

PETITIONER:
KULJEET SINGH @ RANGA

Vs.

RESPONDENT:
UNION OF INDIA & ANR.

DATE OF JUDGMENT 21/04/1981

BENCH:
CHANDRACHUD, Y.V. ((CJ)
BENCH:
CHANDRACHUD, Y.V. ((CJ)
SEN, A.P. (J)
ISLAM, BAHARUL (J)

CITATION:
1981 AIR 1572 1981 SCR (3) 512
1981 SCC (3) 324 1981 SCALE (1)676
CITATOR INFO :
R 1982 SC 774 (1)

ACT:
Constitution of India, Article 32—No material furnished for justifying the reduction of the death sentence—Dismissed.

HEADNOTE:

The petitioner, alongwith another accused was convicted by the Additional Session Judge for the murder of two young children and sentenced to death. Their conviction and sentence were confirmed by the High Court. The Special Leave Petitions filed by them against their conviction and sentence were dismissed by this Court. By this Writ Petition the petitioner asked for re-appraisal of his case and reconsideration of the death sentence imposed upon him.

Dismissing the Writ Petition and upholding the death sentence imposed upon the petitioner once again,

HELD: 1. The answers given by the petitioner furnished no material a all for justifying the reduction of the death sentence to imprisonment for life. [515 E-F]

2. The Sessions Court and the High Court were right in coming to the conclusion that the two accused were guilty of the offence of which they were charged. There is voluminous evidence of unimpeachable character which establishes his complicity in the murder. The evidence regarding the theft of the Fiat Car, the blood group of the accused, the manner of the arrest and the recovery of incriminating weapons at their instance leave not even the slightest doubt that it was they who committed the murders. [514 D, 515 D-E]

3. It is true that the murder of the two particular children was not pre-planned. But that was because the accused did not know that they would hit upon those particular children that evening. What is important is that the accused had made all the preparations for committing the murder. The plan was that they would offer a lift to some young children, try to extort ransom from their parents by kidnapping them and do the children to death in the event of any impediment arising in the execution of their plan. The impediments here were the uncommon courage of the brave

little children who did not make an abject surrender to their destiny and the fact which emerged during their molestation that their father was a mere government servant whose salary was too small to permit the payment of a handsome ransom. [515 G-H, 516 A-C]

4. The accused trapped the children like helpless mice. The children got into the car but could not get out of it. In the boot of the car were kept formidable weapons which were ultimately used for committing the murder. In addition, the accused carried sharp weapons with them. The author of the injury on the boy was clearly the petitioner since his hands were more free than those of his co-accused who was at the wheel. The strategy to which they

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adhered to the last without contrition of any kind was so deep laid. Their inhumanity defies all belief and description. [516E-F]

5. The case of the petitioner can not be separated from that of his co-accused. The petitioner was an active participator in the whole episode and but for his willing cooperation, his co-accused could never have succeeded in his design. Many atrocities were committed, many falsehoods uttered, many escapades achieved and many an evidence concealed or destroyed by them. The petitioner's part in carrying out the nefarious plan is no less significant than that of his co-accused and he is no less guilty than him. There is no room for treating the one differently from the other. [517 A-C]

6. The survival of an orderly society demands the extinction of persons like the accused who are a menace to social order and security. They are professional murderers and deserve no sympathy even in terms of the evolving standards of decency of a maturing society. [516 G-H]

JUDGMENT:

ORIGINAL JURISDICTION : Writ Petition No. 539 of 1981.
(Under Article 32 of the Constitution of India)

R.K. Garg, D.K. Garg and R.C. Kaushik for the Petitioner.

M.K. Banarjee, Addl. Sol. Genl. and A. Subhashini for Respondent No. 1.

N.C. Talukdar and R.N. Poddar for Respondent No. 2.

The Judgment of the Court was delivered by

CHANDRACHUD, C. J. Kuljeet Singh alias Ranga Khus, the petitioner herein, was convicted along with one Jasbir Singh alias Billa, by the learned Additional Sessions Judge, Delhi for various offences in connection with the murder of two young children, Geeta Chopra and her brother Sanjay. The two accused were sentenced to death for the offence under section 302 read with section 34 of the Penal Code and to varying terms of imprisonment under sections 363, 365, 366 and 376 read with section 34 of the Code. The order of conviction and sentence, including the sentence of death, was confirmed by the Delhi High Court by its judgment dated November 16, 1979 where- upon the two accused filed Special Leave Petitions 562 and 1739 of 1980 in this Court, challenging their conviction and sentence. Those Special Leave Petitions were dismissed on December 8, 1980 by a Bench of this Court consisting of Justice O. Chinappa Reddy, Justice Baharul Islam and one of us the Chief Justice. By this writ Petition, the petitioner virtually asks for the re-appraisal of his case and a reconsideration of the dismissal of his Special Leave Petition.

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The thrust of the petition is against the sentence of death imposed on the petitioner.

By an order dated February 24, 1981 the learned Chamber Judge, Justice A.C. Gupta, had stayed the execution of the death sentence pending disposal of the Writ Petition. By an order dated March 23, 1981 we had directed that the petitioner should be produced on March 30 in the Chief Justice's Chamber and that the execution of the death sentence should be stayed until further orders. The petitioner was accordingly produced before us in the presence of his counsel, Shri R.K. Garg. Counsel for the Union of India and the Delhi Administration were also present. We questioned the petitioner on matters bearing, as we thought, on the question of sentence. We will refer to the result of that somewhat unusual exercise a little later.

First, regarding the conviction itself. There is voluminous evidence of unimpeachable character which establishes conclusively the complicity of the petitioner in the murder of Geeta and Sanjay. Dr. M.S. Nanda (PW 56) gave a lift to Geeta and Sanjay from Dhaula Kuan to Gol DakKhana. Bhagwan Das (PW 6), who was going along on a scooter, rang up the Police Control Room at 6.44 p.m. saying that a woman was shouting "Bachao, Bachao" in a Fiat Car and that he saw a scuffle going on between the woman and the driver on one hand and between the boy and the person sitting next to the driver on the other. The man sitting next to the driver was the petitioner himself. The information given by Bhagwan Das was reduced into writing by the police officer, the report being ex. PW 61A. Bhagwan Das had mentioned over the telephone that the number of the car was HRK 8930 but it was wrongly taken down as MRK 8930.

Inderjeet Singh (PW 9), another public-spirited citizen like Bhagwan Das, who works in the Delhi Development Authority as a Junior Engineer, chased the Fiat Car on his scooter, since he heard the shrieks of a girl coming from the Fiat Car and saw the boy and the girl coming with the two men who were sitting on the front seat. As he was chasing the car, the boy was showing to him his bleeding shoulder through the back wind screen of the car. Inderjeet Singh chased the car over some distance, but whereas he was bound by the traffic rules and had to stop at the red traffic signal, the Fiat car had the liberty to jump the signal and speed away. After the light turned green, Inderjeet Singh resumed his chase but could not find the car. He therefore went straight to the Rajinder Nagar Police Station and lodged his report, Ex. PW-9A. He told

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the police that he saw a scuffle between the boy and the girl who were seated on the back seat on one hand and the two men who were seated on the front seat in a Fiat car, HRK 8930. The police felt obsessed by their notorious difficulty that the offence was non-cognizable and that the incident had taken place in an area which was not within the "territorial jurisdiction" of the Police Station. Inderjeet Singh had to persuade the Police do the needful by impressing upon them that he had come to lodge the report purely on humanitarian grounds. Inderjeet Singh lodged his report at 6.45 P.M and strangely, the Rajinder Nagar Police Station slept over the report for more than an hour.

At 10.15 P.M. the petitioner and his companion Billa visited the Willingdon Hospital because Billa had a cut injury on his head. The features of the skiagrams taken by Sadhu Ram (PW 21) of Billa's skull are indetical with those of the skiagrams taken by Satish Aggarwal (PW 19) of his

skull after his arrest. The fingerprints on the X-ray slip, which were taken on the night of the incident when the accused went to the Willingdon Hospital, are also proved to be of Billa's. In addition to these tell-tale pieces of evidence for collecting which due credit must be given to the police, the evidence, regarding the theft of the Fiat car, the blood-group of the accused, the manner of their arrest and the recovery of incriminating weapons at their instance leave not the slightest doubt that it is they who committed the murder of Sanjay and Geeta. The Sessions Court and the High Court were therefore right in coming to the conclusion that the two accused are guilty of the offences of which they are charged.

On the question of sentence, the answers given by the petitioner when we questioned him on the 30th March, furnish no material at all for justifying the reduction of the death sentence to imprisonment for life. The petitioner is an unmarried man and appears to have no dependents. His father is gainfully employed and his mother, according to him, used to work as a nurse in a hospital. The petitioner has submitted to us a written application saying that he bears an unblemished past and is not a professional criminal.

We have given our anxious consideration to the question as to whether the imposition of the death sentence should be reviewed, but we are unable to find any reason for doing so. It is true that the murder of the two particular children was not pre-planned. But that was because the accused did not know that they would hit

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upon those particular children that evening. What is important is that the accused had made all the preparations for committing the murder of a person or persons whom they would apparently oblige by offering a lift. The plan which they had hatched was that they would offer a lift to some children, try to extort reason from their parents by kidnapping them and do the children to death in the event of any impediments arising in the execution of their plan. The impediments here were the uncommon courage of the brave little children who did not make an abject surrender to their Destiny and the stark fact which emerged during their molestation that their father was a mere government servant whose salary was too small to permit the payment of a handsome ransom.

We have not the slightest doubt that the death of the Chopra children was caused by the petitioner and his companion Billa after a savage planning which bears a professional stamp. The murder was most certainly not committed on the spur of the moment as a result of some irresistible impulse which can be said to have overtaken the accused at the crucial moment. In other words, there was a planned motivation behind the crime though the accused had no personal motive to commit the murder of these two children. Any two children would have been good enough for them. The accused had loosened the handles of the doors of the car so that they should fall down when the children, after getting into the car, close the doors behind them. By this process it was ensured that the children would get into a trap like helpless mice. They got into the car but could not get out of it. In the boot of the car were kept formidable weapons which were ultimately used for committing the murder of the children. In addition, the accused carried sharp weapons with them which explains the injury caused to Sanjay in the car itself. The author of that injury was clearly the petitioner since his hands were more free than those of Billa who was on the wheel. The injured children

were taken to a park in order apparently to lull them into a false sense of security. The true purpose of doing so was to let the dusk fall so that the most dastardly act could be committed under the cover of darkness. So deep-laid was the strategy to which they adhered to the last without contrition of any kind. Their inhumanity defies all belief and description.

The survival of an orderly society demands the extinction of the life of persons like Ranga and Billa who are a menace to social order and security. They are professional murderers and deserve no sympathy even in terms of the evolving standards of decency of a maturing society.

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The case of the petitioner cannot be separated from that of Billa. The two sail in the same boat and must stand or fall together. The petitioner was an active participator in the whole episode and but for his willing cooperation, Billa could never have succeeded in his design. In fact, the petitioner was in the company of Billa right from the moment that the children entered their car until they themselves, Ranga and Billa, entered the military compartment and were arrested. In between many atrocities were committed, many falsehoods uttered, many escapades achieved and many an evidence concealed or destroyed. The petitioner's part in carrying out the nefarious plan is no less significant than that of Billa and he is no less guilty than him. There is no room for treating the one differently from the other. They were hand in glove with each other.

We, therefore, vacate the stay orders in regard to the execution of the death sentence imposed on the petitioner and once again uphold the death sentence imposed upon him. We hope that the President will dispose of the mercy petition stated to have been filed by the petitioner as expeditiously as he finds his convenience.

The writ is accordingly dismissed.

N.K.A.

Petition dismissed.

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