

which I am always praying to God for pardon. May the Merciful Akal Purkh take pity on me and forgive my sins.

Gujar Khan  
D/ 13. 8. 75  
finished.

(Sd.) **Nanak Singh**  
Supdt. Police, Patiala, I/c Special  
Service, Patiala.



### 3. Judgment in S. Nanak Singh's case in Patiala Court, (Ex. 38B.)

- Crown Versus
1. Nanak Singh, S/o Mehtab Singh, resident of Gujar Khan; District Rawalpindi.
  2. Ghamdur Singh, S/o Sardar Giar Singh resident of Chural; Dist Sunam.
  3. Dulla, S/o Attra, resident of Kadon; District Sunam.
  4. Partap Singh, S/o Hakim Singh, resident of Kadon; District : Sunam.
  5. Ujagar Singh, S/o Mal Singh, resident of Jarag; District : Sunam.
  6. Harnam Singh, S/o Hakim Singh, resident of Kadon; District : Sunam.
  7. Kaka, S/o Jagta, resident of Ajnor; District Sunam.

Under Sections 302 I. P. C. 109 I. P. C. 120 B. I. P. C. and 209 I. P. C.

This case was committed by Sardar Bhagwant Singh Magistrate 1st class of Patiala to this court in its original jurisdiction. Accused No. 5, 6, & 7 were absconding in the committing Magistrate's court and they are absconding in this court also and orders under Sec : 512 cr : Pr : code have been duly passed against them.

The charges against accused No: 1, 2, 3, & 4 are as follows:-

(1) That you Nanak Singh S/o Mehtab Singh about the month of Jeth 1975 entered into a criminal conspiracy at Patiala and elsewhere along with Ghamdur Singh, Ujagar Singh and Harnam Singh for murdering Lal Singh and that in pursuance of the said conspiracy you abetted the murder of said Lal Singh on or about the 29th of Har 1975 at Patiala.

(2) That you Ghmdur Singh S/o Sardar Gian Singh about the month of Jeth 1975 entered into a criminal conspiracy at Patiala and elsewhere along with Nanak Singh, Ujagar Singh and Harnam Singh to murder Lal Singh and that in pursuance of the said conspiracy on or about the 29th on Har 1975 you did murder or abetted the murder of the said Lal Singh at Patiala.

(3) That you Dulla S/o Attra on or about the 29th of Har 1975 murdered Lal Singh at Patiala.

(4) That you Partap Singh S/o Hakim Singh about the month of Bhadon 1976 went to Lal to Calan to purchase the camel on which the corpse of the deceased Lal Singh was conveyed and in the month of Bhadon 1976 you procured the mare which was used by the accused on the occasion of the murder of Lal Singh and with the object of hiding that mare you left her at the village Mehdudan and then these two animals were subsequently destroyed by Ghamdur Singh and that you are charged with an offence under Sec : 201 of the I. P. C. Nanak Singh & Ghamdur Singh unambiguously pleaded guilty.

It was perfectly legal for this court to have convicted these two accused on their pleas of guilty, but it is not in accordance with the usual practice to accept a plea of guilty in a case where the sequence would be a sentence of death and in such cases the Court would be loathe to shorten its trial by accepting the plea. In order therefore to remove all possible doubt from my mind I considered it expedient to take evidence against them and so this court passed an order to that effect and proceeded to take the evidence in this case.

Before going into the evidence against the accused, it would be better to give a short history of the two principal accused Nanak Singh and Ghamdur Singh and their state of mind when they conspired to bring about the death of Lal Singh. Nanak was presented before His Highness Maharajadhiraj of Patiala some time in the early part of 1923 at Simla and Chail where he showed some card & conjuring tricks to His Highness. There upon he was taken into service as a court magician on 29th jeth 1970 on Rs. 100/- p.m. This has been proved by the evidence of Sardar Bahadur Tara Chand, Sardar Buta Ram and S. Amrik Singh. His Service Book has been proved in this Court by Mr. Ram Muni the State Accountant. General. From a mere adventurer and performer of conjuring tricks he was suddenly appointed Superintendent of Police in charge of Special Service on Rs 200/ p. m. on 22nd Chet 1970. This is indeed one of the most important and responsible posts in the State as it is intimately connected with the honour of the State and other responsible persons in it. Only a few months afterwards, that is on 4-10-1971, he was appointed Superintendent of the Regular Police with an extra allowance of Rs. 50/- p.m. On 1-9-72 he was made permanent. On 3-10-72 he was dismissed. This will show how dramatic his rise was. During all this time he was directly under Sardar Gurnam Singh. In early 1975 he found that his influence was waning. He was losing his hold on His Highness and further which was the most important factor in his sudden rise, that S. Gurman Singh was no longer in charge of his department. It was in this frame of mind that Nanak Singh thought, ambitious as he was, that it was necessary to resort to some drastic measure in order not only to keep his position intact but to capture the whole administration. An opportunity afforded itself to him by his close connection with Sardar Gurnam Singh. He learnt that Sirdar Gurnam Singh who is a father-in-law of His Highness was carrying on some intrigue through Lal Singh. On account of his close relations with Sardar Gurnam Singh he naturally came in touch with Lal Singh who used to live at Sirdar Gurnam Singh's bungalow

and became quite friendly with him to gain his own ends. By cajolery and cunning of which he is a past master, he became quite intimate with Lal Singh. He (Nanak Singh) learnt that S. Gurnam Singh was pressing Lal Singh to somehow or other get his alleged wife out of the palace. Nanak Singh being a Special Service Officer knew fully well the position of Lal Singh's alleged wife in the Palace and he in conjunction with Ujagar Singh at once decided to obtain a writing from Lal Singh declaring the real state of affairs. Nanak Singh tried by all possible means to secure this writing from Lal Singh but could not succeed because he was under direct influence of S. Gurnam Singh. It was then that Nanak Singh and Ujagar Singh thought of Ghamdur Singh and brought him into their own ring and tried to get the desired writing from Lal Singh through Ghamdur Singh. It was this writing on which Nanak Singh and Ujagar Singh had set their hearts to obtain by means fair or foul and it was about this writing that Ujagar Singh threw a hint at Ghamdur Singh at their meeting at Dhuri. It was at this stage that the seeds of this criminal conspiracy to murder Lal Singh were being sown and Ghamdur Singh was being taken into confidence. When Nanak Singh and Ujagar Singh found that Lal Singh would not give away the facts in writing to pressure from S. Gurnam Singh, they at once decided to murder him and Ghamdur Singh threw in his lot wholly and completely. All this is borne out by the confession of Nanak Singh and corroborated by that of Ghamdur Singh.

(2) Ghamdur Singh—for generations his family enjoyed confidence of the Rulers of Patiala and held responsible posts. Ghamdur Singh himself occupied a responsible position, his brother was Commissioner of Excise. In 1910 he was dismissed and banished from the state. After he and his family had enjoyed all that honour, this was a great blow for a man of his position. He made all lawful attempts to regain that position, but had failed. Later on he was allowed to live in his village Chural but was not allowed to touch the precincts of Patiala. He was in



short an exile and must have been smarting under severe indignity. He was in this psychological state of mind when Nanak Singh and Ujagar Singh got hold of him

The most important evidence against Nanak Singh is his confession before this Court. When I look into his confession his plea of guilty becomes absolutely clear. It is necessary therefore to examine his confession rather minutely as he is of course the brain of the conspiracy. It is admitted by him that the idea of murdering Lal Singh first originated with him and Ujagar Singh. The first interview according to Nanak Singh's confession between him, Ujagar Singh and Ghamdur Singh took place at Jakhal. This is corroborated by Ghamdur Singh in his confession as well as independently borne out by his own diary which he submitted to His Highness in his capacity of officer in Charge Special Service and also from the testimony of Sardar Harchand Singh P. W. 12. His diary is marked No. 56 and is proved by Sardar Buta Ram P. W. 11. This diary is extremely important because it clearly shows that Nanak Singh was distorting facts even at that early stage and was trying to deceive no less a person than His Highness himself. This is also an important corroboration of that early step in the conspiracy and shows Nanak Singh's guilty mind.

The Next step taken by Nanak Singh and Ujagar Singh was a message to Ghamdur Singh through his Mukhtar Chuhar Singh to the effect that they were devising some chance for his (Ghamdur Singh's) betterment and that he should meet them at Dhuri. This is corroborated by the independent testimony of Chuhar Singh and Ghamdur Singh's own profession. As a result of this message the second interview between these three took place at Dhuri and this is also corroborated by the evidence of Chuhar Singh P. W. 10. At that place Nanak Singh got an application written dated 6-5-1918 on behalf of Ghamdur Singh for obtaining permission to live in Patiala and only four days after the application Ghamdur Singh was allowed through the intercession of Nanak Singh to live in Patiala till the 31st of August 1918. What effect this had on Ghamdur Singh's mind is

mentioned by him in his own confession. The original application and the order thereon has been proved by Buta Ram P. W. 11, and Chuhar Singh P. W. 10 has admitted before this Court that the application was written by him and signed by Ghamdur Singh. It was at this interview that Ujagar Singh who is the son of Ghamdur Singh's maternal uncle and thus very closely related to him just threw a hint at Ghamdur Singh about some writing to be obtained from Lal Singh. It appears that at this stage of the conspiracy Ujagar Singh and Nanak Singh had not taken Ghamdur Singh into their Complete Confidence. This is borne out by Ghamdur Singh's own profession.

The next move of Nanak Singh and Ujagar Singh to bring Ghamdur Singh more into their mehes was their attempt to present him before His Highness. Whether this attempt was genuine or not is not material, but this portion of Nanak Singh's confession is borne out by that of Ghamdur Singh's and the evidence of Chuhar Singh P. W. 10 about their meeting at the Singh Sabha in Patiala.

After that Nanak Singh went to Bombay with His Highness, when he went to England to attend the Imperial War Cabinet. It is stated by Nanak Singh in his confession that it was on that occasion that he learnt that His Highness was displeased with him. It has been deposed by S. Buta Ram P. W. 11 that his Highness was displeased with Nanak Singh. There is also an order of His Highness produced by the prosecution and proved by Baboo Bijie Ram P. W. 35. The order runs as follows:

"Sardar Nanak Singh of the special service has not worked to our satisfaction and we do not consider him to be a desirable officer to continue in charge of this extremely responsible work." I compared this with the original and found it correct. The original order bears His Highness' Signature. A certified copy of this order is on the file.

How Nanak Singh came to know of the existence of the order is not material for the purpose of this case, but the fact

that there was a substantial ground for Nanak Singh's belief of His Highness' displeasure is proved by this order. Nanak Singh has also stated in his confession that the special service was transferred to Foreign and Financial Secretary and this is also borne out by Sarder Buta Ram's evidence. It is at this stage that Nanak Singh seriously began to think some drastic measure to restore his lost position and as Ghamdur Singh had been trying to get the desired writing from Lal Singh and had failed, he, Ujagar Singh and Ghamdur Singh conspired to put Lal Singh to death and forge the required writing. They lost no time in putting the conspiracy into execution. Ujagar Singh was deputed to buy a stamp paper from Ambala in the name of Lal Singh. The prosecution has not been able to prove as to who was sent to buy the stamp paper, but its purchase on behalf of Lal Singh has been proved by P. W. 13 and 14 and its subsequent discovery at the pointing out of Ghamdur Singh by the testimony of Rup Ram P. W. 45 and Dewa Singh P. W. 46 and Sardar Raghbir Singh P. W. 44. Nanak Singh admits in his confession that he, Ujagar Singh and Ghamdur Singh used to meet together at Ujagar Singh's house for the purpose of the conspiracy. This is also corroborated by Ghamdur Singh's confession. It was during these meetings that the three conspirators divided their respective duties. According to Nanak Singh's own confession, his duty was to see that the investigation does not proceed on correct lines and no clue is traced out and to quote Nank Singh's words, that "I should meet His Highness in the matter and afterwards to make efforts for the accomplishment of our plans of success" and the duty of murder was undertaken by Ujagar Singh and Ghamdur Singh. How they carried out their respective duties is borne out by the confession of Nanak Singh and Ghamdur Singh and other independent evidence. It is also amply proved by the evidence of Hira Lal Chobdar P. W. 8 that it was Nanak Singh who first established a link between Ghamdur Singh and Lal Singh and his evidence corroborated that portion of Nanak Singh's confession. Nanak Singh has also admitted that attempts to murder Lal Singh were made at Jakhal and

Dhuri and this is more than amply corroborated by Ghamdur Singh's confession and by the independent evidence of Harnam Singh and Sada Singh. I will discuss these two attempts fully when dealing with Ghamdur Singh's confession. After the second attempt failed at Dhuri, Nanak Singh and Ujagar Singh thought that the deed could not be accomplished without their support, and so it was decided by Nanak Singh that Lal Singh should be murdered at Patiala. The two Chief conspirators, Nanak Singh and Ujagar Singh thought that they would see the thing done under their very eyes as they concluded that Ghamdur Singh was too weak to carry out the sinister design by himself. According to the first compact, it was the duty of Ghamdur Singh to carry out the murder but now it devolved upon Nanak Singh and Ujagar Singh to suggest the ways and means of this horrible crime. This was corroborated by Ghamdur Singh's confession. It was suggested that whoever of the two e.g. Nanak Singh and Ujagar Singh devised the plan of calling out Lal Singh would get a dozen of whisky bottles from Ghamdur Singh. It was Nanak Singh's clever brain that devised the ingenious idea of calling out Lal Singh by the telephone. In this there was the least risk of detection and it appealed to the conspirators and Ghamdur Singh gave one dozen of whisky bottles to Nanak Singh. This is corroborated by Ghamdur Singh's confession. The incident is very important in the history of the Criminal conspiracy, because it was then that the ways and means of the murder were discussed and agreed upon by these three conspirators. The actual delivery of the bottles of whisky is proved by the evidence of Kishanji P. W. 9 and its payment by Raghbar Dass P. W. 7. It was a sort of wager at the cost of Ghamdur Singh. It has been proved by the independent evidence of Barkat P. W. 50 that Lal Singh went out on the fatal evening of the 29th of Har 1975 on receiving a telephone message. This is corroborated by Ghamdur Singh's confession and also by the testimony of Ram Kishan P. W. 5. and Islam Din P. W. 6. Harnam Singh Kadon with his companions had reached the place of the occurrence on

the morning of the 29th of Har 1975. How poor unfortunate Lal Singh was decoyed by Ghamdur Singh and afterwards murdered is clearly stated in Ghamdur Singh's own confession and it will be better to discuss it when I deal with it. Nanak Singh states in his confession that Ujagar Singh came to his house on the night of the 29th Har 1975 at 19-30 P. M. and informed him that Lal Singh had been murdered by Ghamdur Singh, Harnam Singh, Dulla, and another of their companions, and that the dead body had been taken towards Mulepore for being burnt and that Rs 200/- had been given to them by Ghamdur Singh. This incident of taking the dead body towards Mulepore and the payment of Rs. 200/- is amply corroborated by Ghamdur Singh's confession and that of Dulla. The only thing that is found in Nanak Singh's confession about Dulla is that he saw him a day previous to the murder at Ujagar Singh's house. This is also corroborated by Ghamdur Singh's confession and that of Dulla himself. Nanak Singh has stated before this Court that he gave a pistol to Ujagar Singh and that Lal Singh was shot by that very pistol. How this pistol came into Nanak Singh's possession is proved by the evidence of Mata Din Store Keeper, Games Department P. W. 40. The fact of Nanak Singh's giving of the pistol to Ujagar Singh, is independently corroborated by a report in the Police Roznamcha to the effect that A. V. B. Scott automatic pistol No : 28222 bore 6.35 was given to Ujagar Singh Electrical Engineer Patiala by Nanak Singh Superintendent of Police on the 27th : Besakh 1975. This has been proved by the evidence of Mr Sowlat Jung Inspector of Police P. W. 59. The entry about the number of the bore is rather unintelligible. This very pistol was subsequently found in the search of Ujagar Singh's house and this fact is proved by the independent evidence of Sheikh Fazal Rahman Electrical Engineer Patiala P. W. 30 and Lalaram Sishan P. W. 31 and that of the Search Officer Sardar Hazura Singh Inspector Police (P. W. 29). Nanak Singh's second trip to Bombay as admitted by him has been corroborated by the evidence of Bakhtawar Singh P. W. 60 and Ujagar Singh's report. This

report has been proved by S. Amrik Singh D. I. G. of Police P. W. 49. This trip of Nanak Singh's to Bombay is important in that it corroborates the theory of the conspiracy. This visit was connected with the real objects of the conspiracy e. g. to 'abuse His Highness' mind about the murder and to put him on the wrong track and Nanak Singh's story that he had gone to Bombay to consult a Dentist has been proved to be palpably false by his own confession. This also shows that he was concealing something and proves his guilty mind. This trip was undertaken as a part of the duty allotted to him in the conspiracy, quoting his own words "to mislead His Highness about the murder and to prepare the ground according to the conspiracy". This is also corroborated by Ghamdur Singh's Confession.

The objects of the conspiracy were twofold (1) to murder Lal Singh and (2) to throw suspicion on innocent persons by diverting the right clue and running investigation in wrong channels. The second part was exclusively allotted to Nanak Singh, suitably situated as he was as a Superintendent of Police Patiala. Nanak Singh has not only admitted this in his confession but it has been more than amply corroborated by his own acts when investigating the case as officer in charge of Lal Singh's murder case. The first report about the disappearance of Lal Singh was made by Gujar Singh servant of S. Gurnam Singh on the 30th Har 1975 at the Kotwali Patiala. This has been proved by the evidence of Devindar Singh Sub Inspector of Police P. W. 4. In the very beginning Nank Singh tried to mislead the investigation by having a report made at the Kotwali Patiala for the disappearance of Lal Singh and not for his murder. The first form report of the murder of Lal Singh was made by his brother Sundar Singh on 5th Sawan 1975. This has been proved by the evidence of S. Tara Chand p. w. 4<sup>2</sup>. But inspite of this clear report of murder Nanak Singh and himself showing Nanak Singh's efforts to defeat enquiry in this connection are also proved by the evidence of Mr. Fazal-i-Karim Inspector-Police P. W. 69 in the matter of the original report of the Imperial Serologist regarding the

blood discovered on the spot. Sardar Tara Chand has also deposed about his issuing urgent orders from time to time insisting on Nanak Singh to make special efforts in finding out the clue; but Nanak Singh took little heed of his superiors' orders in this matter. This he has proved from his various orders in writing and which are on the file of the committing Magistrate and it would be unnecessary to reproduce them here. This witness has also deposed that Nanak Singh did not submit daily diaries of the case inspite of special instruction to that effect. He also proved an extract of Mir Munnawar Hussain's daily diaries Nos. 87 to 102 and which is on page 159 of the committing Magistrate's file. Mir Munnawar Hussain being an old and experienced police officer was specially deputed by this witness, only a few days after the murder of Lal Singh for the investigation of this case. Mir Mannawar Hussain P. W. 51 has also deposed to the submission of the diaries to Nanak Singh as his immediate superior officer. In these diaries Mir Munnawar Hussain had suspected Harnam Singh Kadon. Nanak Singh instead of submitting these diaries in original to Sardar Tara Chand sent up an extract which runs as follows 'I saw these reports on the 3rd, Maghar and in those reports Inspector made attempts to find out but nothing useful to the case has been found out'. This extract is proved by S. Tara Chand P. W. 48 and Mohammad Bux Head constable P. W. 53 to be signed by Nanak Singh. It would be well to quote Sardar Tara Chand's own words in this connection, "I have seen original diaries No 87 etc, on the Judicial file and the extract given by Nanak Singh is not a correct one, because in diaries No 87 to 102 etc Harnam Singh Kadon was suspected but his name was not mentioned in the extract. Reasons are given for the suspicion. Because I knew Harnam Singh Kadon and had started Criminal cases against him and if I had been informed of this man having been seen in Patiala during those days as was mentioned by Mir Munnawar Hussain in his Diaries, I would have certainly got Harnam Singh arrested for the purpose of investigation in the case. There were men forthcoming then who had seen Lal Singh with a stranger



at the well of Sardar Gurnam Singh, on the evening of the murder and who were able to identify that man. From my experience as a police officer and my knowledge as to Harnam Singh's previous antecedents and the fact that he was alleged to be in Patiala in those days I would have at once arrested that man and confronted him with those men who had seen Lal Singh with a stranger at the well on the evening of the murder."

I quite agree with S. Tark Chand and believe that If Harnam Singh had been confronted with Amausi P. W. 21 and Phuman P. W. 22, the whole case would have come to light.

Nanak Singh clever as he is must have foreseen all this and deliberately suppressed all mention of Harnam Singh in this extract. This action of Nanak Singh more than amply corroborates the conveying out of the part allotted to him in the conspiracy.

Another very important point which has been proved and which shows Nanak Singh's attempt to defeat the enquiry at that early stage is the finding of the list of the persons to whom the pistols were distributed in his search. This has been proved by the independent testimony of Rikhi Ram S/o Mula P. W. 43. S. Tara Chand P. W. 48 has deposed that when cartridges were found on the spot, he at once wrote to the Military Secretary to send him a list of persons to whom pistols had been distributed and the Military Secretary sent a list, but it was not received by him. This very list was afterwards found at the search of Nanak Singh and his object in keeping that list from the Inspector General of Police is obvious.

The natural benefit which Nanak Singh had conspired to derive by defeating the enquiry and putting it into wrong channels was to defame the responsible officer of the State and possibly its ruler. If this diabolical scheme had succeeded it would have probably implicated innocent men. It is necessary to mention here that the then I. General of Police took all possible measures to trace cut the clue of the murder and this is amply borne out by his repeated orders to Nanak Singh to take rigorous steps in the investigation. There



is also abundant proof in Police files 2801, 2801/2 and 2801/3 that the judicial Secretary in charge of the Police was taking very great interest in the investigation and was issuing repeated orders to the Inspector General of Police to take all possible measures to find out the clue of the murder. S. Tara Chand has also proved two letters from Diwan Bahadur Sir Dia Kishan Kaul who was at that time the President of the Administrative Committee in the absence of His Highness to Europe, enjoining the I. G. P. to take vigorous steps in finding out the clue of the murder. His Highness' Government had offered a reward of Rs. 2000/- for the information that would lead to the detection of the crime. Proclamation had been sent out to all parts of India and even abroad. All this proves that the authorities were taking all possible steps for the detection of the crime; but all efforts proved unsuccessful, Nanak Singh being in charge of the case was defeating the investigation at every step.

It was about a year after the murder that L. Sahib Chand Inspector of Police P. W. 67 was put in charge of the investigation. The first step he took was to turn to Radha Lal for the clue. Radha Lal was not only a reader of Nanak Singh but his confident. It was this move that subsequently led to the unravelling of this diabolical conspiracy, and all credit is due to Lala Sahib Chand for this tactical move. In response to L. Sahib Chand's enquiries Mehta Radha Lal sent in a detailed written report. This report is on the file of the committing Magistrate. The counsel for the crown has argued before me that it is admissible in evidence in this case against the accused under clause 2 Sec. 32 of the Indian Evidence Act. I have given my careful consideration to the arguments of the learned counsel and I hold that it cannot be admitted into evidence against the accused in this case, as it cannot be said, to have been made in the ordinary course of his duty. Nor it is admissible under any other section of the Indian Evidence Act. Moreover it would be most dangerous to rely on the statement of a man who is dead and whom the accused got no opportunity to cross-examine. But for the purpose of

showing how the prosecution got on with the investigation, it is relevant that Radha Lal did make a statement in his own handwriting. This helped the police to question Nanak Singh who made different statements at different times, but nothing definite to help the police to find out the clue. The most important result of his (Nanak Singh's) statements was the arrest of Gamdur Singh who made a full and frank confession at the very first opportunity. When Nanak Singh saw that all was up, he thought it was better to make a clear breast of the whole thing. Both these accused made their first confessions before the Political Agent Patiala. They are not admissible against them but they prove that they also show that they made the confessions of their own free will and under no pressure whatsoever.

As a result of the examination of Nanak Singh's confession which is corroborated by independent evidence on most of the material points, I have not the slightest doubt that he abetted the murder of Lal Singh and as a member of the conspiracy fully carried out his part of the duty. I therefore find him guilty of abettement under Sec. 302 read with 109 I. P. code.

### **Gamdur Singh**

The most important evidence against this accused is also his frank, full and detailed confession to which he has stuck to the last. His confession is corroborated in all material particulars like that of Nanak Singh right up to the evening of the 29th of Har 1975 and it is not necessary to repeat all that evidence over again except about the two attempts at Jakhal and Dhuri because he is directly connected with them. Gamdur Singh's confession is more clear and detailed than that of Nanak Singh not only with regard to these two attempts but on the whole history of the conspiracy. The first attempt was made at Jakhal. Gamdur Singh in his interview with Lal Singh at Patiala had fooled him into the belief that he was in a position to help him in getting his wife out of the Palace. This is borne out by the confessions of both Nanak Singh and Gamdur Singh. He at that interview had very cleverly suggested to Lal

Singh that whenever he had to give him any information of the steps that he was going to take, he would send for him and give him a sort of masonic emblem to indicate that whosoever brought a cross-mark written on a piece of white paper to him, he should consider that as a message from him (Gamdur Singh) and should accompany him. It was thus that Lal Singh was first inveigled into going to Jakhal by Gurnam Singh through Harnam Singh. Lal Singh's coming to Jakhal is proved not only by Gamdur Singh's confession but by the testimony of Sada Singh P. W. 26 and Bhagwan Singh P. W. 15. This visit of Lal Singh to Jakhal is also indirectly corroborated by the evidence of Sardar Tara Chand P. W. 48 who has deposed to having learnt from Sardarani Sahiba (Gurnam Singh's wife) after Lal Singh's murder that Lal Singh had remained absent for the whole night from Sangrur. Harnam Singh had brought Lal Singh to Jakhal from Sangrur and he had spent the whole night at the Jakhal Station. On this occasion Gamdur Singh fully knew that he had sent for Lal Singh in order to murder him or have him murdered. The attempt failed because Ghamdur Singh could not muster sufficient courage to carry out their sinister design and allowed Lal Singh to return safely and this is corroborated by the testimony of Sada Singh and Bhagwan Singh. I have not the slightest doubt that these two P. Witnesses knew much more than what they have said before the Court. The second attempt was made at Dhuri only 4 days afterwards where Lal Singh arrived as previously arranged. Nanak Singh and Ujagar Singh had gone to the Railway Station Patiala to see Lal Singh off when he left for Dhuri. Ghamdur Singh met him at the Station. Ghamdur Singh had also instructed Harnam Singh to wait near the canal with his confederates.

Lal Singh's coming to Dhuri is again proved not only by Ghamdur Singh's confession but by the testimony of Bhagwan Singh and Sada Singh who have also deposed to Kaka's presence on this occasion. This attempt also failed because Ghamdur Singh though playing the part of a villain as a member of the conspiracy had not the courage of a villain. When Nanak Singh and Ujagar

Singh saw that Ghamdur Singh had not sufficient courage to carry out his part of duty by himself. It was decided to murder him at Patiala. How Lal Singh was called by the telephone from S. Gurnam Singh's house is proved by the evidence of Barkat P. W. 50 and has been dealt with in Nanak Singh's confession. The fact of Lal Singh's going away on cycle after receiving the telephone message is corroborated by Ram Kishan P. W. 5.

After this there is no evidence but the confession of Ghamdur Singh himself. Lal Singh was met by Harnam Singh outside S. Narain Singh's house near the hospital and was told that he was to meet Ghamdur Singh who was waiting near the Railway crossing which is quite close to that place. It seems as if fates were driving Lal Singh to the scene of murder. For according to Ghamdur Singh's confession it was Lal Singh who suggested to go to S. Gurnam Singh's well for having a talk with Ghamdur Singh. I also find from this confession that the spot near the Bandha had been selected by Nanak Singh and Ujagar Singh and that Ujagar Singh showed that spot to Ghamdur Singh. This is corroborated by Nanak Singh's statement recorded under Section 342 before this Court. We also find from Ghamdur Singh's confession that Harnam Singh had arrived on the appointed day with one of the confederates, Kaka and the two animals, one camel and a mare. The other one Dulla having arrived a day previous in Patiala was staying at Ujagar Singh's house. This is corroborated by Nanak Singh's confession. He left Kaka and the two animals at the spot and went to the city to give the information to Ghamdur Singh and arranged a meeting with him at Ujagar Singh's house at 4 P. M. telling him that in the mean time he would take Dulla and would also leave a gun with them for their protection. The presence of Kaka and Dulla with the two animals near the spot is corroborated by the evidence of Fateh Mohamad P. W. 16 and of Abdulla P. W. 17. To my mind it has not been conclusively proved that the gun produced by the prosecution is the same gun that was employed on that occasion, but from the evidence of Inait

Hussain P. W. 25 and Bolleh Khan P. W. 19 it is proved that Ujagar Singh had borrowed Inait Hussain's gun about that time and returned it to him after one week. From this evidence which I have no reason to disbelieve it may be safe to draw the inference that this very gun was borrowed from Inait Hussain by Ujagar Singh and was the same which was used on this occasion.

It is again Ghamdur Singh's confession which tells us how he himself arrived at the band by which road Nanak Singh and Harnam Singh went to S. Gurnam Singh's well.

The fact of Lal Singh going to the well on that very evening i. e. the 29th of Har 1975 with another man is proved by the independent evidence of Amousi P. W. 21. and Phuman P. W. 22. and is very important piece of evidence corroborating Ghamdur Singh's confession about Lal Singh's going to S. Gurnam Singh's well with Harnam Singh. It is proved by the evidence of Amousi that Nanak Singh with another man in khaki clothes came to the well that evening about sunset and Phuman has also deposed that Lal Singh came to the well near the quarters with another man and sat on a cot sometime. Both these witnesses have deposed to their having seen Lal Singh for the last time that evening. What happened after this is told by Ghamdur Singh in his confession. He says that Lal Singh and Harnam Singh walked towards the Band on catching sight of him. It was about 8 o'clock. When Lal Singh came near the Band he (Ghamdur Singh) walked down towards the slope on the other side of the Band and when he (Lal Singh) came actually on the Band he saw Dulla and Kaka towards the cremation-ground and enquired from Harnam Singh who these men were, to which he replied that they might be grass-cutters. Lal Singh hesitated a little over this and then walked down to meet Ghamdur Singh and sat down at a little distance from him. Ghamdur Singh saw a bunch of keys in his hand at that time and the finding of the keys on the spot has been corroborated by the evidence of Mohammad Bux P. W. 20, Ram Partap P. W., 23, Rikhi Ram P. W. 24. and Devindar Singh P. W. 40.

After Lal Singh had talked a little with Ghamdur Singh, Harnam Singh came near him saying that he wanted to make a request. When he came quite close to Lal Singh he jumped at him by the throat. They struggled together and rolled towards the nadi (river). It was then that Lal Singh cried "Mar dia, Mar dia". This is corroborated by the evidence of Ghulam Hussain who was coming towards the city from his well and I have no reason to disbelieve his evidence. Then Ghamdur Singh goes on to say that when Lal Singh cried "Mar dia Mar dia" the other two Dulla and Kaka who had come behind the band came to spot to help Harnam Singh and gagged Lal Singh. According to Ghamdur Singh's confession Harnam Singh fired 4 shots of the pistol at Lal Singh and he (Lal Singh) expired there and then and that he himself (Ghamdur Singh) took no part in the actual murder.

Afterwards Harnam Singh, Dulla and Kaka dragged his body for a little distance and after tying the dead body in a piece of cloth loaded it on the camel. Ghamdur Singh mounted on the mare and took charge of the gun and lead the way as far as the railway line and then returned home. Before leaving the party Ghamdur Singh gave the gun to Harnam Singh and took back the pistol from him and also gave him notes for Rs 200/-. These notes were the same which Ghamdur Singh had borrowed from Raghbar Dass P. W. 7 and sent them to Ujagar Singh through Kishaji P. W. 9. On reaching home Ghamdur Singh met Ujagar Singh who had been waiting for him and gave him the news which he subsequently communicated to Nanak Singh that very night. This is corroborated by Nanak Singh's own confession. The only corroboration of the confession of Ghamdur Singh and Nanak Singh are the circumstances of Lal Singh's disappearance. Ghulam Hussain's testimony of his having heard frantic shrieks of "Mar dia" when taken along with Ghamdur Singh's confession is a very important corroboration of Lal Singh having been murdered on the evening of the 29th Her 1675. It is impossible for Ghulam Hussain to say that these were Lal Singh's shrieks but the probability is so very great considering

the time and Ghamdur Singh's confession that the shrieks could be nobody else but Lal Singh's, I look upon his evidence as the most absolute and clear corroboration of Ghamdur Singh's confession about the actual murder. Another corroboration is the subsequent finding of the bunch of keys, comb and cartridges on the spot. The finding of all these things on the spot and the identification of the keys and comb as belonging to Lal Singh and the report of the imperial serologist about the blood to be human (this report has been proved by the evidence of Mr Fazal Karim Khan P. W. 29) prove uncontrovertibly that Lal Singh was murdered. In this connection it is very important to give reference to the telegram of S. Prem Singh, father of S. Gurnam Singh dated 17-7-1918 and the receipt of which has been proved by Tara Chand. This telegram mentions the finding of the blood, keys and comb, on the spot. This is an indirect but independent corroboration of the things having been found on the spot and not manufactured by the police.

### **"Corpus Delicti"**

I will now deal with the fact of the corpus delicti. Taking all the facts mentioned above along with Dulla's confession into consideration which in fact lead to the discovery of the spot in Halotali Bir where Lal Singh's body was burnt and finding of the bones at the spot which has been proved to be human by the testimony of doctor Ganga Bishan, Civil Surgeon, Principal Medical Officer of Patiala, there remains no doubt as to the corpus delicti. Taking also into consideration the evidence of Chanan Chamar p. w. 32 and Beru p. w 36 and Ranjha P. W. 33 along with Dulla's confession there is no doubt that the human corpse seen by the Halotali Bir was of no one else but Lal Singh's.

### **Motive**

Before proceeding further it is necessary here to discuss the motive. The question of motive is not all important in criminal cases when evidence otherwise clear and unambiguous is forthcoming to prove the offence. Proof of motive is therefore



by no means necessary to establish the offence. This of course does not mean that proof of motive is altogether irrelevant. For proof of motive is always relevant not indeed as proving the offence but as a spring of human action supporting the proof of intention, explaining and connecting it with the act. Proof of murder is so clear and unambiguous in this case that it is not necessary to go into motive at all but as it is, the motive given by the accused Nanak Singh and Ghamdur Singh is fairly clear. It is apparent from their confessions. I quote Nanak Singh's own words "we committed this murder in order to gain our selfish end." to quote Ghamdur Singh "When S. Gurman Singh returned from Mesopotamia he made no effort to help the enquiry. On the other hand he was defeating the enquiry and wanted to derive personal advantage out of the case. Under such circumstances I was compelled to keep silent." The motive, thus becomes quite clear.

Ghamdur Singh's confession gives a detailed history of the events after he left Patiala for his village on the 31st of August 1918. One of the most important events is Ghamdur Singh's receipt of Lal Singh's ring and the stamp-paper from Ujagar Singh. According to Ghamdur Singh's confession Harnam Singh had taken off the ring from Lal Singh's finger before burning his body in the Halotal Bir and had given it to Ujagar Singh. This is corroborated by Nanak Singh's confession. The ring and the stamp paper have been discovered buried in a glass bottle behind Ghamdur Singh's house near Jakhal at the pointing out of Ghamdur Singh. This is amply proved by the testimony of Rup Ram P. W. 45, Dewa Singh P. W. 46 and Sirdar Raghubir Singh Superintendent of Police P. W. 44. This ring which has "L. S." inscribed on it has been identified by Ram Kishan P. W. 5 and Islam Din P. W. 6, as belonging to deceased. Ram Kishan has even deposed that he saw Lal Singh wearing this very ring before he went out that evening on receiving a telephone message. I have no reason to disbelieve the evidence of this man as it after all corroborates Ghamdur Singh's confession. While at Chural Ghamdur Singh



received two letters from Nanak Singh and two anonymous letters. All these four letters have been proved by Fazali-Karim Khan Inspector of police P. W. 69. The first two from Nanak Singh and the other two from Sardar Tarlok Singh brother-in-law of Nanak Singh. Nanak Singh has also admitted these two anonymous letters to be very likely in the hand-writing of S. Tarlok Singh. These letters in themselves do not tell us very much about the actual the crime but taken along with other evidence they throw a good deal of light on the case. Ghamdur Singh's statement about the purchase of the mare and the camel is indirectly corroborated by the evidence of Thakar Singh P. W. 27 and Kishan Singh of Lalton Kala P. W. 71, but how the camel passed through various hands and Partap Singh's share has not convinced me at all and I will show this when dealing with Partap Singh's case. It is sufficient to know that Ghamdur Singh did purchase the mare and the camel through the agency of somebody and subsequently destroyed them in Katik 1976; of course there is absolutely no evidence forth-coming to corroborate the destruction of the two animals and I must rely on Ghamdur Singh's confession on this point. Gamdur Singh has also admitted that he kept Harnam Singh, Dulla and Kaka under his protection. first at Jakhal and Chural (this is corroborated by the evidence of Sada Singh) and subsequently kept Harnam Singh and Kaka under the fictitious names of Bishen Singh and Bakhtawar Singh respectively at his village Kothal near Dakshai. This is corroborated by the testimony of Sundar Lal Mukhter of Ghamdur Singh P. W. 54. According to Gamdur Singh's confession the evidence of Sundar Lal a parcel of clothes was received at Kothal Kathal addressed to Bishan Singh after his departure and under Ghamdur Singh's instructions Sundar Lal kept that parcel with him. This parcel contains some clothes which are proved to belong to Harnam Singh by Mst Panjabo's testimony. All this goes only to show that Harnam Singh did go to Kothal and lived there for sometime under the protection of Ghamdur Singh and corroborates Ghamdur Singh's confession. Afterwards Ghamdur

Singh sent Kaka to village Uggo in Barnala District and this is corroborated by the evidence of Bawa Daya Singh Pandit P. W. 47.

Not only Ghamdur Singh's and Nanak Singh's confession fit into each other in all the important particulars of the origin of the conspiracy and the subsequent murder but there is overwhelming corroboration of their confessions. It is true that there is no direct evidence of the murder except the confessions of Nanak Singh and Ghamdur Singh, but the circumstantial evidence taken along with these confessions is so strong that it leaves absolutely no doubt in my mind that Lal Singh was murdered on the evening of the 29th of Har 1975 as the result of the conspiracy between Nanak Singh and Ghamdur Singh, Ujagar Singh and Harnam Singh. What part Dulla took in the actual murder is told by Ghamdur Singh in his confession but there is absolutely no corroboration forthcoming and I will discuss about the value of Ghamdur Singh's confession as far as it relates against Dulla when dealing with his case.

### Conspiracy

Conspiracy necessarily connotes planning, designing and arranging means and measures necessary for the commission of an offence. The acts of one co-conspirator are thus the acts of all and for which they are responsible. It has been held by couch C. J. vide 17 W. R. 15 (18). "Where several persons are proved to have combined together for the same illegal purpose, any act done by any of the parties in pursuance of the original connected plan and with reference to the common object is in the contemplation of the Law the act of the whole. Each party is an agent of the others in carrying out the objects of the conspiracy and doing any thing in furtherance of the common design."

It has also been held per Johnston J. in 17 P. R. 1915 "Where the prosecution has produced prima facie proof of a conspiracy to murder and the appellants were one and all members of that conspiracy anything said or done by any one of the con-

spirators whether accused or not in reference to the said common intention, after that intention was first entertained by any one of them, is a relevant fact against each and all of the accused as well as for the purpose of proving the existence of the conspiracy as for the purpose of showing that "any person" was a party to it."

The existence of the conspiracy to murder and the different parts played by the conspirators namely Nanak Singh, Ujagar Singh, Ghamdur Singh and Harnam Singh have been proved by the confession of Nanak Singh and Ghamdur Singh corroborated as they are by overwhelming independent evidence. Whatever Nanak Singh and Ghamdur Singh said and did in furtherance of the conspiracy is admissible in evidence against each and all of the conspirators. The fact that Lal Singh was actually murdered on the 29th Har 1975 as a result of this conspiracy has also been proved by the confessions of Nanak Singh and Ghamdur Singh and other independent and circumstantial evidence. It is no doubt that Ghamdur Singh was not the originator of the conspiracy to murder but here is not the slightest doubt that he not only entered it with his eyes open but gave it all possible assistance. It is of course not necessary that all conspirators should join the conspiracy at the same time. Some may form it while others may join afterwards. In that case they will be all equally guilty vide 17. P. R. 1915 and 27 Calcutta 667. His criminal intention was complete from the time when he called Lal Singh to Jakhal. The actual murder of Lal Singh at Patiala on the 29th of Har 1975 was the outcome of this conspiracy. In that murder he, according to his own confession, not only played the contemptible part of a decoy but lent his support by his presence at the actual murder; in point of culpability the law discriminates between an absent and the one who is actually present at the fact. Indeed, between a person who both abets and countenances the crime by his presence and one who actually engages in it there is no difference. The one is as culpable as the other. In England both are regarded as principals.

I visited the place of murder on the morning of the 26th Sawan 1977 and my note about that visit is on the record. Ghamdur Singh pointed out to me the workshop from where the telephone was sent to Lal Singh and the place where he was met by Harnam Singh. He also pointed out the road by which Lal Singh and Harnam Singh went towards Gurnam Singh's well. The spot where Lal Singh was actually murdered and the place where his body was tied and loaded on the camel are also pointed out to me by this accused. The prosecution has produced a plan of the site of the murder also showing other important places which have come into evidence in this case. The plan has been proved to be prepared by Badhawa Ram Patwari of Patiala P. W. 68 S. Tara Chand P. W. 48 and Mr. Fa'al Karim Khan P. W. 69 have both deposed to the correctness of the plan. I also compared the plan on the site and find that all the places are correctly marked.

Nanak Singh and Ghamdur Singh have both pleaded guilty and left themselves at the mercy of the Court. The Court offered them more than once the assistance of a Counsel but they declined to accept the offer. They were also given every opportunity to cross-examine the P. Witnesses, but they would not have it. This was in fact in conformity with their attitude throughout the trial before this Court. In fact when this Court asked Nanak Singh if he had anything to say in reply to the arguments of the counsel for the crown, his reply was "I leave myself entirely at the mercy of the Court. I have nothing to say."

Ghamdur Singh took full responsibility of the crime but as to his intention he argued that "The inference drawn by the Prosecution against him is not true." In support of this he pressed before this Court that if he had any intention to murder Lal Singh he would have murdered him either at Jakhal or Dhuri. The fact that he sent Lal Singh away on both those occasions showed that he had no intention of murdering Lal Singh. He also argued that whatever he did, he did under pressure and deception. About the attempt at Patiala which resulted

in the actual murder of Lal Singh he argued that he never believed that Lal Singh would come to the spot. Ghamdur Singh has also explained that he kept Harnam Singh, Dulla & Kaka under his protection for handing them over to the Police and also bought camel and mare for the same purpose, but when I read his confession along with that of Nanak Singh and take into consideration other independent evidence about the working of the conspiracy I cannot help coming to the only conclusion that Ghamdur Singh joined the conspiracy with full knowledge of its intention and took prominent part in it right up to the very murder of Lal Singh. Intention after all being a state of mind is incapable of direct proof by the testimony of witnesses. It can be ascertained only from the statements of the party the state of whose mind is in question or by drawing inference from physical facts which constitute the outward manifestation of the parts of mind. In considering the inferences as to intention to be drawn from a particular series of acts, the Court has to be guided by the rule of Law which lays down that every person is to be presumed to have intended to produce those consequences which are the result of his acts.

Before I proceed to convict Nanak Singh and Ghamdur Singh I should like to remark that it is rather unfortunate that the prosecution had not been able to produce Pakhar Singh, Sundar Singh and Gujar Singh before this court, as I believe their evidence would have thrown a flood of light on the case. It is proved from the evidence of Mehar Singh P. W. 72 that the prosecution made every possible effort to get hold of Pakhar Singh and I have no ground to disbelieve the evidence of this witness. Registered Summons were also sent to Sundar Singh and Gujar Singh but they are nowhere to be found.

I therefore find both Nanak Singh and Ghamdur Singh guilty of the murder of Lal Singh, the former of abetting and the latter of committing the most cold-blooded and deliberate murder. They are guilty of the murder of an innocent man who had not given these people the slightest provocation. It was done

for gaining their selfish worldly ends. Here is a murder planned for months and months and carried out with the cruelest details. Even Nanak Singh's nonpresence at the murder does not entitle him to any mercy. He is the man with whom the original idea started. While he was in charge of Public safety he not only planned the murder but made every possible attempt to defeat the enquiry. Another serious thing which aggravates his offence is that he made every attempt to throw mud on or even incriminate other responsible officer of the State. The circumstances of the case call for the maximum penalty under the Law. The only alleviating circumstance in this whole campaign of murder is that both Nanak Singh and Ghamdur Singh have confessed their crime in the most frank and fullest possible manner and stuck to them upto the last. But for their frank and full confessions, I am inclined to think that the prosecution would have been at a great disadvantage. This in my opinion shows that both of these accused are genuinely repentant and their attitude throughout the trial before me has convinced me that genuine and true repentance has actuated them to confess their guilt. This in my opinion is a little atonement of their horrible crime. I therefore convict Nanak Singh under Section 302/109 I. P. C. and Ghamdur Singh under 302 I. P. C. and award them the lesser penalty of the Law provided under Section 302 and sentence both Nanak Singh and Ghamdur Singh to transportation for life.

### **Dulla**

This accused has pleaded not guilty. The case against Dulla starts with his presence in Patiala in the house of Ujagar Singh a day previous to the murder. This is corroborated by the confession of both Nanak Singh and Ghamdur Singh. His presence on the 29th of Har 1975 near the place of murder is proved by the evidence of Abdulla P. W. 17. I have no reason to doubt his evidence.

Regarding Dulla's share in the actual murder we have no direct evidence except the confession of Ghamdur Singh. Before dealing with Ghamdur Singh's confession I propose to discuss Dulla's

own confession. The fact that his confession was duly recorded under Section 164 C. P. C. is proved by the testimony of Razi Mohammad Suleman Naib Nazim of Patiala P. W. No. 3. This witness has deposed before this Court that he took every precaution in recording the confession and that it was given voluntarily and that Dulla made no complaint to him, when he recorded his confession. From the confession itself I find that all the requirements of Law Provided under Sec : 164 C. P. C. were observed by this witness when recording the confession and there are no circumstances patent on the face of it to vitiate the voluntary character of the confession. This witness is an old experienced Judicial Officer and I have no reason whatsoever to disbelieve his evidence. Dulla subsequently retracted his confession in the Committing Magistrate's Court, as well as before this Court. His explanation about his confession is contradictory. In his statement before this Court under Section 342 Cr : Pr Code Dulla has stated that he did not know what Qazi Suleman wrote as he was bleeding from the mouth and the rectum, and in the same breath has stated that he made the confession under Police torture. The minute details which Dulla has given of his journey to Patiala and his description of even trifling events subsequent to the murder, events which could not have been known to anybody but himself, prove the voluntary nature of his confession. I have therefore not slightest doubt that Dulla made his confession voluntarily As to the admissibility of retracted confession the Law is perfectly clear.

"A mere subsequent retraction of a confession which is duly recorded and certified by a Magistrate is not enough in all cases to make it appear to have been unlawfully indeed," 25 Bombay 168 (1900). All the High Courts are practically unanimous on the fact that it can not be laid down as an absolute Rule of Law that a confession made and subsequently retracted by a prisoner cannot be accepted as evidence of his guilt without independent corroborative evidence. But even this confession when taken fully into consideration as a piece of evidence admissible against this. accused,



cannot make him guilty of the offence with which he is charged. The finding of the bones and 'Dhora' in which the corpse was tied are the result of Dulla's own confession. The evidence of Chanan P. W. 32 Attar Singh P. W. 34. Mahant Hira Dass P. W. 37. and Narain Singh P. W. 38 as to the pointing out by Dulla of the places where Lal Singh's body was burnt and as to the findings of the bones from that spot corroborate Dulla's own confession. The finding of the "Dhora" and its identification by Dulla accused is proved by the evidence of Thakar Singh P. W. 27, Mohammad Hussan P. W. 63. Kashambri Dass P. W. 70 and L. Sahib Chand Inspector of Police P. W. 67. Thakar Singh, Mohammad Hussan and Kashambri Dass Patwari come from British India and it cannot be said against them that they are giving evidence under any pressure from Patiala Police. Dulla has admitted in this Court that he has no enmity against any of these witnesses and I have no reason whatsoever to disbelieve their evidence. It is also proved by the evidence of Sada Singh P. W. 26, that he went and lived under Ghamdur Singh's protection at Chural. This also affords some illustration of Dulla's connection with the crime.

The only evidence against Dulla of the actual murder is Ghamdur Singh's confession. There is absolutely no other evidence whatsoever to corroborate Ghamdur Singh's confession as regards Dulla's part in actual murder of Lal Singh. The counsel for the Crown has argued that as Ghamdur Singh has implicated himself in his own confession it is admissible in evidence against a co-accused.

The attention of this Court is drawn to Sec. 30 of the Indian Evidence Act. It runs as follows :-

"When more persons than one are being tried jointly for the same offence and a confession made by one of such persons affecting himself and some other of such persons is proved, the Court may take into consideration such confession as against such other persons, as well as against the person who makes such confession." The



principle underlying this Section is that selfimplication affords a guarantee of the truth of the accusation against the other. The Counsel for the Crown has cited two cases in support of his arguments E. I. 29 Allahabad 434 (1907) and 30 P. R. 1914. It was held in 29th Allahabad 434 (1907) "As regards other co-accused although corroborative evidence may be necessary, it is not necessary that such corroborative evidence should by itself be sufficient to support a conviction; and that a conviction based on the unsupported evidence afforded by the confession of a co-accused would not be unlawful."

It was held in 30 P. R. 1914 that when it is a question of using a confession against a co-accused of the person confessing the Court would not be prepared to accept the confession per se as sufficient. The corroboration ought to be of the kind that not only confirms the general story of the crime but also unmistakably connects the said co-accused with the crime.

While giving due deference to the views expressed by the Learned Judge, it cannot be admitted that the courts are deprived from exercising their discretion in the use of an uncorroborated confession of a co-accused. The use to be made of such confession is a matter rather of prudence than law. In fact the very wording of Sec. 30 Indian evidence act shows that the Legislature has only bestowed a discretion upon the Courts to take into consideration such confession. The wording of this Section shows that such a confession is merely to be an element in the consideration of all the facts of the case, while allowing it to be so considered it does not do away with the necessity of other evidence. For even when regarded as evidence and taken at its highest value, it is of too weak a character to found a conviction upon it alone and hence corroboration is invariably required in such cases.

It has been held in 15 Bombay 66 (190) that "The conviction of a person who is being tried together with other persons for the same offence cannot proceed merely on an uncorroborated statement in the confession of one of such other persons." It was

also held in *R. V. Jafaar Ali* 19 W. R. Cr 57. (1873) that "The confession of persons tried jointly for the same offence may be considered sa against other parties then on their trial with them, but such confession when used as evidence against others stand in need of corroboration." "When confessions of one co-prisoner are admissible against another co-prisoner the utmost value that can be claimed for them is that if there is other untained evidence against the accused, they may be "considered" together with such evidence. *Weir* 3rd : Edition 499 A (1886). I am in full conformity with the views expressed in these judgments. In fact the test of a confession in joint trial is that the confessing prisoner must tar himself and the person or persons he implicates with one and the same brush and when applying this test to Gamdur Singh's confession I have no hesitation in holding that it falls short of this test. After all the confession of Gamdur Singh is limited to just so much as he chose to say especially with regard to the actual murder and guaranteed by nothing except the peril into which it brings the speaker and which it is generally fashioned to lessen.

Another very important fact which must be taken into consideration when judging Dulla's complicity in the crime is that there is absolutely no evidence forthcoming to show that Dulla had any knowledge of the sinister design of Harnam Singh and his co-conspirators. I am inclined to think that he was forced into the position of rendering assistance to the murderers after the act. I have therefore no hesitation in holding that Dulla is not guilty of the charge of murder but of a much minor offence. I have absolutely no doubt in my mind as to the veracity of the witnesses who have deposed to Dulla's pointing out the spot where the corpse was burnt and his identification of the 'Dhora' in which the corpse was tied. Dulla has admitted in his own confession that he and Kaka collected the wood with which the corpse was burnt. He knew that an offence of murder had been committed and still he assisted Harnam Singh in the destruction of the corpse with the intention of weakening the prosecution against

him and the other accused. He declined to produce any witness in his defence. His offence in my opinion falls under Section 201 I. P. C. This Section presents the case of accession after the fact. I therefore find Dulla guilty under Sec: 201 I. P. C. and sentence him to 5 years' rigorous imprisonment.

Note :- It is rather unfortunate that this accused, inspite of being told many a times that if he wished the Court would appoint a counsel for him, refused to have the assistance of a counsel.

### Partap Singh

This man has been charged under Sec: 201 of the I. P. C. He has pleaded not guilty. It is alleged by the prosecution that he procured the mare and the camel which were used on the occasion of the murder of Lal Singh and sent them to Ghamdur Singh for their being subsequently destroyed.

Thakar Singh P. W. 27 has deposed to Harnam Singh's having bought the mare from him for Rs. 120/-. Ghamdur Singh in his confession has admitted that the mare was sent to him by Ujagar Singh through Bulle Khan P. W. 9. The omission of the prosecution to have this point cleared from Bulle Khan when he appeared before this Court must be presumed to be in favour of the accused. The evidence of Dharma P. W. 56 and Bagga P. W. 57 is entirely worthless. Bagga says that Partap Singh left a mare with him and then took it away after 2½ months and that he took no money from Partap Singh on account of grazing and keeping the mare. This seems to be palpably false. He has admitted that he was detained in Karakhas for fifteen or sixteen days. What he was doing there for so many days is not difficult to guess. I attach no importance to his evidence. Ralla P. W. 58 is not an impartial witness as he admits his ill-feeling against Partap Singh. The other witnesses Thakar Singh, Mangal, Dia Ram, Urjan and Kishan are about the camel.

There are material contradictions in the statement of Thakar Singh on one side and Mangal and Dia Ram on the other. Thakar

Singh P. W. 27 has deposed to his having sold the camel at Kadon to Mangal for Rs. 160/- in the presence of Harnam Singh Kadon, while Mangal P. W. 61 says that his uncle Dia Ram bought the camel from Thakar Singh who had brought the camel to his (Mangal's) house at Khodani Village. Mangal has also deposed that Pratap Singh and Sada Singh came to enquire from him about the camel and he told them that the camel had been sold to Arjan of "Chhoti Lalton." This witness also mentions of a second visit from Sada Singh who was accompanied by another man and that (Mangal) took this man to Lalton and introduced him to Harnam broker. Dia Ram P. W. 62 does not say anything about the coming of Sada Singh and Partap Singh for the purpose of making any enquiries about the camel. Sada Singh P. W. 26 says nothing about his first visit to Mangal but has deposed to his having gone to Mangal with Bugar. This is also corroborated by Ghamdur Singh's confession. I am of opinion that Mangal had only one visit from Sada Singh in the company of Bugar and his evidence about the first visit of Sada Singh. Partap Singh does not seem to me to be true.

The next witness is Arjan. He says that Partap Singh had gone to him in company with Sada Singh to buy a camel which he had bought from Diya Ram. If we believe this man there was no necessity of Sada Singh's going to Mangal along with Bogar and asking Mangal to get him the camel, because if Sada Singh had been to him previously with Partap Singh he would have naturally taken Bugar to Arjan direct. I am of opinion that this man is also not telling the truth about Partap Singh's visit to him.

The next witness is Kishan Singh P. W. 71. His story about Partap Singh's first visit seems to me absolutely false. Even if Partap Singh knew anything about the connection of this camel with the murder of Lal Singh it is absolutely impossible that he who was an absolute stranger to him should think that the camel he had come to buy from him was connected with such a heinous crime as murder. The camel was no doubt bought through the help of Mangal and Sada Singh from Kishan Singh, but I am

not prepared to believe that \* Partap Singh had any connection with its purchase. Even if I take all the evidence about Partap Singh's share in the purchase of this camel to be true, there is absolutely no evidence forthcoming that it was Partap Singh who delivered the camel to Ghamdur Singh. On the other hand there is Ghamdur Singh's confession which tells us that he sent his man Bugar with Sada Singh to buy the camel and the camel was brought by his man.

The prosecution has entirely failed in proving that Partap Singh had any knowledge that the camel and the mare had been connected with Lal Singh's murder. The counsel for the prosecution has argued that as Partap Singh is a brother of Harnam Singh and father-in-law of Ujagar Singh he must have known about the connection of these two animals with the crime. I think it is a far-fetched inference to draw and it would not be fair to judge his knowledge and criminal intention simply from his being closely related to two of the accused in this case in absence of any clear evidence to that effect.

It is also essential for the prosecution to prove that Partap Singh was procuring the animals with the intention of having them subsequently destroyed and the prosecution has entirely failed in this respect also. Partap Singh in his statement before me under Sec. 342 C. P. C. has stated that he was arrested on the 2nd: Katik 1976 and has been in the Kar-I-Khas since. He states that he was arrested by Faiz Mohammad Khan and taken to Doraha and was asked about his brother Harnam Singh; and as he could not give Harnam Singh's whereabouts he was arrested. He declined to produce any witness in his defence as he stated that no one would give evidence for him out of fear of the Police.

I am not in a position to say how far this is true, but there is one thing of which I am certain and that is, that this man's misfortunes were entirely due to his being related to Harnam Singh and Ujagar Singh.

Under the circumstances I hold that the prosecution has entirely failed to prove any case against Partap Singh under Section 201 I. P. C. and therefore I acquit him and order him to be released forthwith.

I should like to put on record the great ability with which Mr : Naranjan Prashad conducted the case for the prosecution. His position had been made doubly difficult owing to the accused having been unrepresented throughout the trial before this Court and it gives me pleasure to record that while fully safeguarding the prosecution he was always anxious to be fair to the accused.

According to the practice that has hitherto been followed in this Court, I direct that the records of this case be submitted to the Judicial Secretary for confirmation of the sentence of transportation for life passed on Nanak Singh and Ghamdur Singh.

Dated 8. 5. 77.

Sd. S. Dina Nath.

Judge High Court Patiala.



#### 4. Memorial of S. Nanak Singh to the Viceroy, (Ex. 38C.)

I most solemnly affirm on oath that when I last saw my husband Sardar Nanak Singh, Late Superintendent of Police, in charge C. I. D. Patiala, on the first of December 1928, he asked me to make the enclosed representation to His Excellency the Viceroy and Governor General of India on his behalf duly signed by me as he said he could not do so himself on account of the restrictions put on him in Jail by the Patiala State authorities.

I also declare that to the best of my knowledge the statement made by my husband is true and correct,

(Sd.) TEJ KAUR,

WIFE OF SARDAR NANAK SINGH,

Formerly Superintendent of Police, and in charge C. I. D.,  
Patiala State.

To

HIS EXCELLENCY THE VICEROY AND

GOVERNOR GENERAL OF INDIA,

SIMLA.

Your Excellency,

Your petitioner who untill 1918 held the responsible post of the Superintendent of Police, Patiala State, was soon after disgraced and put into jail, on a charge of murder of one Lal Singh with whose wife, Dalip Kaur, the Maharaja carried on an intrigue and eventually, after the removal of Lal Singh, he married her, and who is now the accepted Maharani of Patiala.

2. Lal Singh was the cousin of Sirdar Gurnam Singh who held the post of Home Member in the Patiala Government and was also Maharaja's father-in-law. It can be proved without the shadow of a doubt that almost immediately after the performance of the *Gauna* ceremony of Lal Singh when he brought his wife from her father's home in Sangrur she was spirited away from her lawful husband and carried to the Maharaja who was then in residence in Simla in the summer of Sambut 1968 or 1969 (A. D. 1912). The Maharaja conceived an extraordinary passion for the girl and he soon afterwards busied himself in devising means of making her his wife.

3. He first tried persuasion and invoked the assistance of Sirdar Ghurnam Singh and of his Diwan Sir Daya Kishen Kaul to prevail upon Lal Singh to divorce his wife whom indeed he was compelled *nolens volens* to surrender to the amorous embrace of his king and ruler the Maharaja Dhiraj of Patiala but not devoid of all sense of honour this man refused voluntarily to seal the infamy of his wedded wife by himself inscribing the document of relinquishment and divorce. He resolutely set his face against the proposal and the draft deed which Sir Daya Kishen Kaul had drawn up is still in my possession as an infructuous document of release which be it said to the honour of the dead man never became a *fait accompli*.

4. Foiled in his attempt to encompass his ends by conciliatory methods the Maharaja and his Diwan were not slow in adopting a more violent policy with Lal Singh. He was threatened, he was coerced. But all this failing a scheme almost unparalleled in the history of human crime was conceived and carried into execution with the full knowledge, sanction, and authority of the Maharaja himself, though care was taken to accomplish the foul deed of murdering Lal Singh in cold blood, in the temporary absence of the Maharaja in England. His confederates had however assured him and forsworn themselves that the life of Lal Singh will be extinct before the Maharaja returns to India from his sojourn in Europe.

5. For sometime I was asked to assist in this scheme of murder. I was paid Rs. 7,000/- by cheque on the Alliance Bank of Simla and my active intercession was demanded to procure a divorce or, if need be, the ultimate removal of Lal Singh. An attempt was made to procure a forged divorce deed and for this purpose a magistrate with a more pliable conscience—a man by the name of Sardar Sukhdev Singh was transferred to Dhuri and a stamp was purchased from Mannu Lal Stamp Vendor, but Lal Singh was obdurate and threatened to expose the scheme to the British Government.

His Highness not being satisfied with the progress of events employed through the instrumentality of one Ujagar Singh, Electrical Engineer of Patiala, the services of Ghamdur Singh, a man of a reckless disposition and capable of desperate deeds.

6. On a certain day of Baisakh (April) His Highness gave your petitioner two pistols from the State armoury. He asked your petitioner to make one of them over to Ujagar Singh which I did, after making due report to the Police. The second pistol remained with your petitioner awaiting instructions of His Highness and His Highness told your petitioner and Ghamdur Singh on the 16th Baisakh 1975 when he was passing in his car near the Poor House (by appointment) that Lal Singh should be done



away with before his return from Europe. I went to see His Highness off at Bombay where he again exhorted me to help Ghamdur Singh and told me that he would jump into the sea if he did not hear the news of Lal Singh's removal before he returned from England.

7. But your petitioner was sick at heart and left Ghamdur Singh to manage the foul deed alone. He persuaded Lal Singh to meet him alone telling him that he would assist him in the recovery of his wife through the British Government. He told him that through the British Government he recovered his lands although they were really released to him under the orders of the Maharaja dictated by His Highness to Boota Ram at Bombay and addressed to his Judicial Secretary as a reward for Ghamdur Singh's promised service in this nefarious scheme. Thus Lal Singh walked into the trap and met Ghamdur Singh who accomplished the deed with the help of Harnam Singh of Kadon, and two others and Dulla and Kaka Singh. The pistol which did to death the unfortunate man was secured by Ghamdur Singh from me and was the second of the two pistols entrusted to me from the State armoury by His Highness. After the man was dead Sir Daya Kishen Kaul came from Chail to Patiala and the Maharaja who was apparently apprised of the deed cabled to Sirdar Ghurnam Singh the cousin of Lal Singh deceased (who in the meanwhile had been cleverly removed from India to Mesopotamia) to immediately proceed from Mesopotamia to meet the Maharaja in France—a step that was obviously taken to prevent him from trying to unearth the true story of the tragedy surrounding his cousin's death. Indeed the plan of removing Sirdar Ghurnam Singh and keeping him from India until it would be too late, was discussed and decided between His Highness and Sir Daya Kishen Kaul before the Maharaja left for England, doubtless in anticipation of the complete success of the scheme. Prior to this I had warned Sirdar Gurnam Singh in Europe of the activities of Ghamdur Singh and I have in my possession the reply I received. On receipt of

the eagerly awaited news of Lal Singh's death the Maharaja in his glee, revolting as it may seem, distributed rewards to his attendants on a lavish scale.

8. On his return to India at Bombay the Maharaja was pleased to invite me to dinner at the Taj Mahal Hotel along with the Jam Sahib of Navanagar and the Maharana of Dholpur. But Sir Daya Kishen Kaul fearing that his influence might wane, and being angry with me for refusing to return to him the draft deed of divorce and his letter managed to wean the Maharaja from me, although at one time he was mean enough to offer me a douceur of Rs. 50,000/- and the Inspector-Generalship of Police, Patiala State, if as the officer in charge of the investigation of Lal Singh's murder I would make a report showing the complicity of the Maharaja in the death of the unfortunate man, but your petitioner refused to do so for sake of the Maharaja though the truth was known to me and also to L. Tara Chand Inspector General of Police, Patiala and other officers concerned with the investigation of this crime.

9. Later when free from the trammels of law the Maharaja openly married Dalip Kaur, who indeed had been virtually his wife ever since her marriage to her husband Lal Singh, and she became the Maharani of Patiala and it is somewhat difficult to persuade one's self to believe that this woman was not cognisant of the designs on her husband's life. The actual murderers and conspirators in the plot against Lal Singh's life benefitted largely by helping the Maharaja in securing possession of Dulip Kaur as his wife. Ghamdur Singh who had been in consequence of a serious crime banished from Patiala and his return to Patiala in spite of the recommendation of the British Government had so far been refused by Patiala was allowed to come back and was in fact given possession of a share (through his near relation Mt. Nihal Kaur) of the estate of Colonel Gurbakhsh Singh; and Sir Daya Kishen Kaul rose high in the favour of his illustrious master.

10 Of the investigation that followed and the mock trial in the law courts of Patiala the less said the better. The murder when committed was first tried to be concealed but when the British Government pressed for it, formal enquiries were instituted and a reply was sent to the Government in terms which were altogether unsatisfactory and untrue. Mr. Newman who was entrusted with the investigation was kept in the dark and the whole case was put before him in a garbled form. On account of your petitioner's having gained great esteem in the eyes of His Highness, Sir Daya Kishen Kaul was always after his ruin. In order to satisfy his grudge, he had several false charges lodged against him and had him arrested. Your petitioner being in possession of such correspondence as incriminated both Sir Daya Kishan Kaul and His Highness in the murder of Lal Singh and they being afraid lest your petitioner might disclose it to the public, arranged to have your petitioner sentenced to such punishment as would keep him in the prison for the rest of his life and would thus prevent him from making any disclosures about the evil deed. Later on with a promise of early release, all the original papers in the possession of your petitioner were taken away from him with the help of Sardar Gulab Singh contractor of Kashmir, Sardar Singh son of Sardar Bahadur Sundar Singh of Gujarkhan, and the Hon'ble Sir Sardar Sunder Singh Majithia. Your petitioner was instructed through Sardar Tirlok Singh Suri of Kallar District Rawalpindi and Sardar Jai Singh of Gujarkhan to admit the charge of murder. He was promised that he would be treated as an approver and released and that by doing so he could prevent the Maharaja being punished, disgraced, and dishonoured by the British Government.

11. Having received innumerable favours from His Highness, the spirit of loyalty being still strong in him, having been pressed by his near relations and confiding in His Highness' words, Your petitioner fell in the trap, and willy nilly admitted the commission of the murder by him, and was consequently sentenced to transportation for life. For the services rendered by

Sir Sundar Singh Majithia in prevailing on your petitioner and his relatives to make a confession and for extracting \*from him on false pretexts the papers in his possession that Sir Sundar Singh Majithia for himself and his confederates received a substantial cheque of Rs. 40,000/- from the Maharaja of Patiala. Your petitioner was so surrounded and hedged in by people who were working in the interest of the Maharaja and who successfully played upon your petitioner's feeling of personal loyalty to the Maharaja that by giving him hopes of an early release they ultimately persuaded him to confess the crime even in front of the Political Agent to the British Government, when your petitioner was confronted before that officer in Motibagh in company with the Maharaja himself and Sir Daya Kishen Kaul. Would it have been possible for your petitioner inspite of the questions asked by the Political Agent to turn against his own Maharaja and accuse him to his face of the dastardly crime ? Those who have dealt with and analysed situations similar to the one in which your petitioner was placed should have no difficulty in appreciating the truth of your petitioner's remark that such confession has no more value than an eye-wash and can never be used as a declaration of truth. Was it possible for any one shorn of help and in a state of desperation in which your petitioner was not to surrender to the combined influence of threat and inducement, and specially when impelled by the predominant sentiment of loyalty to his King and Sovereign the Maharaja whose personal honour and safety was at stake ? Fate sealed your petitioner's lips and the Political Agent mechanically went through the necessary formality of a few stereo-typed questions and came to the conclusion that your petitioner's confession though dominated by the presence of the murderer Prince himself and his archconfederate Sir Daya Kishen Kaul was a true and voluntary confession ! Need it be said that such a confession would not be looked at by any British Court and common sense would repel it as a worthless piece of evidence ?

12. Of subsequent events it is enough to say that consistently with the traditions of the Patiala officials and their tactics I appealed in vain to Sir Sirdar Sundar Singh Majithia and Sir Daya Kishen Kaul and to all and sundry who had promised to obtain your petitioner's release to help him, but it was a cry in the wilderness. Nor could your petitioner get back his papers from Sir Sunder Singh Majithia who had by this time risen to the post of an Executive Councillor with the Punjab Government and who unceremoniously brushed aside all entreaties for assistance and admitted before your petitioner's friends that he had made over the papers to Patiala and with a cool effrontery advised your petitioner's relations to appeal for mercy to Patiala as the only path of salvation that he could point to. But of course all this proved useless for not only were these petitions rejected but your petitioner was forced by tortures and compulsion, by house-searches of your petitioner's relations etc., to sign other papers to prove his own guilt and of course thereby to exonerate the real culprit.

13. The judgment of the Criminal Court of Patiala in dealing with the so-called confession is hopelessly muddled and surprising as it may seem, the Political Agent was satisfied (for such is the rumour) with the absurd tale that your petitioner had killed Lal Singh during the Maharaja's absence in England, as he thought that by doing so he would please the Maharaja. In other words your petitioner committed the foul crime of murdering a fellow-man and the cousin of Sirdar Gurnam Singh in an outburst of loyalty for the Maharaja, so that seducer of Lal Singh's wife might enjoy the company of Dalip Kaur untroubled; by fear of revenge from her husband whose hand was convulsed in death and whose tongue stilled for ever.

14. To add insult to injury the Maharaja having turned a deaf ear to all representation on your petitioner's behalf, in March 1929 S. Hazura Singh Dhillon sent a messenger to Gujarkhan informing the relative of your petitioner that he (Nanak Singh) had committed some more criminal acts and for that reason his

release had become impossible. Your petitioner is quite sure that his fresh development has been manouvred to keep him in jail for ever. Sardar Jai Singh your petitioner's uncle sent a registered letter in reply to Sardar Hazura Singh and a telegram was also sent to His Highness as under :

“Informed Nanak Singh being cruelly treated in Jail, can't tolerate further mal-treatment, pray removal of such undue harshness, if any mishap occuring all responsibility yours.”

15. Being afraid of the exposure of the facts of the case and the consequent risk to his own position, the Maharaja has now refused to release your petitioner and when your petitioner's relatives make any complaint they are threatened with vengeance on your petitioner and he is cruelly treated in the Jail. Your petitioner's life is now in grave danger and unless some step is immediately taken to protect him, he might be killed in Jail. Besides personal evidence your petitioner has got documentary evidence to prove that the murder of Lal Singh was the direct result of the plans of His Highness and Sir Daya Kishen Kaul. Your petitioner can produce all this as soon as your petitioner is removed to some British jail and given an assurance that he could no more be sent back to Patiala. If after an independent enquiry or re-trial your petitioner is proved to be guilty, he is prepared to undergo any punishment and pay any penalty for it.

16. It is possible that when this petition reaches your Excellency, the Maharaja might try to produce some forged confessions or other so-called admissions by your petitioner or even some letter contradicting the statements made above. Your Excellency, your petitioner most humbly prays that no such confession or admission or contradictory statement should be considered as coming voluntarily from your petitioner.

17. In conclusion being impelled after lapse of eleven years by sheer desperation and by the courage borne of a sense of truth and justice in my case, I approach Your Excellency to redress a

grievous wrong even though the wrong-doer be no less a person than His Highness the Maharaja Dhiraj of Patiala, and once more uphold the lofty traditions of British justice between man and man and order institution of an independent inquiry when your petitioner can assure Your Excellency all necessary papers, on proper condition being secured, will be forthcoming to prove his innocence and the guilt of the Maharaja, not to speak of the heroine of the tragedy Dalip Kaur and their henchman Sir Daya Kishan Kaul. Justice demands prompt and proper enquiry and on Your Excellency, as the representative of His Majesty the King of England as the final upholder of truth and justice, lies the responsibility to secure justice even to the meanest individual under your paramount sway even if he be a subject of a Native State. Your petitioner is confident that Your Excellency will not for moment be deterred from the straight path of duty by any sentiments of avoiding the odium of Patiala Government or its Ruler who loudly boasts that he can do what he likes being in favour with the British Raj and officials.

I beg to subscribe myself,  
Your Excellency's humble and obedient servant,

(Sd.) TEJ KAUR,  
WIFE OF SARDAR NANAK SINGH,  
*Formerly Superintendent of Police,*  
and Incharge C. I. D.,  
PATIALA STATE.



5. Draft of divorce-deed in the hand-writing of Sir Kishen Kaul, Ex. 38 D.
6. Two letters of Sir Kishen Kaul, Ex. 38 E & F.
7. Two letters of Sardar Sunder Singh Majithia, Ex. 38 G & H.
8. Letters of Gurnam Singh, the father-in-law of the Maharaja, Ex. 38 I.

( For these see Appendix F )



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( For these see Appendix F )

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**COUNT TWO : SETTING UP AND MAINTENANCE OF  
A BOMB FACTORY IN THE FORT OF BAHADUR-  
GADH IN THE PATIALA STATE**

**Evidence in Support**

- (1) *Dr. Bakshis Singh's Statement Ex. 36.*
  - (2) *Dr. Bakshis Singh's affidavit Ex. 36 A.*
  - (3) *Sardar Partap Singh's Statement Ex. 35.*
  - (4) *Bhai Ram Singh's Statement Ex. 42.*
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**1. Dr. Bakshis Singh's Statement Ex. 36.**

I, Sardar Bakshish Singh s/o Sahib Singh of Shahzadpur Tehsil Khard, District Amballa, aged 35 years states as under :

1. The true and full story of my part in Patiala affairs is as under :

when I was under the thumb of Patiala I have made some statements before Rai Sahab Bhagwan Dass, the Superintendent of C. I. D., Government of India. They were all made at the instance of Maharaja Patiala and his then Prime Minister Sir Daya Kishen Kaul. They are not true.

2. The first true statement that I made was before Nand Singh, Inspector C. I. D. Punjab, in Nabha. After that I made one before Abdul Aziz at Jullunder, then before Mr. Ice Monger, I. G. P., III. D., Punjab, then to S. G. P. C. at Amritsar. I have also made one affidavit before an Honorary Magistrate at Dehradun. I have also given my statement to Messrs Mardy Jones and Saklatwala, Members of Parliament, when they came to India. I have made one statement to Mr. Nariman of Bombay also.

3. In all the above statements made by me after I got out from Nabha prison, there may be slips here and there; but all of

them are correct in substance. But I wish to point out that at the end of all the above statements, I have always stated that I am holding back certain things, because otherwise my life would be in danger. Herein too I do keep back certain things which fact may please be noted.

4. With the qualifications mentioned above I give herein a full and connected account of my part in the Patiala Affairs.

5. My family have been living in Shajahanpur from ancestral times. We have got our landed property there. From my young age I was working with a doctor who taught me medicines. So, I too began to work as a private medical practitioner. Of course I am not a qualified doctor, nor do I know English. Reputation of myself and my family in my village and round about has been always high, both among officials and non-officials. Except my part in the Patiala affairs which I am stating herein and my share in Akali agitation of those days, for which a case was started against me by the Government, there has never been any criminal case against me. I was living the life of respectable citizen.

6. My story begins from the year 1922. In the month of January of that year one Bijla Singh and his wife were holding Diwans in my part of the Province. They were programmed to be in the village of Barwala-Batod on a certain day when they were to address a public meeting convened by the Congress Committee. I had gone there to attend that meeting.

7. It so happened that while coming to the place of meeting they passed by the Thana of Mubarakpur. Here the Thanedar abruptly besieged the party by the help of his two policemen. But Bijla Singh bolted. Thanedar, however, took his wife under his custody. Mr. Jiram, Secretary of the Congress Committee was accompanying the party. In spite of his arrest Mr. Jiram managed to bring the wife of Bijla Singh to the meeting place. This became possible probably because the Thanedar was not in possession of regular warrants then.

8. The woman came in the meeting under the Police guard. She addressed the meeting and related the story how her husband

had absconded and how helpless she had been. I was in the meeting, I heard her address. One Kuka Namdhari then stood up. He said among other things: 'Once there was a time when Sikhs could rescue sixteen thousand Hindu women from the clutches of Muslims, but today we are incapable of rescuing even one woman who has been reduced to helplessness in our midst.' I heard this all and was touched.

9. I thought out a plan to her rescue. I went near her and whispered in her ears my plan. She consented. So I took out my mare which was the best animal in the District to the Bank of a river which is flowing by that village. The woman came near me under the pretext of going to ease herself. I picked her up, seated her behind my back, tied her with my breast and started off. I showed myself to the Police and declared to them that I was rescuing the woman and they may do their best to capture us. So saying I left. None came behind us. I took her to a place about 25 to 30 miles distant where Bijla Singh had gone and handed his wife to him. He was addressing a Diwan at the time when I reached there. They all congratulated me for my chivalry.

10. There was one incident in my rescue journey with Bijla Singh's wife. While we were crossing the river Ghaggar in deep waters the woman accidentally fell down in the river and began to be dragged with the floods, and was about to be drowned. I jumped down, went behind her and brought her back. She had lost her senses. I got her warmed in fields nearby and handed her safe to her husband.

11. A few days after this I addressed the people in the Railway compound of Dhulkota in the presence of Mr. King, the Special Magistrate at Amballa. For that a Criminal case was started against me in the Amballa District. Warrant of arrest was issued against me but I did not appear. My property was therefore attached by the Government. I was then staying in Faridkote territory and was practising medicine there and round about. Thus I stayed there for about 10 months or so.

So far as my rescue of the woman is concerned nothing was done to me, probably because there was no warrant for the woman and she was arrested unlawfully.

12. Then I had an occasion to meet Bijla Singh and his party. He and his party had got into the confidence of Maharaja of Patiala through one Ram Singh Dhariwalia. They told me that Maharaja and Diwan would help me in getting my property back because they thought very highly of my bravery. They then took me to the Dewan sir Daya Kishan Kaul who talked to me very sweetly and told me that I won't be required to beg pardon and that my property would be restored. Diwan said that D. C. Amballa was his friend and he would use all his influence to help me. I did not know then what was in their view. and why they promised me all that. They asked me to bring my family to Patiala; which I did and we were all accommodated in the Fort of Bahadurgarh. Bijla Singh and his party were also there.

13. After that I was introduced to the Maharaja by Sir Kishan Kaul. Sir Daya Kishan had asked me to concur in what the Maharaja may say. So, when Maharaja said to me that my services are required and I would get handsome recognition I concurred; but I had no idea there of what I had to do.

14. Then came the time. I was told that I had to take part in the affair of bomb making and had to make a statement to C. I. D. of the Government of India as I may be asked to do. Ram Singh was the man who first talked to me about the part I had to play and Diwan used to say to me that I had to do what Ram Singh asked me to do. He asked me to say that bombs were regularly made by Maharaja Nabha in his territory in the villages of Phul, Bheni, and Bharochor. Bombs were then sent to S. G. P. C. on horseback for Babar Akali Jatka. S. G. P. C. Wanted the same to be thrown on Prince of Wales and on Maharaja Patiala, when the Prince may go in the Patiala State territory. I had to say that my instructions were to anyhow throw some bombs in Patiala State territory, if for nothing else for a

merc purpose to defame Patiala, and I had to say these instructions I received through General Kala Singh of Nabha. I had also to state that I had instructions to go even as far as Bombay to throw Bombs on the Prince of Wales. I had to say that Nabha had paid three lacs of rupees for these purposes. Nabha had further taught bomb making to many Sikhs and for this purpose he was spending a lot of money. In brief I was asked to implicate Nabha and S. G. P. C. in this bombs affair.

15. I had never any idea of such a proposal. It shocked me. Sir Daya Kishan offered me the following as a recompense:-

Two Villages  
800 Bighas of land (free from revenue)  
Rs 3000/- in Cash.  
One Motor Car  
One Bungalow                      and  
Rs 500/- per month during my lifetime.

Even then I said no. I was not prepared to thus falsely implicate Nabha and S. G. P. C. Sir Daya Kishan was upset. For this he locked us all up in our residence. During our detention gentlemen mentioned below came to me at different times, and informed me that in case I did not fall in with them I should not expect to be alive.

1. Murabat Ali, (2) Two Sardars whose names I do not know, (3) Bijla Singh, and (4) Ram Singh.

I would quote one phrase that they used "Those who obey Maharaja, then he makes gold from dust : those who don't, go buried deep in dust." They pointed out to me that particularly after getting me in the mystery, Maharaja cannot allow me freedom. Either I had to take part in the affair or die. All the same, I was unrelenting.

16. I then consulted my wife Bibi Bichater Kaur. She said that we should not love our lives so much as to sacrifice the community and an innocent Maharaja. She quoted instances from the Sikh History and said that we should make sacrifice of us



all for the sake of Panth, but should never submit to these wicked designs. For herself she was prepared to face death and everything. I remember one thing in particular, that she said on this occasion:

She said: "Maharaja is giving this, that and all. Please ask him whether he is empowered to guarantee the time for which we can use all that. If he guarantees that also, we will obey."

17. But then I thought that we should not die without doing anything. We must do something so that Patiala be exposed and we can render service to Panth. So I thought out a plan as under:

- i. That I should prepare small notes to the following effects: "This Bomb is made in Bahadurgarh Fort at the instance of Maharaja Patiala and his Diwan dated ..... Sd. Bakshish Singh.

One such note I should manage to put in all bombs that may be made in Bahadurgarh.

- ii. That I should keep a diary detailing therein all the incidents and works of every day. My idea was that if at any time and at any place the bombs be found and examined, the truth may be known of itself; and when the same be compared with my diary the fact may receive confirmation.
- iii. That just in the beginning of the work I should warn to S. G. P. C. that this sort of thing was being done against them.

With all these things if it be proved that I was staying in Patiala in Bahadurgarh Fort then Patiala may be surely clapped. This was my plan and I proceeded to enforce the same.

18. Because I had accepted the proposal, I was given a Car No. 6026 and one driver named Desonda Singh used to drive it. I was also shown the Kothi that was to be given to me. It is situated near Station. I also began to receive Rs. 250/- P. M.

19. I then sent one letter to S. G. X. C. with one Lachman Singh the substance of which was as under:

"That a conspiracy is being hatched in Bahadurgarh Fort to get you and Nabha involved. I have had to take part in it of compulsion, but I give you this information, and that, I do that with a view that in future if I am so circumstanced as to say things other than true, you can use these notes for the exposure of the conspiracy."

I sent this note with one Lachman Singh. I don't know what S. G. P. C. did with these notes.

20. I now state how bombs were being made in the Fort of Bahadurgarh. Two Bengali youths were brought in the Fort of Bahadurgarh for this purpose. Their names were Raghbar Dayal and Bishumbhar Dass. I mean that they were known by these names there. They told me that they were told that bombs were required to be used against the Government, that was why they had come. They had brought some four or six bombs ready. They contained brass pieces. But such expert bombs were not necessary there. So Zinc bombs were asked to be made. These Bengalis made all bombs. I, Ram Singh, Bijla Singh, Maratab Ali, Sundar Singh and Jugat Singh helped them in the work. I used to go to the city for bringing materials. I used to purchase all materials from the shop of Dr. Nanak Chand at Patiala. I paid cash for all materials. I used to keep all materials in a room in my possession. Thus was all bomb work done in Bahadurgarh Fort Bomb Factory.

21. I used to insert identification notes in bombs as under :

When I went to the city to purchase materials I also brought small glass tubes. In these tubes I used to pack the notes as stated in para 17. For this purpose I used to go to the room during the night-time alone and I inserted the notes in that fashion. I have not mentioned these facts in my diary.

22. I used to write four diaries in all. This I did during the night. I had a separate room where I locked myself for

this purpose. All the incidents that happened during the day, I used to write in the diary giving in detail all talks with important persons, progress of the work of bomb making and the disposal of bombs. These diaries I used as under

1. I sent one to Colonel Minchen at Lahore by post from Ruped.
2. One to the Viceroy, Delhi by post from Ruped.
3. One to the S. G. P. C. with one Bishan Singh Kahar of the Village Rasalpur, District Amballa.
4. One I kept with myself in the Fort which I had concealed in one window. I think the Patiala people must have found out this diary.

23. I remember that in all about 1526 bombs were made, in the Fort of Bahadurgarh. They were disposed of as under :

- (1) Six big bombs, three of brass and three of zink were taken away by the Maharaja himself. Just in the beginning he had come to the Fort in the Company of Sir Daya Kishan Kaul and Sardar Kishan Singh in charge of Deorhi. Bijla Singh and Ram Singh were present. I myself packed the bombs in a box. Sardar Kishan Singh took the box and the three left the Fort. I don't know what happened of these bombs. This fact I have noted in my diary.
2. Following sets of bombs were buried in Nabha territory :
  - (a) 3 or 4 Bombs were buried in the village Phul.
  - (b) 3 or 4 in Behni.
  - (c) 3 or 4 in Bhulharresi.

All these bombs were taken away by Meher Singh, Pritam Singh and Harnam Singh. I was given a chart to show the actual place where these bombs were buried. This was done with a view that I may show the actual places to the C. I. D. saying that Nabha got the bombs buried in these places. That map I left in Bahadurgarh. I had got it copied in my diary. All these facts are stated in my diary with minute details.

3. Mehar Singh, Pritam Singh and Harnam Singh were taking away some bombs. I do not know how many they took away in that way and what they did of them.
4. Some I buried in the Fort of Bahadurgarh, with a view that at an opportune time I can show to the Government that all this had happened in Bahadurgarh. After I bolted from Patiala, Patiala knew about this burying of bombs. They therefore got many spots dug out and they might have found them out. Some might still be there. This I have mentioned in my diary.
5. When I left Patiala, there were some bombs still in stock. I do not know what has happened about them.

24. I was then told that Rai Saheb Bhagwan Dass Superintendent, C. I. D., was coming and I have to make a statement. The letter of pardon from the Viceroy was shown to me at that time by Sir Daya Kishan Kaul. I and my family were then taken to Ruped by Pritam Singh and Sham Singh. This was done to show that I was free in British India and whatever statement then I would make, would be under no fear or compulsion.

25. While we all came here, I asked my wife and children to go to my village and stay there. I said that I would take care of myself. But my wife refused. She would be my companion in all my troubles and woes. I could not bolt; because I had already committed myself to a lot of things and I had to be present to take my plans to end. So it was thought that I and my wife had an opportunity to bolt, but we did not.

26. As arranged, Ram Singh who had arrived there subsequently sent a wire to Rai Saheb Bhagwan Das, saying 'Bakhshish had come to Ruped to give evidence.' They replied by wire, to take me to Patiala. From there i. e. Ruped, I had posted my diaries to Viceroy and Col. Mincheon.

27. I came to Patiala with my wife. We were lodged in the State Guest House. Rai Saheb Bhagwan Dass and a European came to record my statement. On the first day, I gave some

statement. I got a little indisposed that day, and recording of further statement was stopped. The next day, Ram Singh told me that some Bishen Singh had handed one diary to C. I. D at Amritsar, saying that it was my diary. I said that it must be all wrong; I did not know Bishen Singh. That evening C. I. D. Officials began to record my statement further.

28. My wife then came to me and said that food was ready. She took me out and said that some one had given a note to her that everything was over, and that I should make arrangements to save myself. We also saw that military and Police had surrounded the guest house. My wife asked me to bolt. I first refused, but she pressed me hard to go and I consented. She took all my dress and dressed herself in that dress of mine and began to stroll in the verrandah reading a newspaper. I came out wearing a shirt and pant, with a dish, thus showing that I was merely a servant, who had come to give food to Sardar Saheb, meaning myself. Police asked me who I was. I said that I was a servant and S. Bakhshis Singh was strolling in the verrandah. They saw the figure of Sardar moving and so they allowed me to pass. I threw off my vessels and ran over towards the Railway line on the way to Nabha which was about 16 miles from Patiala. I thought I would go to Nabha and acquaint the Maharaja with all facts and would thus be able to expose the whole conspiracy.

29. On the second day of my statement, when my wife was calling me out, I said to Rai Saheb Bhagwan Dass that I was a British Indian subject and was then with my wife and children in an Indian State. I said that I did not know what would happen. I requested Rai Saheb Bhagwandass to take care of my wife and children if anything happened. Rai Saheb consoled me saying that I need not fear. They would speak to all concerned and would give all protection. There the matter had ended and thereafter I had bolted.

30. I reached Nabha and went to Prime Minister Gurudial Singh. I informed him why and how I had come etc., but I soon found that I had made a mistake in informing him correctly; so I