



2026:DHC:3737-DB



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 19.03.2026
Pronounced on: 04.05.2026

+ CRL.A. 708/2002
BHUPINDER SINGH @ TITUAppellant
Through: Ms. Arundhati Katju, Sr. Adv.
(*Amicus Curiae*) with Ms.
Ritika Meena, Adv.s

versus

THE STATE (NCT) OF DELHIRespondents
Through: Mr. Aman Usman, APP for the
State with Mr. Manvendra
Yadav, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

J U D G M E N T

RAVINDER DUDEJA, J.

1. The present appeal under Section 374 of the Code of Criminal Procedure, 1973 [**“Cr.P.C.”**] is filed by the appellant against the Judgment of Conviction dated 12th August, 2002 and the Order on Sentence dated 16th August, 2002 passed by the learned Additional Sessions Judge, New Delhi [**“Trial Court”**] in Sessions Case No. 48/1998, arising out of FIR No. 1130/1996, registered under Sections 365/302/201/468/471/120-B/34 of the Indian Penal Code, 1860 [**“IPC”**] at Police Station Janak Puri.

2. *Vide* order dated 30th August, 2005, the sentence awarded to the



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appellant was suspended, subject to him furnishing a personal bond in the sum of Rs. 15,000/- with two sureties of the like amount.

Factual Background

3. Prosecution case, in brief, is that on 24th November, 1996, an information was received at Police Station Janak Puri *vide* DD No. 46-B that on 23rd November, 1996 at 11:00 am, one Mr. Amolak Ram Anand (deceased), aged about 65-70 years, left his house, situated at B-1/395, Janak Puri, for Race Course in his Maruti Car No. DBB-5722 of green colour, but did not return, and his whereabouts were not known. Efforts were made to trace the missing person and the car, but neither the car nor the missing person could be traced.

4. On 29th November, 1996, statement of PW-7, Rama Anand, the wife of Mr. Amolak Ram Anand, was recorded. In the said statement, she stated that her son Sunil Anand was married to one Shamita in the year 1982 and that they were having strained relations between them for the last four years, and a case was pending in Family Court. She stated that Shamita was residing with her parents at Bombay and had threatened on telephone that she will teach them a lesson. She suspected Shamita's involvement in the kidnapping of her husband, Amolak Ram. On the basis of the said statement, an FIR was recorded under Section 365 IPC. Upon investigation, it was found that Shamita was not involved in the kidnapping.

5. On 31st January, 1997, Smt. Rama Anand, along with her brother, PW-8, Mr. Satpal Chadha, were going to their house from the school in the school van, and when they reached near light crossing of Virender Nagar, near Tihar Jail Road, they saw their car no. DBB-



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8. From the disclosure statements of the appellant and accused Chander Prakash, it was also revealed that the accused, Chander Prakash, was a Congress worker and knew high-ups and was involved in getting jobs to youngsters. He had an office at the house of Virender in Virender Nagar, where accused Mahavir, Kali Charan and Dharminder used to visit in search of jobs. On the complaint of the appellant regarding the deceased, Amolak Ram Anand, misbehaving with his wife, all of them hatched a conspiracy and murdered Amolak Ram Anand and threw his body in the Gang Nahar. It was also disclosed that the car of the deceased was parked at Village Hussain Pur (the village of accused Kali Charan) and from there it was taken to Village Dayanatpur. The car then remained parked at Sumer Nangla, the village of accused Chander Prakash, from 10th December 1996 to 27th January, 1997. On 28th January, 1997, it was brought to Delhi, and on the basis of forged documents, its ownership was transferred in the name of the appellant, Bhupinder Singh.

9. The stepney of the said car was recovered from Goldy Tyres Shop on 09th May, 1997 at the instance of accused Virender Kumar, who was also arrested. The Investigating Officer collected the forged documents of the car from the transport authority, obtained specimen handwriting and signatures of the accused, and sent the same to FSL for expert opinion.

10. The FSL result was collected and on completion of investigation, charge sheet was filed under Sections 365/302/201/420/468/471/120-B/34 IPC. *Vide* Order dated 23.02.2001, the learned Trial Court declared accused Chandar



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Prakash, Mahavir and Dharminder as Proclaimed Offenders.

11. *Vide* order dated 27th March, 2001, charges under Sections 120-B/201/34 IPC were framed against the appellant Bhupinder Singh, and accused, Kali Charan and Virender Kumar. Separate charges under Sections 302/34 and Sections 471/468/34 IPC were also framed against the appellant. The accused persons pleaded not guilty.

12. Statements of the accused persons were recorded under Section 313 Cr.P.C. Appellant Bhupinder Singh stated that he was innocent and was falsely implicated. He stated that he was summoned from Phagwara by the police on 03rd March, 1997 and was implicated in this case. He stated that he had not purchased the car and somebody might have used his name for the registration of the car by giving a forged address of Tihar Village. He also stated that he was never residing at the address shown in the Registration Certificate of the car. He further stated that ration card was never got prepared by him nor he got the car transferred in his name.

13. The learned Trial Court *vide* its Judgment dated 12th August, 2002, acquitted the accused Kali Charan and Virender Kumar but convicted the appellant Bhupinder Singh under Sections 302/34, 201/34, 468/34 and Section 471 IPC. Further, *vide* the Order on Sentence dated 16th August, 2002, the appellant was sentenced as under:-

- i. *Rigorous Imprisonment for Life for offence under Section 302 IPC and to pay a fine of Rs. 2,000/-, in default to further undergo RI for 06 months;*
- ii. *Imprisonment for 03 years for offence under Section 468 IPC and to pay a fine of Rs. 1,000/-, in default to further undergo RI for 03 months;*



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- iii. *Rigorous Imprisonment for 03 years for offence under Section 471 IPC and to pay a fine of Rs. 2,000/-, in default to further undergo RI for 03 months;*
 - iv. *Rigorous Imprisonment for 07 years for offence under Section 201 IPC and to pay a fine of Rs. 2,000/-, in default to further undergo RI for 06 months.*
14. *Vide* order dated 26th April, 2024, Ms. Arundhati Katju was appointed as *Amicus Curiae* to defend the present appeal. The appellant later jumped the bail and was declared Proclaimed Offender [“PO”] *vide* the order dated 16.02.2026.

Submissions on behalf of the Appellant

15. The learned *Amicus Curiae* for the appellant, Bhupinder Singh @ Titu, assailed the impugned judgment on the ground that it is contrary to law and that the prosecution case suffers from inherent improbabilities. It was contended that the prosecution case is founded entirely on circumstantial evidence, there being no direct or ocular testimony connecting the appellant with the alleged offence.

16. It was urged that the dead body of the deceased has not been recovered and, therefore, the foundational factum of death itself remains unproved. It was submitted that although the learned Trial Court has proceeded on the assumption of death, such an inference is not supported by cogent evidence on record. In absence of *corpus delicti*, the prosecution case becomes inherently doubtful and unreliable for sustaining conviction for murder.

17. Learned *Amicus* contended that the learned Trial Court has



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failed to appreciate that there is a complete absence of forensic or scientific evidence linking the appellant with the alleged crime. No fingerprints were lifted from the vehicle and no recovery whatsoever has been effected from the appellant. Despite this, the learned Trial Court has drawn adverse inferences, which, it is submitted, are not borne out from the evidence on record.

18. It was further submitted that the learned Trial Court has erred in placing reliance on photocopies of alleged vehicle transfer documents, as the same is inadmissible in evidence in the absence of primary evidence. It was further submitted that the allegation of forgery of signatures of PW-7, Smt. Rama Anand, the alleged executant, is not proved in accordance with law, particularly when the said witness (PW-7) has not supported the prosecution's case. Relying on the statement of PW-7, it was contended that in her examination-in-chief, she accepted that the signatures on the Form No. 29 and 30, transferring the ownership of the car, belonged to her, however, in her cross-examination, she changed her statement and disputed that the signatures were hers.

19. It was submitted that PW-5, Sh. A.S. Yadav, an official witness from the Transport Department, did not support the prosecution case, as he admitted that the documents were neither prepared nor seized in his presence and that material particulars are missing from the forms.

20. It was further contended that as per the prosecution record itself, the vehicle stood transferred on 31st January, 1997, but the photocopies of the relevant forms reveal that the transfer happened on 10th November, 1996, that is, prior to the alleged disappearance of the



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deceased, thereby falsifying and demolishing the prosecution theory regarding forged signatures of PW-7.

21. The learned *Amicus* further submitted that no Test Identification Parade [TIP] was conducted and that the complainant/PW-7 has categorically stated that she could not identify the driver of the vehicle.

22. It was contended that the learned Trial Court placed undue reliance on the disclosure statements of the co-accused persons, who have since been acquitted. No incriminating recovery has been effected pursuant to such disclosures and, therefore, the same are wholly inadmissible except to the limited extent permitted by law. The learned Trial Court, it was urged, erred in treating such statements as substantive evidence while convicting the appellant.

23. It was further contended that the prosecution case suffers from multiple missing links, including non-examination of material witnesses, absence of independent witnesses at the time of alleged recoveries, and witnesses turning hostile. There is no evidence of last seen, no established motive, and no recovery of the dead body. These gaps, it was submitted, break the chain of circumstances, rendering the conviction unsustainable.

24. It was further argued that the invocation of Section 34 of the IPC is wholly misconceived. The learned Trial Court inferred common intention without there being any evidence of prior meeting of mind or concerted action. This becomes even more untenable in view of the acquittal of co-accused persons, thereby demolishing the very basis for application of Section 34 IPC.



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25. Learned *Amicus* submitted that the case of prosecution is based on suspicion and conjectures and does not meet the standard of proof beyond reasonable doubt. In these circumstances, it was prayed that the impugned judgment be set aside and the appellant be acquitted of all the charges.

Submissions on behalf of State

26. *Per contra*, learned Additional Public Prosecutor [APP] for the State submitted that the impugned judgment does not suffer from any infirmity, inasmuch as the learned Trial Court has given detailed and well-reasoned findings and has convicted the appellant after a fair trial and proper appreciation of evidence. It was contended that the case is founded on circumstantial evidence, and the circumstances proved by the prosecution, when taken cumulatively, form a consistent and unbroken chain pointing only towards the guilt of the appellant.

27. It was urged that the disappearance of the deceased and the subsequent recovery of his vehicle, which was found to have been transferred in the name of the appellant, constitute a vital incriminating circumstance. It was argued that the learned Trial Court has rightly drawn an adverse inference from this circumstance, observing that the appellant's involvement in the transfer of the vehicle soon after the disappearance of the deceased is a conduct inconsistent with his innocence and is indicative of his complicity.

28. Learned APP further submitted that the documentary evidence, particularly the transfer forms [Form 29 and 30] and related records, establish that the appellant was directly connected with the



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transaction. The learned Trial Court has relied upon these documents in conjunction with the expert opinion to conclude that the signatures on the relevant documents correspond with those of the appellant, thereby indicating his active role in dealing with the vehicle of the deceased.

29. It was contended that the learned Trial Court has rightly placed reliance on the expert evidence, which supports the prosecution case that the questioned signatures tally with the specimen signatures of the appellant. It is the prosecution's case that the appellant forged the signatures of PW-7, Rama Anand, on the transfer forms and got the car transferred in his name on 31st January, 1997, which is also corroborated by the statement of PW-5. From this, a reasonable inference has been drawn by the learned Trial Court that the appellant was instrumental in preparing or using the documents relating to the transfer of the vehicle belonging to the deceased in his name after his disappearance.

30. Learned APP submitted that the conduct of the appellant, as reflected from the evidence on record, assumes significance. The learned Trial Court observed that the appellant's involvement in securing the transfer of the vehicle and his connection with the co-accused persons, as emerging from the disclosure statements and other evidence, constitute important links in the chain of circumstances.

31. It was further contended that although the disclosure statements of the accused persons are limited in evidentiary value, the learned Trial Court has relied upon them only to the extent they led to the recovery of material objects, including the stepney of the vehicle.



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Such recovery, coupled with other circumstances, has been rightly treated as corroborative evidence.

32. Learned APP further submitted that minor contradictions do not go to the root of the prosecution case and that the learned Trial Court relied upon those portions of the testimony which were found to be credible and consistent with the overall prosecution case.

33. It was argued that the non-recovery of the dead body had been duly considered by the learned Trial Court, which rightly held that, in the facts and circumstances of the present case, the absence of *corpus delicti* is not fatal, particularly when the surrounding circumstances clearly indicate that the deceased is no longer alive and that the appellant is connected with the commission of the offence.

34. The learned APP further submitted that co-accused Kali Charan and Virender Kumar were acquitted only on the basis of benefit of doubt, and that the three other accused persons, namely, Chander Prakash, Mahavir and Dharminder, have been declared Proclaimed Offenders. It was therefore contended that the learned Trial Court was right in convicting the appellant with the aid of Section 34 IPC.

35. It was lastly submitted that the prosecution has proved its case beyond reasonable doubt and that the learned Trial Court has rightly convicted the appellant after proper appreciation of the evidence. Considering the gravity of offence and the overall circumstances, it was submitted that the present appeal is devoid of merit and no ground is made out which warrants interference. It was prayed that the appeal be dismissed.

Reasoning and Analysis



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36. We have given our anxious consideration to the rival submissions advanced on behalf of the parties and have carefully examined the entire evidence on record as well as the reasoning adopted by the learned Trial Court in the impugned judgment.

37. The prosecution case is based entirely on circumstantial evidence, there being no direct or ocular testimony connecting the appellant with the offences. It is a settled principle of criminal jurisprudence that in cases based on circumstantial evidence, each circumstance relied upon by the prosecution must be firmly established, and all such circumstances must form a complete and unbroken chain leading to the hypothesis of guilt of the accused, excluding every other possible hypothesis. Any missing link in the chain must necessarily tilt to the benefit of the accused.

38. In the backdrop of this settled legal proposition, we now proceed to examine the evidence in the light of facts and circumstances of the case, to find out as to whether each link in the chain of circumstances has been fully established by the prosecution or not.

39. The first and foremost aspect which falls for consideration in the present case is the absence of *corpus delicti*, that is, the non-recovery of the dead body of the deceased. The prosecution case is based on the premise that the appellant and other co-accused persons, acted in concert, abducted and murdered the deceased, Mr. Amolak Ram Anand, and disposed of his body by throwing it into the Gang Nahar. Admittedly, as per the prosecution narrative, despite efforts, the body was not recovered.



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40. It is trite law that recovery of the dead body is not an indispensable requirement in every case of alleged homicide. However, in case resting purely on circumstantial evidence, the prosecution must establish, by cogent and convincing evidence, that the person alleged to have been murdered is indeed dead and that such death was homicidal in nature. The burden in such a case is of a higher degree, as the Court must guard against the possibility of conviction based on conjectures in the absence of direct proof of death. Such principle was observed by the Supreme Court in ***Rama Nand and Ors. v. State of Himachal Pradesh***, (1981) 1 SCC 511, wherein the Court noted that:-

“27. ...In other words, we would take it that the corpus delicti i.e. the dead body of the victim was not found in this case. But even on that assumption, the question remains whether the other circumstances established on record were sufficient to lead to the conclusion that within all human probability, she had been murdered by Rama Nand appellant? It is true that one of the essential ingredients of the offence of culpable homicide required to be proved by the prosecution is that the accused "caused the death" of the person alleged to have been killed.

28. This means that before seeking to prove that the accused is the perpetrator of the murder, it must be established that homicidal death has been caused. Ordinarily, the "recovery of the dead body of the victim or a vital part of it, bearing marks of violence, is sufficient proof of homicidal death of the victim. There was a time when under the old English law, the finding of the body of the deceased was held to be essential before a person was convicted of committing his



culpable homicide. "I would never convict," said Sir Mathew Hale, "a person of murder or manslaughter unless the fact were proved to be done, or at least the body was found dead." This was merely a rule of caution, and not of law. But in those times when execution was the only punishment for murder, the need for adhering to this cautionary rule was greater. Discovery of the dead body of the victim bearing physical evidence of violence, has never been considered as the only mode of proving the corpus delicti in murder. Indeed, very many cases are of such a nature where the discovery of the dead body is impossible. A blind adherence to this old "body" doctrine would open the door wide open for many a heinous murderer to escape with impunity simply because they were cunning and clever enough to destroy the body of their victim. In the context of our law, Sir Hale's enunciation has to be interpreted no more than emphasising that where the dead body of the victim in a murder case is not found, other cogent and satisfactory proof of the homicidal death of the victim must be adduced by the prosecution. Such proof may be by the direct ocular account of an eyewitness, or by circumstantial evidence, or by both. But where the fact of corpus delicti i.e. "homicidal death" is sought to be established by circumstantial evidence alone, the circumstances must be of a clinching and definitive character unerringly leading to the inference that the victim concerned has met a homicidal death. Even so, this principle of caution cannot be pushed too far as requiring absolute proof. Perfect proof is seldom to be had in this imperfect world, and absolute certainty is a myth. That is why under Section 3 of the Evidence Act, a fact is said to be "proved", if the court considering the matters before it, considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists. The corpus delicti or the fact of homicidal death,



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therefore, can be proved by telling and inculcating circumstances which definitely lead to the conclusion that within all human probability, the victim has been murdered by the accused concerned...”

41. Admittedly, no one saw the appellant or the co-accused persons abducting Mr. Amolak Ram Anand, committing his murder, or disposing his body. There is no recovery of any of the belongings of the deceased, including missing car bearing no. DBB-5722, from the possession of the appellant. If the prosecution story is to be believed on the basis of the statements of PW-7, Smt. Rama Anand, the wife of the deceased, and her brother, PW-8, Satpal Chadha recorded under Section 161 Cr.P.C, it was appellant Bhupinder Singh, whom they allegedly saw sitting in their aforesaid car on 31st January, 1997. However, in their testimonies before the Court, neither of them identified the appellant as the person who ran away after leaving the car at Jail Road Crossing.

42. PW-12, Rohtas Goel, and PW-14, Smt. Neelam, from Village Dayanatpur were examined to prove that the appellant had parked the car in the village, however, they turned hostile and did not support the prosecution case. They did not even identify the appellant. Similarly, PW-15, Sham Bihari Lal, from Village Nangla Sumer was examined to prove that Bhupinder Singh had come to his village, posing himself as a CBI Inspector, and had parked the car at his residence, but he also turned hostile and did not identify the appellant. There is, thus, no evidence that the car of PW-7 was in the possession of appellant Bhupinder Singh at any point of time.



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43. The prosecution has placed reliance on the disclosure statement of the appellant as also the pointing out memos prepared at the instance of the appellant, whereby, he identified the place of murder, place of disposing the body and also the places where the car was parked after commission of murder. Such pointing out memos were prepared between 08th March, 1997 to 10th March, 1997. However, by that time, such places were already known to the investigating agency, having already been pointed out by the accused Kali Charan. Therefore, the pointing out memos prepared at the instance of the present appellant, are of no help in establishing his guilt. The Supreme Court in the case of *Anand Jakkappa Pujari @ Gaddadar v. State of Karnataka*, 2026 INSC 417, opined that information should distinctly relate to the fact discovered. Where a fact has already been discovered, any information received subsequently cannot be said to lead to the discovery again.

44. Apart from the disclosure statements and the pointing out memo prepared at the instance of the appellant and the co-accused, there is no independent or reliable evidence to establish that deceased is no longer alive. No witness deposed to have seen the dead body, no one saw the appellant and co-accused committing the murder or disposing the body, no recovery of the body has been effected and no scientific or medical evidence has been produced to corroborate the prosecution's version. Therefore, we are of the view that the prosecution's version of disposal of the body in Gang Nahar remains unsubstantiated.

45. The learned Trial Court has drawn an adverse inference as to



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the nature of the death primarily on the basis of circumstances such as disappearance of the deceased and the subsequent events relating to the transfer of the vehicle. Such an inference, in our considered view, is not supported by a complete chain of circumstances, so as to conclusively establish the factum of death beyond reasonable doubt.

46. It is also material to note that the specimen signatures of PW-7 and the appellant were sent to FSL for comparison with the signatures on the transfer documents, that is, Ex. PW-5/F and Ex. PW-5/G. The FSL Report, Ex. PW-19/A, confirms that the transfer documents bear the signatures of the appellant, while the specimen signatures of PW-7 did not match with the questioned signatures at points marked Q-2, Q-6, Q-9 and Q-13 on the said transfer documents. In her examination-in-chief, PW-7 deposed that Ex. PW-5/F and Ex. PW-5/G bear her signatures at points Q-2, Q-6, Q-9 and Q-13. She was then cross-examined by the learned APP, and in such cross-examination, she took a 'U turn' by stating that she has not signed at points Q-2, Q-6, Q-9 and Q-13 on the said documents Ex. PW-5/F and Ex. PW-5/G. Thus, a doubt has been created as to whether the transfer documents Ex. PW-5/F and Ex. PW-5/G, on the basis of which the car has been transferred in the name of the appellant, are in fact the genuine or forged signatures of PW-7. However, there is no evidence to prove that it was appellant who forged the signatures of PW-7 on transfer documents or that he himself submitted the said documents for transfer of registration of the car in his name.

47. The testimony of PW-5, an official from the Transport Department, also does not advance the prosecution case, as he has



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admitted that the documents were neither prepared nor seized in his presence and the essential particulars were missing. There is also no evidence on record to show that it was the appellant who had himself applied for the transfer of the deceased's vehicle before the Transport Authority. Significantly, the record itself indicates that the relevant Forms Ex. PW-5/F and Ex. PW-5/G were filled up on 10th November, 1996, that is, prior to the disappearance of the husband of PW-7. This circumstance, in fact, runs contrary to the prosecution story that after committing the murder, the vehicle was transferred in the name of the appellant. The learned Trial Court has failed to appropriately consider the effect of such evidence.

48. The reliance placed by the prosecution on the disclosure statement of the appellant and co-accused is also misplaced. The recovery of stepney effected at the instance of co-accused, Virender, cannot be read against the present appellant. Moreover, co-accused, Virender, has since been acquitted by the learned Trial Court. No discovery has been made pursuant to the disclosure statement of the appellant in terms of Section 27 of the Indian Evidence Act, 1872. Hence, the disclosure statement of the appellant is inadmissible in evidence.

49. In our view, the prosecution has failed to discharge its burden of establishing the *corpus delicti*. No circumstance brought on record proves the murder of husband of PW-7. The mere disappearance of the deceased, Mr. Amolak Ram Anand, coupled with inadmissible disclosure statements and doubtful circumstances, cannot substitute proof of death. The prosecution has failed to prove any motive, any



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last-seen evidence or any recovery of any clinching material, like clothes of deceased, vehicle, or murder weapon to corroborate the charge of murder. Motive has remained embedded in the inadmissible disclosure statements. No evidence whatsoever has been led to prove the motive of the appellant. No clinching evidence has been brought on record to connect the appellant with the alleged abduction and murder of the deceased

50. The Supreme Court in *Indrajit Das v. State of Tripura*, (2023) 18 SCC 506, stated that in a case based on circumstantial evidence, motive has an important role to play and it carries greater importance in such cases. Motive is an important link in the chain of circumstances. In the present case, there is no evidence to prove the existence of previous enmity between Mr. Amolak and the appellant which could have converted into a reasonable motive for kidnapping and murder. All that was suggested by the prosecution was that the appellant, along with co-accused persons, kidnapped and murdered the deceased and that the appellant took away the deceased's car. This theory is not impressive as it is not supported by any cogent evidence. The chain of circumstances is clearly incomplete and leaves room for reasonable doubt.

51. Insofar as the applicability of Section 34 IPC is concerned, we find that there is no evidence of any prior meeting of minds or common intention. The acquittal of co-accused persons further demolishes the basis for invoking Section 34 IPC against the appellant.

52. In view of the aforesaid discussion, we are of the considered

