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VIRSA SINGH V. STATE OF PUNJAB

~ Niharika Uniyal

INTRODUCTION

The IRAC analysis of Virsa Singh v. State of Punjab examines a landmark judgment that clarified the distinction between culpable homicide and murder under Section 300 of the Indian Penal Code. The main issue was whether the fatal spear injury caused by the accused amounted to murder under Section 300, clause thirdly or merely culpable homicide not amounting to murder under Section 304.

The facts reveal that during a sudden encounter, a dispute arose between Virsa Singh and Khem Singh. In the heat of the moment, Virsa Singh thrust a spear into the victim's lower abdomen, causing a deep wound that led to protrusion of the intestines. Medical evidence confirmed that the injury was sufficient to cause death in the ordinary course of nature.

The Supreme Court held that murder under Section 300, thirdly, is established when: a bodily injury exists, its nature is proved, the accused intended to inflict that specific injury and the injury is sufficient to cause death in the ordinary course of nature. The judgment remains a foundational precedent influencing later cases and interpretations under the Bharatiya Nyaya Sanhita, 2023.

FACTS

COMMISSION OF THE OFFENCE.

1. the incident happened on 13th July, 1955 at about 8 p.m. at night. A dispute arose between the accused and Khem Singh (victim) during a chance meeting and the accused thrust a spear on the lower left side of Khem Singh's abdomen.
2. The doctor who examined Khem Singh found a 2 ½ -inch puncture wound on the left side of his abdomen and noted that three coils of his intestines were protruding from the wound
3. The victim died at around 5 p.m. the next day. The post-mortem revealed a 2½-inch abdominal wound that pierced the abdominal wall and damaged the intestines, causing infection. The doctor confirmed that the injury was sufficient to cause death in the ordinary course of nature.

LEGAL PROCEEDINGS

4. Virsa Singh was tried along with five others under Sections 149, 302, 324 and 323 IPC. Although all were initially convicted, the other five were later acquitted on appeal.
5. The trial court convicted Virsa Singh under Section 302, clause thirdly, holding that although he had no intention to kill, he intended to cause bodily injury that was fatal.
6. The Punjab high court upheld the conviction, stating that the injury was intentionally caused and was sufficient to cause death, while noting that the incident arose from a sudden encounter.
7. Virsa Singh appealed to the Supreme Court of India, which granted special leave to decide the exact nature of the offence committed.

ISSUE

1. *Whether the accused's fatal spear blow constitutes murder under Section 300(iii) or culpable homicide not amounting to murder under Section 304, IPC.*

RULE

SECTION 300: MURDER¹

The section lays down definition and the essentials for the offence of murder, with intention as its core element. It includes the intention to cause death, bodily injury likely to result in death, bodily injury sufficient in the ordinary course of nature to cause death and the commission of an imminently dangerous act. The presence of such intention should be proven beyond reasonable doubt by the prosecution.

SECTION 302: PUNISHMENT FOR MURDER.²

The section prescribes the punishment for murder and is to be read with section 300. According to the section, the offender will either be punished with death or life imprisonment and shall also be liable to pay a fine.

COMPARISION BETWEEN IPC, 1860 AND BNS, 2023

<i>Sections under IPC, 1860</i>	<i>Equivalent sections of BNS, 2023</i>
Section 300- Murder.	Section 101- Murder.
Section 302- Punishment for murder.	Section 103(1)- Punishment for murder.

¹ Indian Penal Code, § 300, No. 45 of 1860.

² Indian Penal Code, § 302, No. 45 of 1860.

ANALYSIS

ISSUE 1: Whether the accused's fatal spear blow constitutes murder under Section 300(iii) or culpable homicide not amounting to murder under Section 304, IPC.

The most important element required to establish murder is intention. In this case, the prosecution had to prove that Virsa Singh had the required intention under Section 300 of the IPC. The incident arose from a sudden dispute during a chance meeting, where Virsa Singh thrust a spear into Khem Singh's abdomen, causing a fatal injury that later resulted in his death.

To determine the offence committed, Section 300 IPC must be examined. Under Section 300, clause thirdly, an act amounts to murder if the accused intended to cause bodily injury and that injury is sufficient in the ordinary course of nature to cause death.

In *Willie Slaney Vs. The State of Madhya Pradesh*³, the court held that if there was no intention to kill, then in order to prove the accused guilty under Section 300, IPC, it is necessary to prove that-

- (1) the accused knew that the injury inflicted would be likely to cause death or
- (2) that it would be sufficient in the ordinary course of nature to cause death or
- (3) that the accused knew that the act must in all probability cause death.

If the case cannot be placed under any of the above elements and the act is only likely to cause death and there is absence of any special knowledge, the offence comes under the second part of section 304 of the Indian Penal Code.

Something similar was later laid down in *Virsa Singh V state of Punjab* as well, where the court laid down four essentials to prove murder under section 300, 3rdly of IPC. Namely

- First, it must establish, quite objectively, that a bodily injury is present.
- Secondly, the nature of the injury must be proved; These are purely objective investigations.
- Thirdly, it must be proved that there was an intention to inflict that particular bodily injury, that is to say, that it was not accidental or unintentional or that some other kind of injury was intended.

³ Willie Slaney Vs. The State of Madhya Pradesh, AIR 1956 SC 116.

- Fourthly, it must be proved that the injury of the type just described made up of the three elements set out above is sufficient to cause death in the ordinary course of nature.

Once these elements are proved, the accused can be convicted of murder even without proving an intention to kill.

In the present case, medical evidence clearly proved that the injury caused by Virsa Singh directly led to Khem Singh's death and was sufficient to cause death in the ordinary course of nature. The first, second and fourth requirements were easily established through medical reports. The main issue was proving the third requirement—whether Virsa Singh intended to inflict that specific injury.

In order to do this, it is important to look at the four essentials laid down by the court in Virsa Singh itself. In this case, while (1), (2), (4) are easy to prove based on the facts and the medical reports, it's most necessary to prove (3),⁴⁵ since it is the most subjective element.

The facts showed that the spear was thrust with great force, piercing the abdomen, damaging the intestines and causing severe internal injuries. There was no evidence suggesting the injury was accidental. Based on the seriousness of the wound, intention could reasonably be inferred. This reasoning was supported in *R v. Steane*⁶ and *Emperor v. Sardarkhan Jaridkhan*⁷, where courts held that intention may be inferred from the nature of the act and injury.

Therefore, in this case, Virsa Singh's intention under section 300, 3rdly can be inferred based on his actions and the nature of the injury caused. The apex court also had the same reasoning. According to the court, *"No one has a licence to run around inflicting injuries that are sufficient to cause death in the ordinary course of nature and claim that they are not guilty of murder. If they inflict injuries of that kind, they must face the consequences; and they can only escape if it can be shown or reasonably deduced that the injury was accidental or otherwise unintentional."* Hence, Virsa Singh was rightly convicted for murder under section 300, 3rdly.

The same reasoning has been used in many other subsequent cases as well like,

⁴ K.D. Gaur, *Textbook on Bharatiya Nyaya Sanhita*, 2023 p-525, (LexisNexus, 2024).

⁵ Victor V Ramraj, *Murder without Intention to Kill* p-561, (Singapore Journal of Legal Studies, 2000)

⁶ *R v. Steane* (1947) 1 All E.R. 813, 816.

⁷ *Emperor v. Sardarkhan Jaridkhan*, 1917 INSC 624.

- *State of A.P. v. Rayavarapu Punnayya* reaffirmed that in order to prove murder under section 300, 3rdly, the essentials laid down by *Virsa Singh* should be proved.⁸
- *Rajwant Singh v. State of Kerala* held that if the injury is very severe and sufficient to cause death, then the accused can be held for murder.⁹
- *Kesar Singh v. State of Haryana* reaffirmed that intention to inflict the injury suffices, even without intention to cause death.¹⁰
- *State of Karnataka v. Vedanayagam* emphasized that once it's proved that injury caused was sufficient to cause death in ordinary course of nature, intention can be inferred.¹¹

CONCLUSION

The present case lays down the important essentials required to prove whether an accused is liable under section 300, IPC. If the prosecution is unable to prove these, the accused can be held liable under Section 304. In this case, Supreme Court correctly and conclusively held that the intentional infliction of a fatal injury, sufficient in the ordinary course of nature to cause death, constitutes murder under Section 300, 3rdly of the IPC. The Court distinguished between the intention to kill and the intention to cause a particular injury, holding that the latter is enough when the injury is fatal. In this case, although the act arose from a sudden dispute, the deliberate spear thrust at a vital part of the body proved the necessary intention.

The judgment remains a cornerstone in the interpretation of homicide offences, providing the necessary essentials to distinguish murder from culpable homicide. It affirmed that intention must be established beyond reasonable doubt but can be inferred from the nature and severity of the injury. Subsequent cases have also reaffirmed the reasonings held in *Virsa Singh*, hence proving the importance of the judgement in criminal law.

⁸ State of A.P. v. Rayavarapu Punnayya, AIR 1977 SC 45.

⁹ Rajwant Singh v. State of Kerala, AIR 1966 SC 1874.

¹⁰ Kesar Singh v. State of Haryana, 2008 INSC 541.

¹¹ State of Karnataka v. Vedanayagam, 1994 INSC 624.