

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

Crl. Appeal D-1066-DB of 2014
Date of Decision : March 26, 2015

Chhinder Pal Kaur

.....Appellant

VERSUS

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN**

Present : Mr. H.S.Jugait, Advocate

T.P.S. MANN, J.

The appellant, who is daughter of deceased Hardev Kaur and sister of deceased Jaspal Singh, Darshan Singh and Hardeep Singh and, thus, a “victim” as defined under Section 2 (wa) of the Code of Criminal Procedure, has preferred the present appeal for challenging the judgment dated 3.2.2014 passed by the Additional Sessions Judge, Sirsa whereby respondents No.2 to 4 were acquitted of the charges under Sections 302/120-B IPC.

The case of the prosecution, in nutshell, is that on the intervening night of 30.9.2010 and 1.10.2010, Jaspal Singh, Darshan Singh, Hardeep Singh and their mother Hardev Kaur were done to death when they were sleeping in the courtyard of their house. There were bluish marks on the neck of all the four deceased and it appeared that either some poison had been administered to them or

they were strangled. The cause of death was later on found to be asphyxia as a result of throttling.

Having heard learned counsel for the appellant and on going through the impugned judgment of acquittal, this Court finds that in order to establish the guilt of respondents No.2 to 4, the prosecution relied upon the testimonies of Malkiat Singh, Harbans Singh and Gian Singh. PW2 Malkiat Singh testified that Jaspal Singh, Hardeep Singh, Darshan Singh and Hardev Kaur were murdered and their dead bodies subjected to post-mortem. However, when the dead bodies were transported from the mortuary to the village, he did not notice any ink mark on the fingers and thumbs of the dead bodies. He also did not suspect the involvement of respondents No.2 to 4 in the commission of the murder. PW3 Harbans Singh testified that on 30.9.2010, the four deceased went to sleep in the courtyard of their house. On the next morning, he learnt about the murders. PW4 Gian Singh, who was to depose regarding the extra judicial confession said to have been made by respondent-Uggar Singh regarding his involvement and that of his father Surjit Singh and the maternal uncle of Amarjit Singh in committing the murder of four persons, deposed that Uggar Singh never disclosed any such fact. Apart from them, the prosecution also examined PW1 Sunil Kumar to prove that he had sold blank papers and ink pad to Randhir Singh and Balwinder Singh-accused but in his testimony before the trial Court, he stated that the aforesaid accused never

purchased any article of stationery including paper and ink pad from him. It is clear from the above that none of the aforementioned four witnesses of the prosecution supported its case. They were got declared hostile and cross-examined by the Public Prosecutor. Despite the same, the prosecution could not elicit anything which could show that these witnesses had deposed falsely.

Apart from the aforementioned evidence, the prosecution had relied upon the testimonies of Jagtar Singh and Veerpal Kaur. As per the testimony of PW6 Jagtar Singh, Uggar Singh-respondent was under the influence of liquor at the time of cremation of the four deceased and, therefore, could not reach the cremation ground. However, on 12.7.2011, Uggar Singh was present at a liquor vend near the petrol pump and while under the influence of liquor, he was uttering loudly that the house of his uncle Saudagar Singh had been ruined and nobody could harm him. Similarly, PW7 Veerpal Kaur testified that on 1.10.2010, Uggar Singh-accused did not attend the cremation but under the influence of liquor, he was raising *lalkaras*. She also testified that on 12.7.2011, Jagtar Singh PW had told her about accused-Uggar Singh uttering loudly at a liquor vend near the petrol pump of having killed the four persons and no one could harm him. Further, at about 8.00 p.m., on the same day, accused-Surjeet Singh pulled up accused-Uggar Singh as to why he had uttered loudly about killing of the four persons as his said act might entangle them in a murder case. It may be worthwhile to mention here that

PW7 Jagtar Singh is none else but the husband of appellant-Chhinder Pal Kaur whereas PW7 Veerpal Kaur is the sister of the appellant. It cannot be believed that Uggar Singh-accused would have stated in their presence of having killed the above mentioned persons. Moreover, the so-called extra judicial confession was made after more than nine months of the occurrence.

For the aforementioned reasons, no fault can be found with the impugned judgment passed by the trial Court in so far acquitting respondents No.2 to 4 of the charges against them.

The appeal is without any merit and, therefore, dismissed.

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

**(MAHAVIR S. CHAUHAN)
JUDGE**

March 26, 2015
ajay-1

CRM 20089 of 2014 in
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Chhinder Pal Kaur Vs. State of Haryana and others

Present : Mr. H.S.Jugait, Advocate
for the applicant.

Heard. Sufficient cause has been shown for condoning the delay in filing of the appeal. The application is, therefore, accepted and the delay of 26 days in filing of the appeal is condoned.

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

March 26, 2015
ajay-1