



RAJASTHAN HIGH COURT

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

सत्यमेव जयते

D.B. Murder Reference No. 3/2025
CNR: RJHC011160272025
URN: MREF / 3U / 2025

State Of Rajasthan, Through PP

-----Petitioner

Versus

1. Pahad Singh S/o Parbat Singh, Aged About 44 Years, R/o Modraan, P.s. Ramseen, District Jalore.
2. Dungar Singh S/o Parbat Singh, Aged About 42 Years, R/o Modraan, P.s. Ramseen, District Jalore.

-----Respondents

Connected With

D.B. Criminal Appeal (DB) No. 40/2026
CNR: RJHC010096852026
URN: CRLAD / 93U / 2026

1. Pahad Singh S/o Shri Parbat Singh, Aged About 44 Years, Resident Of Modran Ps Ramsin District Jalore Raj. (Presently Lodged At Central Jail Jaipur)
2. Dungar Singh S/o Shri Parbat Singh, Aged About 42 Years, Resident Of Modran Ps Ramsin District Jalore Raj. (Presently Lodged At Central Jail Jaipur)

-----Petitioners

Versus

State of Rajasthan, Through Learned PP

-----Respondent

For Petitioner(s) : Mr. Deepak Choudhary, GA cum AAG
assisted by Mr. Kuldeep Singh
Mr. Tej Singh Badgujar
Mr. Hukam Snigh, for Complainant.

For Respondent(s) : Mr. Prakash Choudhary, *Pro Bono*

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA
Judgment

Reportable

BY THE COURT: (PER HON'BLE MR. JUSTICE VINIT KUMAR MATHUR)

1.	Date of conclusion of argument	16.07.2026
2.	Date on which the judgment was reserved	16.07.2026
3.	Whether the full judgment or only operative part is pronounced	Full Judgment
4.	Date of Pronouncement	21.07.2026



1. By the impugned judgment and order dated 09.12.2025 passed by the learned Additional Sessions Judge, Bhinmal, District, Jalore (hereinafter referred to as "the learned Trial Court") in Sessions Case No. 27/2023 whereby the accused-appellants, namely, (i) Pahad Singh and (ii) Dungar Singh, were convicted and sentenced in the following manner:-

341 IPC	Simple Imprisonment for One Month, with a fine of Rs. 500/-	In default of payment of fine to further undergo Seven days Additional Simple Imprisonment.
323/34 IPC	Simple Imprisonment for One year, with a fine of Rs. 1,000/-	In default of payment of fine to further undergo One month Additional Simple Imprisonment.
324/34 IPC	Simple Imprisonment for Three years, with a fine of Rs. 30,000/-	In default of payment of fine to further undergo Five months Additional Simple Imprisonment.
325/34 IPC	Simple Imprisonment for Seven years, with a fine of Rs. 30,000/-	In default of payment of fine to further undergo Six months Additional Simple Imprisonment.
307/34 IPC	Life Imprisonment along with a fine of Rs. 5,00,000/-	In default of payment of fine to further undergo one year Additional rigorous Imprisonment.
302/34 IPC	Death Penalty , with a Fine of Rs.10,00,000/-	In default of payment of fine to further undergo two years Additional rigorous Imprisonment.

2. Death Reference No. 03/2025 has been submitted by the learned Trial Court under Section 366 of the Code of Criminal Procedure, 1973, seeking confirmation of the sentence of death awarded to the accused-appellants, namely, (i) Pahad Singh and (ii) Dungar Singh. The accused-appellants have also preferred D.B. Criminal Appeal No. 40/2026 under Section 415 of the Bharatiya Nagarik Suraksha Sanhita, 2023, assailing the legality and correctness of the judgment of conviction and order of sentence dated 09.12.2025 passed by the learned Additional Sessions Judge, Bhinmal, District Jalore in Sessions Case No.



27/2023. Since both the death reference and the criminal appeal arise out of the same judgment and involve common questions of fact and law, they are being decided by this common judgment.

Factual Aspects:

3. Facts relevant for adjudication of the present case are that a criminal case came to be registered on 04.03.2023 on the basis of a written complaint lodged by the complainant, Narendra Singh, before the Station House Officer, Police Station Ramseen, District Jalore. The substance of the allegations contained in the complaint is that on 03.03.2023 at about 8:00 p.m., the complainant and his brother, Hari Singh, were proceeding from their house to the residence of Pep Singh. Upon reaching in front of the house of Ratan Singh, they noticed that inside the premises of the said house, near the staircase, the accused-appellants, namely, Pahad Singh and Dungar Singh, were allegedly assaulting Smt. Indira Kanwar, wife of Ratan Singh, with axes. On witnessing the incident, Hari Singh questioned the accused as to why they were assaulting her. Thereupon, both the accused allegedly rushed out of the house, while the children present at the spot fled towards the house of Hadmat Singh. It is further alleged that when Hadmat Singh attempted to intervene, accused Dungar Singh assaulted him with an axe; however, the blow missed its intended target and only the handle of the axe struck his shoulder. It is further alleged that upon witnessing the assault on Hadmat Singh, the complainant, along with his brothers Hari Singh and Chandra Mohan, intervened in an attempt to rescue him. At that juncture,



both the accused allegedly inflicted an axe blow on the neck of Hari Singh, causing fatal injuries, as a result whereof he fell to the ground and succumbed to the injuries at the spot. The complainant further alleged that after causing the death of Hari Singh, the accused chased him and Chandra Mohan with the intention of killing them and also assaulted Jaswant Singh, son of deceased Smt. Indira Kanwar, with an axe with the intention of causing his death, thereby inflicting serious injuries upon him. According to the complainant, Rinku, daughter of Ratan Singh, reached the place of occurrence from Police Post *Modran* along with the police force, whereupon the police intervened and rescued the complainant, Chandra Mohan and Rinku. It was further alleged that had the police not reached the spot in time, the accused would have also killed the complainant, Chandra Mohan, Hadmat Singh and Rinku.

4. On the basis of the said report, a case bearing FIR No. 36/2023 came to be registered at Police Station Ramseen, Jalore for the offence under Section 341, 323, 307, 302/34 of the Indian Penal Code.

5. After completion of investigation, the police filed a charge-sheet against the accused - appellants for the offence under Section 341, 323, 324, 325, 307, 302/34 of the Indian Penal Code before the Judicial Magistrate, Bhinmal, Jalore from where the case was committed for trial to the learned Session Judge, and latter the matter was transferred to Learned Additional Sessions Judge, Bhinmal, Jalore for trial.



6. Learned trial court, after hearing arguments on charge, framed, read over and explained the charges under Section 341, 323, 324, 325, 307, 302/34 of the Indian Penal Code, to the accused-appellants, who denied the same and claimed trial.

7. During the trial, the prosecution examined as many as 29 witnesses and exhibited documents marked as Exhibits P-1 to P-75 in support of its case. Upon completion of the oral and documentary evidence, the prosecution closed its evidence.

8. The statements of the accused-appellants were recorded under Section 313 Cr.P.C., wherein they denied the prosecution allegations in toto, claimed innocence and pleaded false implication, stating that they were not present at the place of occurrence and had been falsely implicated due to a conspiracy hatched by the complainant party in connivance with the police with an ulterior motive to grab the land in dispute. Though the accused-appellants expressed their intention to lead defence evidence, they did not examine any witness in defence.

9. Learned Trial Court, after hearing the arguments advanced on behalf of both sides and upon appreciation of the oral and documentary evidence brought on record, convicted and sentenced the accused-appellants vide judgment dated 09.12.2025, as mentioned hereinabove.

10. Being aggrieved by the aforesaid judgment of conviction and order of sentence passed by the learned trial court, the accused-appellants have preferred the present appeal before this Court.

**Submission on Behalf of Accused/Appellant:**

11. Learned counsel appearing for the accused-appellants vehemently assailed the judgment of conviction and order of sentence passed by the learned Trial Court and submitted that the same suffers from serious illegality, perversity and misappreciation of the evidence available on record. He further submitted that the learned Trial Court has failed to appreciate the evidence in its correct perspective and has recorded the conviction by ignoring material contradictions, omissions and infirmities appearing in the prosecution case.

12. Learned counsel submitted that there are substantial contradictions between the allegations contained in the First Information Report and the deposition of the prosecution witnesses before the Court. He further submitted that the prosecution witnesses have materially improved their versions during trial and their testimony is replete with embellishments and inconsistencies, thereby rendering the prosecution story wholly unreliable.

13. Learned counsel further submitted that the prosecution has failed to produce any reliable and independent eyewitness to the occurrence. The entire case rests upon the testimony of interested and closely related witnesses, whose evidence, according to the learned counsel, suffers from material discrepancies. Even the independent witnesses cited by the prosecution did not support its case and were declared hostile. He thus urged that the prosecution has failed to establish an unbroken chain of



circumstances so as to prove the guilt of the accused-appellants beyond reasonable doubt.

14. Learned counsel further submitted that the accused-appellants have been falsely implicated owing to a long-standing dispute relating to agricultural land between the parties. According to the defence, the complainant party, in connivance with the neighboring persons and the investigating agency, falsely implicated the accused-appellants with an ulterior motive to deprive them of their land. He also submitted that the prosecution has failed to establish the presence of the accused-appellants at the place of occurrence beyond reasonable doubt and, therefore, the very foundation of the prosecution case stands vitiated.

15. Learned counsel submitted that the prosecution has failed to establish any motive for the commission of the alleged offence. He also submitted that the prosecution has attempted to attribute the incident to disputes arising out of an *Aata-Saata* marriage arrangement; however, no cogent or reliable evidence has been adduced to substantiate the existence of such a dispute or to connect the accused-appellants therewith. He, therefore, submitted that the alleged motive projected by the prosecution is imaginary and has not been proved by any independent evidence.

16. Learned counsel further submitted that even if the prosecution case is accepted in its entirety for the sake of argument, the material available on record unmistakably indicates that the occurrence was the outcome of a sudden quarrel and grave and sudden provocation, without any premeditation or prior meeting of minds. He also submitted that there was neither any



prior intention nor any pre-planned design on the part of the accused-appellants to commit the alleged offences. Consequently, the learned Trial Court committed a manifest error in holding that the acts of the accused-appellants were premeditated and in recording their conviction for the offence punishable under Section 302 read with Section 34 IPC.

17. Assailing the recovery proceedings, learned counsel submitted that the alleged recovery of the axes is wholly fabricated and cannot be relied upon. He submitted that, according to the prosecution itself, the accused-appellants were apprehended immediately after the occurrence. Therefore, there was no occasion whatsoever for them to conceal the alleged weapons of offence. Despite this admitted position, the investigating agency purportedly recovered the axes after about four days from concealed places beneath heaps of dung and grass. According to the learned counsel, such recovery is inherently improbable and creates a serious dent in the prosecution case, thereby rendering the recovery evidence wholly unreliable.

18. Learned counsel also submitted that there are serious discrepancies in the seizure proceedings and the chain of custody of the seized articles. The seizure memos, *Malkhana* Register and relevant records do not satisfactorily establish the time, manner and safe custody of the seized articles, thereby creating serious doubt regarding the sanctity of the recoveries and the integrity of the investigation.

19. Learned counsel further submitted that the explanation furnished by the accused-appellants in their statements recorded



under Section 313 Cr.P.C. has not been considered by the learned Trial Court in its proper perspective. The accused-appellants consistently pleaded false implication, denied their presence at the place of occurrence and asserted that they had been implicated owing to the land dispute; however, the learned Trial Court discarded the said explanation without assigning cogent reasons.

20. On the strength of the aforesaid submissions, learned counsel submitted that the prosecution has failed to establish the guilt of the accused-appellants beyond reasonable doubt and that the judgment of conviction and order of sentence passed by the learned Trial Court are unsustainable in the eyes of law. He, therefore, prayed that the impugned judgment of conviction and order of sentence, including the sentence of death awarded to the accused-appellants, may be set aside and the accused-appellants may be acquitted of all the charges by extending to them the benefit of doubt

21. Lastly, learned counsel for the accused-appellants submitted that the learned Trial Court has erroneously placed reliance upon the decisions of the Hon'ble Supreme Court in **Bachan Singh v. State of Punjab**, **Machhi Singh v. State of Punjab** and **State of U.P. v. Shree Krishna** while awarding the sentence of death. Learned counsel submitted that the facts and circumstances of the present case are clearly distinguishable from those considered in the aforesaid decisions and, therefore, the learned Trial Court committed a manifest error in treating the present case as one falling within the category of the "**rarest of rare**" cases warranting the imposition of the capital punishment. In the



alternative, learned counsel submitted that even if the conviction of the accused-appellants is sustained, the present case does not satisfy the parameters governing the award of the death penalty and, therefore, the sentence of death deserves to be commuted to imprisonment for life.

22. *E-converso*, learned Additional Advocate General Mr. Deepak Choudhary has vehemently opposed the submissions advanced on behalf of learned Counsel for the accused-appellants and has supported the findings recorded by the learned trial court. He further submitted that the impugned judgment dated 09.12.2025 does not suffer from any infirmity or illegality and that the conviction of the accused-appellants has been rightly recorded on the basis of reliable and cogent evidence available on record.

Discussion & Analysis:

23. We have given our thoughtful consideration to the rival submissions advanced by the learned counsel appearing for the parties. We have also meticulously examined the impugned judgment dated 09.12.2025 and undertaken a comprehensive re-appreciation of the entire oral and documentary evidence available on record in order to satisfy ourselves as to the correctness, legality and propriety of the findings recorded by the learned Trial Court.

Appreciation of the Ocular Evidence:

24. Upon a comprehensive re-appreciation of the evidence adduced by the prosecution, this Court finds that the prosecution



case substantially rests upon the direct testimony of the complainant Narendra Singh (PW-1), the injured eyewitnesses Rinku Kanwar (PW-10), Jaswant Singh (PW-11) and Surendra Singh (PW-16), the natural eyewitness Hansu Kanwar (PW-14) and the eyewitness Chandramohan (PW-29). The testimony of these witnesses has been carefully scrutinized in the light of the medical, forensic and documentary evidence available on record.

25. Narendra Singh (PW-1), being the first informant, has narrated the entire sequence of events in a natural and consistent manner. His testimony reveals that upon reaching near the house of Ratan Singh, he witnessed the accused-appellants indiscriminately assaulting Smt. Indira Kanwar with axes. His deposition further establishes that when Hari Singh attempted to intervene, he was brutally attacked by the accused-appellants, resulting in his instantaneous death. The witness has also consistently stated that after committing the murders, the accused-appellants chased the complainant, Chandra mohan and the other persons present at the spot and simultaneously attacked Jaswant Singh with the intention of causing his death. The version given by this witness finds complete support from the First Information Report (Ex.P-1), which was lodged promptly after the occurrence, thereby leaving hardly any scope for embellishment or fabrication. His testimony also receives corroboration from the contemporaneous seizure proceedings conducted in his presence.

26. The testimony of Rinku Kanwar (PW-10), who herself sustained injuries during the occurrence, assumes considerable evidentiary value. An injured witness occupies a special place in



criminal jurisprudence because his or her presence at the place of occurrence ordinarily cannot be doubted. PW-10 categorically stated that the accused-appellants had been insisting that she should get married in an *Aata-Sata* marriage, as they themselves were unable to find suitable matrimonial alliances and that on the date of occurrence they came armed with axes and demanded that her mother immediately agree to the marriage proposal. According to this witness, when her mother politely requested them to wait until her father returned from Bengaluru, the accused-appellants, without any justification, launched a murderous assault upon her. Her testimony further reveals that after inflicting fatal injuries upon her mother, the accused-appellants also attacked her and her younger brother Jaswant Singh, compelling them to flee from the house. The witness further stated that she immediately rushed to Police Outpost *Modran* and informed ASI Surendra Singh about the occurrence. This conduct is perfectly natural and spontaneous and lends complete assurance to the truthfulness of her testimony. Nothing substantial has emerged in her cross-examination to impeach her credibility or to indicate that she had any reason to falsely implicate the accused-appellants.

27. The prosecution has also examined child witness Jaswant Singh (PW-11), who was approximately twelve years of age at the time of his deposition. Before recording his evidence, the learned Trial Court satisfied itself regarding his competence to depose. His testimony is natural, spontaneous and inspires confidence. The witness consistently deposed that both the accused-appellants



came armed with axes, demanded that his sister be married in an *Aata-Sata* marriage and, upon his mother's refusal, assaulted her with repeated axe blows. He further stated that when Hari Singh came to rescue them, the accused-appellants assaulted him with axes, resulting in his death. His testimony regarding the injuries sustained by himself and his sister also stands corroborated by the medical evidence. The deposition of this child witness bears the ring of truth and no circumstance has been brought on record to suggest that he had been tutored or that his evidence is otherwise unreliable. Rather, his version substantially corroborates the evidence of PW-10 on all material particulars.

28. Hansu Kanwar (PW-14), who is a natural witness residing in the adjoining house, has also supported the prosecution case in material particulars. According to her, upon hearing the commotion she went to the terrace of her house from where she witnessed the accused-appellants repeatedly assaulting Smt. Indira Kanwar with axes. She further deposed that the accused-appellants thereafter chased Rinku Kanwar and Jaswant Singh and, when Hari Singh attempted to intervene, they also assaulted him with axes resulting in his death. The presence of this witness at the place of occurrence is wholly natural, considering that she resided in the adjacent house. Her testimony materially corroborates the evidence of PW-1, PW-10 and PW-11 regarding the genesis of the occurrence and the sequence in which the incident unfolded.

29. The testimony of ASI Surendra Singh (PW-16) furnishes an independent and highly reliable corroboration to the prosecution





case. He categorically deposed that upon receiving information from Rinku Kanwar at about 8.15 p.m., he immediately rushed to the place of occurrence along with the police personnel. Upon reaching the spot, he found the bodies of Hari Singh and Smt. Indira Kanwar lying in pools of blood and also witnessed the accused-appellants armed with axes continuing their assault upon Jaswant Singh and chasing the remaining victims. He himself sustained injuries while attempting to rescue the injured persons. Being a police officer who reached the place of occurrence immediately after receiving information, he had no conceivable reason to falsely implicate the accused-appellants. His testimony substantially corroborates the ocular account furnished by the injured witnesses and completely negatives the defence plea that the accused-appellants were not present at the place of occurrence.

30. The testimony of Chandra mohan (PW-29) also inspires confidence. His presence at the place of occurrence stands satisfactorily explained, as he had accompanied Hari Singh and Narendra Singh (PW-1) while proceeding towards the house of Pep Singh. He consistently deposed that he saw the accused-appellants assaulting Hari Singh with axes and thereafter chasing Rinku Kanwar and Jaswant Singh. His evidence further establishes that the accused-appellants continued their violent conduct until the police intervened. Despite extensive cross-examination, nothing material could be elicited to render his testimony doubtful.

31. The evidence of the aforesaid eyewitnesses is not only inter se consistent but is also fully corroborated by the medical



evidence, the post-mortem reports, the injury reports of the injured witnesses, the prompt lodging of the First Information Report, the site inspection memo, seizure memos and the forensic evidence. Their depositions present a complete, coherent and uninterrupted account of the occurrence and inspire confidence. Minor discrepancies, if any, pertain only to insignificant details which are natural in the testimony of truthful witnesses deposing after lapse of time and do not affect the substratum of the prosecution case.

32. The contention advanced on behalf of the defence that the prosecution witnesses are interested witnesses merely because they are related to the deceased deserves to be rejected. It is a settled proposition of law that the testimony of a related witness cannot be discarded solely on the ground of relationship if it is otherwise found to be cogent, trustworthy and reliable. On careful scrutiny, this Court finds no reason to disbelieve the testimony of the aforesaid eyewitnesses. Their presence at the place of occurrence is natural, their version is consistent on all material particulars, and the same receives complete corroboration from the medical, scientific and documentary evidence.

33. The evidence of the formal witnesses, namely PW-2 to PW-6, PW-9, PW-18 and PW-23, proves the preparation of the inquest reports, seizure memos, site inspection memo and other contemporaneous documents prepared during investigation. Their testimony lends assurance to the procedural regularity of the investigation and the authenticity of the documentary evidence. Though PW-7 Arjun Singh and PW-8 Bhav Singh were declared



hostile, they are merely formal witnesses and their hostility does not affect the substratum of the prosecution case, which otherwise stands firmly established through reliable ocular, medical and scientific evidence.

34. Accordingly, this Court has no hesitation in holding that the ocular account furnished by PW-1 Narendra Singh, PW-10 Rinku Kanwar, PW-11 Jaswant Singh, PW-14 Hansu Kanwar, PW-16 Surendra Singh and PW-29 Chandra mohan is wholly reliable and inspires implicit confidence. The said evidence establishes beyond reasonable doubt that the accused-appellants, acting in furtherance of their common intention, caused the homicidal deaths of Smt. Indira Kanwar and Hari Singh and also attempted to commit the murder of Jaswant Singh, Rinku Kanwar and the other victims who came in their way.

Appreciation of Medical Evidence:

35. The medical evidence adduced by the prosecution assumes considerable significance as it lends complete assurance to the ocular version and conclusively establishes the nature of the injuries sustained by the deceased as well as the injured witnesses.

36. Dr. Dinesh Kumar (PW-22), one of the members of the Medical Board constituted on 04.03.2023, deposed that pursuant to the requisition received from Police Station Ramseen, the Board conducted the post-mortem examination of the dead body of Smt. Indra Kanwar. The deceased had sustained multiple grievous injuries, which are as under:-



- i. Chop injuries over the head and neck region, including a large crushed wound measuring $15 \times 5 \times 5$ cm, exposing the underlying bones and muscles,
- ii. A deep chop wound measuring $7 \times 3 \times 5$ cm over the right mastoid and temporal region behind the ear,
- iii. Another deep chop wound measuring $5 \times 3 \times 5$ cm in front of the ear and
- iv. Another deep chop wound measuring $5 \times 3 \times 5$ cm below and posterior to the left ear involving the lobuale.

37. According to Dr. Dinesh Kumar (PW-22), all the injuries were ante-mortem in nature and, in the unanimous opinion of the Medical Board, the cause of death was "**severe traumatic cut and chop injuries to the head and neck leading to severe haemorrhagic shock and death.**" His testimony clearly establishes that the injuries sustained by the deceased were sufficient in the ordinary course of nature to cause death and were inflicted by a sharp-edged heavy weapon such as an axe.

38. The testimony of Dr. Ashok Singh (PW-25), another member of the Medical Board, fully corroborates the evidence of PW-22. He proved the post-mortem report of deceased Smt. Indra Kanwar (Ex.P-22) and reiterated that the deceased had suffered multiple fatal chop injuries over the head and neck region resulting in haemorrhagic shock and instantaneous death. The witness further deposed that the Medical Board also conducted the post-mortem examination of deceased Hari Singh. The deceased had sustained multiple grievous injuries, which are as under:-

- i. A deep chop wound measuring $7 \times 2 \times 5$ cm over the middle of the scalp exposing bones and muscles,
- ii. a sharp-edged injury measuring $10 \times 5 \times 3$ cm over the neck and



iii. Another sharp-edged injury measuring 5 × 3 × 4 cm over the upper left side of the chest exposing ribs and muscles.

39. According to the witness, all the injuries were ante-mortem in nature and the cause of death was **severe traumatic cut and chop injuries to the head and neck resulting in haemorrhagic shock**. The post-mortem report of Hari Singh (Ex.P-23) was duly proved by him.

40. PW-25 further examined the injured Surendra Singh (PW-16) and proved the injury report (Ex.P-29). He found an abrasion over the finger of the left hand and another injury over the left palm. According to the witness, one injury had been caused by a blunt object whereas the other had been caused by a sharp-edged weapon, both being simple in nature. These injuries substantially corroborate the testimony of PW-16 Surendra Singh that he sustained injuries while attempting to rescue the victims from the assault launched by the accused-appellants.

41. Dr. Ashok Singh (PW-25), also medically examined the injured child Jaswant Singh (PW-11) and proved his injury report (Ex.P-30). The injured was found to have suffered pain over the right shoulder, a lacerated wound over the left hand and a cut injury on the right side of the scalp. On radiological examination, one of the injuries was found to be grievous in nature on account of fracture, whereas the remaining injuries were simple. The witness further proved the X-ray plate (Ex.P-31) and clarified that his final opinion regarding the nature of the injuries had been recorded on the reverse of the injury report after receipt of the Radiological findings. The injuries noticed by the doctor fully



corroborate the ocular testimony of PW-10 Rinku Kanwar, PW-11 Jaswant Singh and PW-16 Surendra Singh regarding the assault inflicted upon the child witness by means of an axe.

42. The testimony of Dr. Bhawani Singh (PW-28), the third member of the Medical Board, is also in complete consonance with the evidence of PW-22 and PW-25. He independently proved the post-mortem reports (Ex.P-22 and Ex.P-23) and reiterated that both deceased had sustained multiple ante-mortem chop injuries over the vital parts of the body, particularly the head and neck, which resulted in severe haemorrhagic shock leading to death. His evidence lends further assurance to the unanimous medical opinion recorded by the Medical Board.

43. Dr. Kanaram Patel (PW-26) deposed that he prepared the requisition for radiological examination of injured Jaswant Singh and proved the X-ray requisition as well as the X-ray plate (Ex.P-31). His testimony completes the medical chain regarding the grievous injury sustained by the child witness.

44. On an overall appreciation of the medical evidence, this Court finds that the same completely corroborates the ocular account furnished by the prosecution witnesses. The injuries found on the bodies of deceased Smt. Indra Kanwar and Hari Singh unmistakably establish that they were subjected to repeated blows by a heavy sharp-edged weapon. The nature, dimensions and location of the injuries, particularly those over the head and neck, unmistakably demonstrate that the assailants intended to inflict fatal injuries upon the victims. The medical evidence also corroborates the prosecution version regarding the injuries



sustained by Surendra Singh and Jaswant Singh during the same occurrence.

45. It is well settled that where the medical evidence is consistent with and lends assurance to the trustworthy ocular testimony, the same provides strong corroboration to the prosecution case. In the present case, no inconsistency or contradiction of such nature has been pointed out by the defence which could render the medical evidence doubtful or inconsistent with the prosecution version. On the contrary, the medical evidence fully supports the prosecution case regarding the manner of assault, the weapons used, the situs of injuries and the cause of death, thereby lending complete assurance to the reliability of the ocular testimony.

Appreciation of the Investigation:

46. The investigation conducted by Arvind Kumar (PW-27), the then Station House Officer, Police Station Ramseen, has been assailed by the defence on various grounds. This Court has, therefore, carefully scrutinized his testimony as well as the documentary evidence proved through him to ascertain whether any infirmity exists which may cast doubt upon the prosecution case.

47. PW-27 proved that immediately upon receipt of the written report (Ex.P-1), FIR No.36/2023 (Ex.P-75) was promptly registered and investigation commenced without delay. During the course of investigation, he conducted the inquest proceedings of both deceased persons, prepared the requisite inquest reports and





related documents, inspected the place of occurrence, prepared the site plan (Ex.P-5), seized the blood-stained articles, earth samples, clothing of the deceased and other incriminating articles from the scene, and ensured that all seized articles were duly sealed and preserved in accordance with law.

48. The Investigating Officer has proved that immediately after registration of the case, he conducted the inquest proceedings in respect of both deceased persons. He prepared the inquest report, body inspection memo and handing-over memo relating to the dead body of Hari Singh (Ex.P-2, Ex.P-3 and Ex.P-6) as well as those pertaining to deceased Smt. Indira Kanwar (Ex.P-8, Ex.P-9 and Ex.P-10). These contemporaneous documents demonstrate that the investigation commenced promptly and in accordance with the procedure prescribed under the Code of Criminal Procedure.

49. On an overall evaluation of the investigation, this Court is satisfied that the investigation was conducted fairly, promptly and in accordance with the prescribed procedure. The documentary record prepared during investigation stands duly corroborated by the ocular, medical and forensic evidence, and no lapse or omission has been brought on record which is of such a nature as to affect the substratum of the prosecution case or create any reasonable doubt regarding the guilt of the accused-appellants.

Appreciation of the Recovery and Forensic Evidence:

50. An important incriminating circumstance against the accused-appellants is the recovery of the weapons of offence



pursuant to the information furnished by them under Section 27 of the Indian Evidence Act. The Investigating Officer, Arvind Kumar (PW-27), has categorically deposed that during police custody, accused-appellant Pahad Singh and accused-appellant Dungar Singh furnished separate disclosure statements (Ex.P-32 to Ex.P-35), in pursuance whereof accused-appellant Pahad Singh recovered a blood-stained iron axe with a wooden handle from a heap of cow dung situated within his residential premises, while accused-appellant Dungar Singh recovered another blood-stained iron axe from a heap of cattle fodder kept in his residential enclosure. The recoveries were duly recorded through seizure memos (Ex.P-14 and Ex.P-15), the corresponding site plans (Ex.P-16 and Ex.P-17) were prepared, and the recovered weapons were separately sealed before being forwarded for forensic examination. The evidence relating to the recovery proceedings has remained unshaken during cross-examination, and no material circumstance has been brought on record to discredit the genuineness of the recoveries.

51. The prosecution has further established that all the material exhibits collected during the course of investigation, including the blood-stained T-shirt of deceased Hari Singh, the blood-stained shawl (Odhani) of deceased Indra Kanwar, blood-stained cemented floor pieces, blood-stained soil, the slippers recovered from the place of occurrence, the shirt seized during investigation and both the recovered axes, were forwarded in sealed condition to the Forensic Science Laboratory. The FSL Report (Ex.P-51) confirms the detection of **human blood** on the aforesaid articles,



including both the recovered axes. Though the blood grouping was reported to be inconclusive, the scientific examination unmistakably establishes that the recovered weapons as well as the articles seized from the place of occurrence were stained with human blood. The integrity of the chain of custody has also been duly established through the evidence of the Investigating Officer and the relevant forwarding letters, road certificate and deposit receipts.

52. The forensic evidence, when read conjointly with the recoveries effected at the instance of the accused-appellants, the trustworthy ocular account of the eyewitnesses and the medical evidence demonstrating that the deceased had sustained multiple chop injuries caused by a sharp-edged heavy weapon, furnishes valuable corroboration to the prosecution case. The recovery of blood-stained axes from the exclusive knowledge and possession of the accused-appellants pursuant to their disclosure statements constitutes a highly incriminating circumstance. Although the blood grouping could not be determined, the presence of human blood on the recovered weapons and the other seized articles is a significant scientific circumstance which lends assurance to the prosecution version regarding the use of the recovered axes in the commission of the offences. Viewed cumulatively with the other evidence on record, the recovery and forensic evidence form an important link in the chain of circumstances establishing the guilt of the accused-appellants beyond reasonable doubt.

**Findings and Conclusion:**

53. The testimony of the principal eyewitnesses, namely Narendra Singh (PW-1), Rinku Kanwar (PW-10), Jaswant Singh (PW-11), Hansu Kanwar (PW-14), Surendra Singh (PW-16), Surendra Singh (PW-17) and Chandra mohan (PW-29), is natural, cogent and wholly reliable. Their presence at the place of occurrence is fully established and their evidence has remained consistent on all material particulars despite lengthy cross-examination. Their testimony finds complete corroboration from the medical evidence, the investigation conducted by PW-27, the recoveries effected pursuant to the disclosure statements of the accused-appellants and the report of the Forensic Science Laboratory.

54. The evidence on record unequivocally establishes that the accused-appellants had been persistently pressurizing Smt. Indra Kanwar to consent to the marriage of her daughter Rinku Kanwar under the customary *Aata-Sata* arrangement. On the date of occurrence, both the accused-appellants arrived at the residence of the deceased armed with axes and reiterated the same demand. The evidence of the prosecution witnesses clearly demonstrates that Smt. Indra Kanwar neither abused nor threatened the accused-appellants. On the contrary, she merely requested them to discuss the issue after the return of her husband, Ratan Singh, from Bengaluru. This response was neither provocative nor capable of depriving a reasonable person of self-control.



55. Instead of leaving the place, the accused-appellants immediately launched a brutal assault upon Smt. Indra Kanwar by repeatedly inflicting axe blows on the vital parts of her body, particularly her head and neck. When Hari Singh intervened in an attempt to save her, he too was mercilessly assaulted with the same weapons, resulting in his instantaneous death. Thereafter, the accused-appellants continued their violent assault by chasing Rinku Kanwar (PW-10) and Jaswant Singh (PW-11), causing injuries to the latter, assaulting Hadmat Singh when he attempted to intervene and even attacking ASI Surendra Singh (PW-16) after he reached the spot in response to the information furnished by Rinku Kanwar. The uninterrupted sequence of events unmistakably establishes that the accused-appellants acted pursuant to a common intention and continued their assault until they were ultimately restrained by the police personnel.

56. The testimony of ASI Surendra Singh (PW-16), who reached the spot immediately after receiving information from Rinku Kanwar, further lends assurance to the prosecution case. His presence at the place of occurrence is natural and his evidence establishes that upon reaching the spot he found the bodies of the deceased lying in pools of blood and witnessed the accused-appellants armed with axes. His evidence regarding the injuries sustained by him while attempting to rescue the injured witnesses also stands corroborated by the medical evidence.

57. The medical evidence completely supports the ocular account regarding the nature of the injuries, the weapon used and the cause of death. The post-mortem reports (Ex. P-22 and Ex. P-23)



conclusively establish that both deceased suffered multiple chop injuries over the head and neck caused by a heavy sharp-edged weapon, which proved fatal in the ordinary course of nature. The injuries found on Jaswant Singh (injury report Ex. P-30 & 31) and Surendra Singh (injury report Ex. P-29) also fully corroborate the prosecution version regarding the assault upon them during the same occurrence.

58. The recovery of two blood-stained axes (seizure memo Ex. P-14 and Ex. P-15) at the instance of the accused-appellants pursuant to their disclosure statements under Section 27 of the Indian Evidence Act, coupled with the FSL Report (Ex. P-51) confirming the presence of human blood on the recovered weapons as well as on the blood-stained articles seized from the place of occurrence, provides valuable scientific corroboration to the prosecution case. Though the blood grouping could not be determined, the forensic evidence constitutes an additional incriminating circumstance which, when read together with the reliable ocular and medical evidence, further strengthens the prosecution case.

59. The defence taken by the accused-appellants in their statements under Section 313 Cr.P.C. that they had been falsely implicated due to family disputes and an alleged attempt to grab their property is wholly unsubstantiated. No defence evidence has been led in support of the said plea, nor has any material emerged during the cross-examination of the prosecution witnesses to probabilise such a defence. Mere suggestions put in cross-



examination cannot displace the otherwise consistent, cogent and trustworthy prosecution evidence.

60. Equally devoid of merit is the contention that the present case falls within Exception 1 to Section 300 of the Indian Penal Code on the ground of grave and sudden provocation. The evidence brought on record does not disclose any circumstance which could reasonably be construed as either "grave" or "sudden" so as to deprive the accused-appellants of the power of self-control. On the contrary, the consistent testimony of the prosecution witnesses establishes that deceased Smt. Indra Kanwar neither abused, threatened nor humiliated the accused-appellants. She merely expressed that the proposal regarding the marriage of her daughter Rinku Kanwar would be discussed with her husband Ratan Singh upon his return. Such a response was natural, reasonable and incapable of provoking an ordinary prudent person to resort to homicidal violence.

61. The evidence further reveals that instead of withdrawing from the place, both the accused-appellants, who had already arrived armed with deadly weapons, immediately launched a brutal assault upon Smt. Indra Kanwar and thereafter indiscriminately attacked Hari Singh, who had intervened to save her. Their assault did not end there. They continued to chase and attack Rinku Kanwar, Jaswant Singh, Narendra Singh and others present at the scene and even assaulted ASI Surendra Singh when he intervened in discharge of his official duty. The continuity, persistence and ferocity of the assault unmistakably demonstrate that the accused-appellants acted with a conscious, deliberate and





determined intention to eliminate every person who came in their way and not under the influence of any momentary loss of self-control.

62. The fact that certain formal witnesses were declared hostile is of no consequence. Their evidence pertains only to formal aspects of the investigation and does not affect the substratum of the prosecution case, which stands firmly established through the trustworthy testimony of the eyewitnesses, the medical experts, the investigating officer and the scientific evidence.

63. The conduct of the accused-appellants before, during and after the occurrence clearly negatives the applicability of Exception 1 to Section 300 IPC. The nature of the weapons carried by them, the repeated blows inflicted on the vital parts of the bodies of the deceased, the successive attacks upon multiple victims and the recovery of the blood-stained axes at their instance collectively establish that the offence was committed with full knowledge of its consequences and with the requisite intention to cause death. The surrounding circumstances unmistakably indicate that the acts of the accused-appellants were the outcome of a deliberate criminal resolve and not of grave and sudden provocation. Consequently, none of the Exceptions to Section 300 IPC is attracted, and the offence committed by the accused-appellants clearly falls within the ambit of murder punishable under Section 302 IPC.

64. On a cumulative appreciation of the entire evidence, this Court is satisfied that the prosecution has successfully established beyond reasonable doubt that both accused-appellants, acting in furtherance of their common intention, committed the murder of



Smt. Indra Kanwar and Hari Singh, attempted to commit the murder of Jaswant Singh, voluntarily caused injuries to Surendra Singh and the other victims and committed the remaining offences for which they have been charged. The findings recorded by the learned Trial Court are based upon a proper appreciation of the evidence and do not suffer from any perversity, illegality or misappreciation warranting interference by this Court. The conviction of the accused-appellants under sections 341, 323/34, 324/34, 325/34, 307/34, 302/34 of the Indian Penal Code, therefore, deserves to be **affirmed**.

Question of Sentence:

65. The matter was thereafter heard on the question of sentence. Upon recording the conviction of the accused-appellants for the offences proved against them, the learned trial Court awarded the **sentence of death** for the offence punishable under Section 302 read with Section 34 IPC and, in compliance with the mandate of Section 366 Cr.P.C. (now corresponding provisions under section 407 BNSS, will be applicable), made a reference to this Court for confirmation of the capital sentence.

66. Learned counsel appearing on behalf of the accused-appellants submitted that they are first-time offenders having no previous criminal antecedents and belong to a modest socio-economic background. He further submitted that they have remained in judicial custody for a considerable period and that the mitigating circumstances emerging from the record outweigh the aggravating factors. According to the learned counsel, the present



case does not satisfy the stringent parameters governing the "rarest of rare" doctrine, and therefore, the extreme penalty of death is unwarranted.

67. Per contra, learned Additional Advocate General Deepak Choudhary supported the sentence imposed by the learned trial Court and submitted that the present case falls squarely within the category of the "rarest of rare" cases. He submitted that the conduct of the accused-appellants was not the result of a sudden impulse or grave provocation but reflected a deliberate, calculated and sustained course of violent criminal conduct. The accused-appellants, armed with deadly weapons, brutally murdered Smt. Indra Kanwar and Hari Singh and thereafter continued their indiscriminate assault upon other persons present at the spot, including Rinku Kanwar, the minor Jaswant Singh, Hadmat Singh, Narendra Singh and even ASI Surendra Singh, who had reached the scene in discharge of his official duty. He submitted that the occurrence demonstrates exceptional brutality, complete disregard for human life and utter contempt for the rule of law. The genesis of the occurrence, namely the refusal of Smt. Indra Kanwar to immediately accede to the demand relating to the proposed *Aata-Sata* marriage of her daughter, could never furnish any justification for such a barbaric assault. The repeated attacks upon unarmed victims, including women, a child and a police officer, clearly exhibit the depravity of mind and extreme culpability of the accused-appellants. It was, therefore, urged that the aggravating



circumstances overwhelmingly outweigh the mitigating circumstances and that the sentence of death awarded by the learned trial Court deserves to be confirmed.

68. In this regard, it is a well-established legal position that death penalty can be awarded only in the rarest of rare cases. In this regard, the Hon'ble Supreme Court has also given guidelines in **Bachan Singh vs State of Punjab Criminal Appeal Nos. 607-608 of 2017; (1982) 3 SCC 24**. It is in this context that the Hon'ble Supreme Court's decision in **Lehna vs. State of Haryana; Appeal (crl.) 733 of 2001** also, in paragraphs 21, 23 and 29, the following directions were given in this case where three murders were committed, in that case the death sentence was commuted to life imprisonment:-

21. In Machhi Singh's case (supra), it was observed:-

"The following questions may be asked and answered as a test to determine the 'rarest of the rare' case in which death sentence can be inflicted:-

(a) Is there something uncommon about the crime which renders sentence of imprisonment for life inadequate and calls for a death sentence?

(b) Are the circumstances of the crime such that there is no alternative but to impose death sentence even after according maximum weightage to the mitigating circumstances which speak in favour of the offender?"

23. In rarest of rare cases when the collective conscience of the community is so shocked, that it will expect the holders of the judicial power center to inflict death penalty irrespective of their personal opinion as regards desirability or otherwise of retaining death penalty, death sentence can be awarded. The community may entertain such sentiment in the following circumstances:-

(1) When the murder is committed in an extremely brutal, grotesque, diabolical, revolting, or dastardly





manner so as to arouse intense and extreme indignation of the community.

(2) When the murder is committed for a motive which evinces total depravity and meanness; e.g. murder by hired assassin for money or reward; or cold-blooded murder for gains of a person vis-a-vis whom the murderer is in a dominating position or in a position of trust; or murder is committed in the course for betrayal of the motherland.

(3) When murder of a member of a Scheduled Caste or minority community etc., is committed not for personal reasons but in circumstances which arouse social wrath, or in cases of 'bride burning' or 'dowry deaths' or when murder is committed in order to remarry for the sake of extracting dowry once again or to marry another woman on account of infatuation.

(4) When the crime is enormous is proportion. For instance when multiple murders, say of all or almost all the members of a family or a large number of persons of a particular caste, community, or locality, are committed.

(5) When the victim of murder is an innocent child, or a helpless woman or old or infirm person or a person vis-a-vis whom the murderer is in a dominating position, or a public figure generally loved and respected by the community.

29. As the background facts go to show the genesis of dispute between the accused and the other members of his family was land. Accused seems to have taken exception to his father taking away the land from him. As the evidence indicates, he considered his brother, sister-in-law to be responsible for the same. It is also in evidence that 2-3 days before the occurrence, there was a bitter quarrel between the accused and other members of his family. Evidence of PW-7 is to the effect that there used to be constant quarrel between PW-6, deceased Jai Bhagwan, deceased Saroj on one hand and the accused on the other, over ancestral land. It is also in evidence that the deceased Jai Bhagwan was not of moral character and PW-6 had forcibly occupied the land of temple for which villagers had set on fire a piece of their house. Though injuries on accused person do not per se affect prosecution version if reliable; when not explained it assumes importance if they are serious in nature. The fact that the injuries were sustained in the present case by the accused is not disputed. In fact, PW-7 has admitted that PW-6 had given a thorough thrashing to the accused in the court-yard after assaults on the three accused persons. As the medical evidence indicates, the injuries sustained by the accused were of very serious nature. It is true





three lives have been lost. But at the same time, the mental condition of the accused which led to the assault cannot be lost sight of. The same may not be relevant to judge culpability. But is certainly a factor while considering question of sentence. There is no evidence of any diabolic planning to commit the crime, though cruel was the act. Deprived of his livelihood on account of the land being taken away, the accused was, as the evidence shows, exhibiting his displeasure, his resentment. Frequency of the quarrels indicates lack of any sinister planning to take away lives of the deceased. The factual scenario gives impressions of impulsive act and not planned assaults. In the peculiar background, death sentence would not be proper. A sentence of imprisonment for life will be more appropriate. The sentence is accordingly modified, while confirming the conviction for offence punishable under Section 302 IPC."

69. Before examining whether the present case falls within the category of the "rarest of rare" cases, it is necessary to advert to the principles laid down by the Hon'ble Supreme Court in **Lehna Vs. State of Haryana, Appeal (Crl.) No.733 of 2001**, wherein, after noticing the principles enunciated in **Machhi Singh & Ors. Vs. State of Punjab** reported in **1983 AIR 957** the Court reiterated that the sentence of death can be imposed only where the circumstances of the crime are so exceptional that the alternative punishment of imprisonment for life is unquestionably inadequate. The tests formulated in **Machhi Singh** (supra), namely, whether there exists something uncommon about the crime rendering life imprisonment inadequate and whether there remains no alternative except the sentence of death after according due weight to the mitigating circumstances, continue to govern the exercise of sentencing discretion.

70. Applying the aforesaid principles to the facts of the present case, this Court is of the considered view that although the occurrence is undoubtedly brutal and has resulted in the loss of two human lives besides causing injuries to several other persons,



the genesis of the incident cannot be overlooked. The evidence on record unmistakably establishes that the occurrence arose out of frustration and anger on account of long-standing land dispute in the family and the proposed *Aata-Saata* marriage of the daughter of deceased Indra Kanwar with accused-appellant Pahad Singh. It has further come on record that, owing to their age, unemployment and the prevailing *Aata-Saata* custom in the Rajput community, they were unable to secure suitable matrimonial alliances, which gradually led to strained relations within the family. The accused-appellants had gone to the house of the deceased to persuade her to accept the proposal, and it was upon her refusal that the incident ensued. Thus, the occurrence had its origin in a personal and domestic dispute within the family and was not actuated by any design to create terror in the locality or to spread panic amongst the public at large.

71. The brutality with which the offence was committed cannot, by itself, be determinative of the question whether the extreme penalty of death should be imposed. Equally relevant is the motive and the surrounding circumstances in which the crime came to be committed. The evidence does not suggest that the accused-appellants acted for pecuniary gain, pursuant to a contract killing, as members of an organised criminal enterprise, or with the object of demonstrating their supremacy through indiscriminate violence. Nor can it be said that the assault was intended to terrorise the community or to create an atmosphere of fear extending beyond the immediate victims. The occurrence, though deplorable and wholly unjustifiable, appears to have been the culmination of a



personal vendetta arising out of the rejection of the marriage proposal and the strained familial relationship between the parties.

72. This Court is, therefore, unable to hold that the circumstances of the present case satisfy the stringent tests formulated in ***Machhi Singh*** (supra) and reiterated in ***Lehna*** (supra). The aggravating circumstances undoubtedly outweigh the ordinary mitigating factors for the purpose of sustaining the conviction and imposing a severe sentence; however, they do not establish that the alternative punishment of imprisonment for life is unquestionably foreclosed. The present case, in the considered opinion of this Court, does not exhibit such extraordinary features of criminality as would justify invoking the exceptional jurisdiction of awarding capital punishment. Consequently, while the offences committed by the accused-appellants deserve the severest condemnation and a stringent sentence, they do not fall within the category of the "**rarest of rare**" cases warranting confirmation of the sentence of death.

73. However, in the considered opinion of this Court is that, although the offence committed by the accused-appellants is undoubtedly heinous, brutal and deserving of the severest condemnation, the present case does not satisfy the stringent parameters governing the imposition of capital punishment. The circumstances brought on record do not disclose such exceptional features as would render the sentence of imprisonment for life altogether inadequate or demonstrate that the alternative option is unquestionably foreclosed. It is a settled principle of criminal jurisprudence that the death penalty is to be awarded only in the "rarest of rare" cases, where the Court, upon balancing the aggravating and mitigating circumstances, arrives at the conclusion that





the collective sentencing conscience of the law leaves no alternative except the imposition of the extreme penalty. In the present case, though the aggravating circumstances are undoubtedly grave, they are not of such an exceptional nature as to justify the irreversible punishment of death. Thus, while considering the question of sentence, this Court has also taken into account the **mitigation report** submitted by the Office of the Station House Officer, Police Station Ramseen, District Jalore, in compliance with the directions issued by the Hon'ble Supreme Court in ***Manoj v. State of Madhya Pradesh (2023) 2 SCC 353***.

74. Pursuant to the directions issued by this Court, a **mitigation reports dated 16.07.2026** and **20.7.2026** were submitted by the Station House Officer, Police Station Ramseen, District Jalore, along with the **custody certificate** issued by the Superintendent, Central Jail, Jaipur dated **10.07.2026**, pertaining to both the accused-appellants, namely, Pahad Singh and Dungar Singh. As per the mitigation report, accused-appellant Pahad Singh is about 45 years of age and accused-appellant Dungar Singh is about 43 years of age and belong to a rural agricultural family. The reports reveal that both the accused-appellants hail from a modest socio-economic background and were primarily engaged in agricultural activities prior to the occurrence. They are stated to have received only limited formal education and did not pursue higher studies. The report further reflects that the economic condition of the family deteriorated considerably after the COVID-19 pandemic, when the readymade garments business jointly run by the family members at Bengaluru had to be discontinued. It has further been reported that the accused-appellants Pahad Singh and Dungar Singh are unmarried and that the inability of both the accused-appellants to secure suitable matrimonial alliances, owing to their



advancing age, unemployment and the prevailing *Aata-Saata* custom in the Rajput community, resulted in strained relations within the family. According to the report, differences arose after the proposal of *Aata-Saata* marriage of Rinku Kanwar, daughter of Ratan Singh and deceased Indra Kanwar, with accused-appellants was declined, whereafter the accused-appellants gradually became socially isolated from the other members of the family.

75. The mitigation reports further disclose that neither accused-appellants have any previous criminal antecedents or history of involvement in any criminal case prior to the present occurrence. No material has been placed on record to indicate that either of the accused-appellants were suffering from any mental illness, psychological disorder or behavioural abnormality. Similarly, there is nothing in the reports to suggest any history of violent conduct or criminal propensity prior to the incident in question. The custody certificate issued by the Superintendent, Central Jail, Jaipur further reveals that both accused-appellants have remained continuously in judicial custody since 04.03.2023 and, as on 10.07.2026, each had undergone actual incarceration for a period of three years, four months and eighteen days.

76. Thus, the mitigating circumstances emerging from the mitigation reports may broadly be summarized as follows: both the accused-appellants are first-time offenders having no previous criminal antecedents; they belong to a modest rural and agricultural family; they possess limited educational qualifications; they were engaged in farming prior to the occurrence; they have suffered economic hardship following the closure of the family



business during the COVID-19 pandemic; there is no material indicating any mental illness or psychological disorder; and they have remained in continuous judicial custody for more than three years. These circumstances, though not sufficient to dilute the gravity of the offences committed by the accused-appellants, nevertheless constitute relevant mitigating factors which are required to be considered while determining the appropriate sentence.

77. Having bestowed our thoughtful consideration upon the aggravating and mitigating circumstances emerging from the record, this Court finds that the offences committed by the accused-appellants are undoubtedly grave, heinous and deserve the highest degree of judicial condemnation. The brutal murder of two persons and the murderous assault upon the surviving victims are aggravating circumstances of considerable weight. At the same time, the mitigating factors reflected in the mitigation reports, namely, the absence of any previous criminal antecedents, their rural and economically modest background, limited education, lack of any evidence of mental or psychological disorder and the fact that they are first-time offenders, cannot be altogether ignored. The sentencing process in a capital case necessarily requires the Court to balance the aggravating circumstances against the mitigating circumstances before arriving at a just conclusion.

78. It is well settled through a catena of decisions of the Hon'ble Supreme Court that the sentence of death is an exception and imprisonment for life is the rule. Capital punishment can be



awarded only where, after balancing the aggravating and mitigating circumstances, the Court reaches the conclusion that the alternative sentence of life imprisonment is unquestionably inadequate. Upon an overall consideration of the facts of the present case, this Court is unable to record such a conclusion. Although the crime committed by the accused-appellants is brutal and reprehensible, the mitigating circumstances brought on record do not permit this Court to hold that the present case falls within the category of the "**rarest of rare**" cases warranting confirmation of the sentence of death.

79. Consequently, while affirming the conviction of the accused-appellants for the offences recorded by the learned trial Court, the Death Reference made under Section 366 Cr.P.C. deserves to be answered in the **negative**. The sentence of death awarded to accused-appellants Pahad Singh and Dungar Singh for the offence punishable under Section 302 read with Section 34 IPC is, accordingly, **commuted to imprisonment for life for the remainder of their natural lives**, subject to the payment of fine as imposed by the learned trial Court. In default of payment of fine, the accused-appellants shall undergo the sentence as directed by the learned trial Court. The sentences awarded for the remaining offences shall remain unaltered and shall operate in the manner directed by the learned trial Court.

80. Accordingly, the appeal is **partly allowed** to the extent of modification of sentence as indicated above, and the murder reference submitted for confirmation of death sentence is **rejected**. The conviction stands affirmed.



81. The record of the learned trial Court be sent back forthwith along with a copy of this judgment.

82. The *pro bono* services rendered by the learned counsel appearing for the accused-appellants for assisting the Court in the present case are appreciated.



(CHANDRA SHEKHAR SHARMA),J (VINIT KUMAR MATHUR),J

73/Kartik Dave/C.P. Goyal/-