborated by other prosecution evidence;*
- (v) that for an extra judicial confession to be basis of conviction, it should not suffer from any material discrepancies or inherent improbabilities; and*
- (vi) that such statement essentially has to be proved like any other fact and in accordance with law.*

51.1. Similar view was taken by Hon'ble Supreme Court in ***Kavita Vs. State of Tamil Nadu, 1998 (3) RCR (Criminal) 555***. Besides this,

in *Kulvinder Singh Vs. State of Haryana, AIR 2011 Supreme Court 1777*, extra judicial confession was relied by the prosecution in a case in which accused had gone to Ex-Sarpanch of the village disclosing that they had committed murder of the deceased it was held by Hon'ble Supreme Court that deposition of Ex-Sarpanch in respect of extra judicial confession made to him by accused, was trustworthy piece of evidence.

51.2. In the present case, no doubt that PW-2 Gurpreet Singh was not holding any important public position yet he has stated that he had relations with police officials and political personalities of Ludhiana. PW-2 has deposed that accused Neelam was already known to him as he had close relations with her brother Rajesh Kumar, who was working as an agent outside the office of Registrar, Ludhiana. He deposed that he used to visit house of Neelam who was a divorcee and he was living with her parents and brother Rajesh Kumar. He deposed that on 28.11.2021, at about 9 P.M., she had come to his house and disclosed that she hated children of Harpreet Singh as he used to bring gifts for them and in order to frighten him, she had kidnapped his daughter and had taken her to a vacant plot near Jalandhar Bypass and had buried her alive in a pit. He deposed that she further disclosed that she had thought that family of Harpreet Singh would plead and request her to get back their child, but they had made a complaint to police against her, and therefore she had approached him to help her as he had good relations with police and

political leaders. He further deposed that he went inside to change clothes, however in the meantime accused Neelam left his house and thereafter he went to the house of deceased Dilroz Kaur and recorded his statement to the police already present there. The version of PW-2 has been corroborated by the complainant and the Investigating Officer. Despite lengthy cross-examination of PW-2, Gurpreet Singh, nothing could be elucidated so as to discredit him. The free and voluntary confession deserves due credit as it is presumed to flow from the highest sense of guilt. Accused Neelam confided in Gurpreet Singh in the hope that she would get help and protection. The confession has been made by her on the day of incident at about 9 p.m. and it is not alleged to have been procured under any undue influence, coercion or pressure and the statement of Gurpreet Singh was also recorded on the same day at about 10 p.m. outside the house of Neelam and the witness Gurpreet Singh has no reason to state falsely. It appears that accused Neelam became nervous after committing the heinous crime and it was spontaneous and natural response to her stress that she approached Gurpreet Singh to help her, because she knew that Gurpreet Singh had close relations with many police officials and political leaders. PW-2 has stated in his cross-examination that he was known to many politicians such as Karwal, Simranjit Singh Bains, Hira Singh Gabria and other leaders of Aam Admi Party. He has admitted that he used to visit police station Division no.6 ,

ADCP Jaskaran Singh Teja, SHO Balkar Singh and many others. He also stated that he had been helpful in various panchayati settlements. Therefore, it was quite obvious for Neelam to approach Gurpreet Singh for protection and for safeguarding her. There is nothing on record to show that Gurpreet Singh was known to the family of complainant, so as to depose in their favour. On the contrary, he was on visiting terms in the house of the accused and even knew that she was a divorcee and also knew the names of her two sons, which go a long way to prove that he had close relations with the family of the accused and therefore it was quite natural for the accused to approach him for making confession and for help. The testimony of PW-2 seems to be unbiased and not even remotely inimical to the accused and there is nothing to indicate that he had a motive of attributing an untruthful statement to the accused.

51.3. Therefore, extra judicial confession made by accused Neelam is well proved by testimony of PW-2, Gurpreet Singh and can be the basis of her conviction.

52. Ld. Counsel for the accused challenged the disclosure statement made by the accused and argued that nothing was recovered from the accused. The contention raised is without force because in the instant case the prosecution has been able to prove the guilt of accused from very cogent and convincing evidence and other attending circumstances and the disclosure statement made by the accused has



corroborated the said evidence.

52.1. After making the disclosure statement i.e Ex.P-5 dated 29.11.2021 made by accused Neelam, proved in the Court by PW-20 Insp. Balkar Singh, the accused led the police party to the disclosed place from where one pair of shoes of blue, pink and white colour was found and on the sole of shoes, number 7 was mentioned which was identified by PW-1 Shaminder Singh stating that the shoes were of his grand-daughter Dilroz Kaur. The accused has not given any explanation as to how body of Dilroz Kaur was recovered from a pit and her shoes were recovered from the bushes in the plot which she had disclosed and therefore strong suspicion is raised against her. ***In Mustkeem alias Sirajudeen Vs. State of Rajasthan, 2011 (3) Criminal Court Cases 784 (SC)***, it was held by Hon'ble Supreme Court that simple disclosure statement and recovery of a material object alone not automatically lead to the conclusion that offence was also committed by accused. Burden is heavy on the prosecution to establish a close link between discovery of the material objects and its connection with commission of the offence. In the case on hand, the deceased child was recovered from a pit dug in a deserted plot full of wild growth of bushes and pair of the shoes of the child were recovered from near the pit. The child Dilroz Kaur was seen with accused Neelam on her scooter and thereafter her shoes were found near the pit which proves beyond doubt that accused removed her shoes before burying her alive in a

pit.

52.2. In the case on hand, the recovery has been made pursuant to disclosure statement and no explanation has come forth as to why the accused was in custody of the child Dilroz Kaur and her body and shoes were recovered from the place of incident.

53. No other point was urged before this court.

**Conclusion:**

54. On account of the entire discussion as above, it is held that prosecution has successfully proved its charges against accused Neelam that she kidnapped minor Dilroz Kaur and committed her murder by causing her death and then caused disappearance of her body and thereby committed an offence punishable under section 302, 364 and 201 of Indian Penal Code. Holding the accused to be guilty under the above said sections, she is convicted accordingly. Let, she be heard on quantum of sentence on 15.04.2024.

**Pronounced in Open Court:  
12.04.2024.**

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

Certified that this judgment contains 82 pages and all the pages are checked and signed by me.

**12.04.2024.**

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

Arun Sehgal, E.A.