

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRA AD-110 of 2015

Date of Decision: December 21, 2015

Kuldeep Singh	Versus	Appellant
State of Punjab and others		 Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE GURMIT RAM**

Present : Mr. Shashank Bhandari, Advocate for
Mr. Ranjan Lakhanpal, Advocate
for the appellant.

T.P.S.MANN, J.

Respondents No. 2 and 3, namely, Gurpreet Singh and Ranpreet Singh, sons of Darshan Singh were tried for committing offence punishable under Section 302 IPC on the allegations that on 8.8.2014, complainant Gurnam Singh came across Inspector Dharam Pal and his police party at T-point Bhago Majra and got recorded his statement that he was resident of Malikpur and serving in Thermal Plant, Ghanauli on private basis. He was having daughter Gurpreet Kaur and son Parminder Singh. His daughter Gurpreet Kaur was married to accused Gurpreet Singh in the month of January, 2009 and blessed with two sons. She had been telling the complainant that she was being maltreated by her husband who was addicted to intoxicants. An attempt was made to make him understand not to indulge in the intoxicants but he did not stop. The family members

of Gurpreet Singh supported him. Whenever, the complainant's daughter found intoxicant capsules and tablets with her husband, she would disclose about the same to her mother-in-law and father-in-law but they would beat her. The matter was, however, compromised with the intervention of the respectables. On 8.8.2014 at about 9.45 a.m., the complainant received a call from his daughter that she had found intoxicant capsules in the possession of her husband and because of the same, she was beaten by her husband Gurpreet Singh, mother-in-law Dharamjit Kaur, father-in-law Darshan Singh and brother-in-law Ranpreet Singh. She further stated that they would kill her. On this, the complainant along with Parduman Singh reached the village of the accused where they were told that his daughter had been taken to Parmar Hospital, Rupnagar. When they reached the said hospital, they found Gurpreet Kaur semi-conscious and was being shifted to P.G.I. Chandigarh in an ambulance. On the way, his daughter disclosed to him that she was beaten up by the accused. She reached P.G.I. Chandigarh but passed away during her treatment. The complainant suspected that his daughter had been administered some poisonous substance by her husband, father-in-law, mother-in-law and brother-in-law. Accordingly, case was registered under Sections 302/120-B IPC.

Further case of the prosecution is that during

investigation of the case, father-in-law, mother-in-law and sister-in-law of the deceased and Harinder Singh were found innocent and challan was presented only against respondents No. 2 and 3.

Having heard learned counsel for appellant Kuldeep Singh, this Court is of the considered view that complainant Gurnam Singh, who appeared before the trial Court as PW1, PW4 Karamjit Kaur @ Kamaljit Kaur, the mother of the deceased and PW2 Parduman Singh, who had allegedly accompanied the complainant to the house of the accused on 8.8.2014 and in whose presence the deceased had made oral dying declaration, did not support the prosecution case. They were declared hostile and when confronted with their statements given before the police, they claimed that their signatures were taken on blank papers. Once the star witnesses of the prosecution have failed to support the prosecution case, it cannot be said that two accused, namely, Gurpreet Singh and Ranpreet Singh were liable for committing offence punishable under Section 302 IPC.

Proviso to Section 372 of the Code of Criminal Procedure gives right of appeal to the 'victim' against any order passed by the Court acquitting the accused. 'Victim' is defined under Section 2(wa) Cr.P.C. to mean a person who has suffered any loss or injury caused by reason of the act or omission, for

which, the accused person has been charged and the expression 'victim' includes his or her guardian or legal heir.

In the present case, appellant Kuldeep Singh is not related to deceased Gurpreet Kaur as her guardian or legal heir. He cannot be said to be a person who has suffered any loss or injury caused by reason of the act or omission of the accused in allegedly committing the murder of the deceased. He is resident of village Bhago Majra, falling under Police Station Kurali whereas the crime was said to have been committed in village Bheora, falling under Police Station Singh Bhagwantpur. Complainant Gurnam Singh, who happened to be the father of deceased Gurpreet Kaur is resident of village Malikpur, falling under Police Station Sadar Rupnagar. Therefore, by no stretch of imagination it can be said that the appellant is a victim. The plea of the appellant that anyone can file an appeal against the acquittal of the accused, even if he does not strictly fall within the definition of 'victim' is too far fetched and cannot be accepted as such. The law has given right to only a 'victim' which term is duly defined under Section 2(wa) Cr.P.C. Only a victim can file an appeal and not a third person. He may be having any personal reasons to challenge the acquittal of the accused but that would not make him fall within the definition of victim and, thus, not entitled to file the present appeal.

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In view of the above, the appeal is without any merit
and, accordingly, dismissed.

**(T.P.S. MANN)
JUDGE**

**December 21, 2015
amit rana**

**(GURMIT RAM)
JUDGE**