

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

Crl. Appeal D-30-DB of 2015
Date of Decision : February 24, 2015

Bahadur Singh

.....Appellant

VERSUS

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE DR. SHEKHER DHAWAN**

Present : Mr. D.S.Gurna, Advocate
for the appellant.

T.P.S. MANN, J.

The appellant, who is father of deceased-Gurjit Kaur, has filed the present appeal for challenging the judgment dated 27.10.2014 passed by the Sessions Judge, Barnala whereby respondents No.2 to 4 stand acquitted of the charges under Sections 302/201/34 IPC.

The case of the prosecution in nutshell is that Gurjit Kaur, daughter of the appellant, had married respondent-Umanpreet Singh @ Laddi as per her own will about a year earlier to her murder and had been residing with Umanpreet Singh @ Laddi as his wife. On 8.6.2014 at about 10.00 a.m., Chamkaur Singh, brother of the appellant, learnt that Gurjit Kaur had been

murdered by her husband Umanpreet Singh @ Laddi, father-in-law Baljinder Singh and mother-in-law Jaspreet Kaur besides an uncle of Umanpreet Singh @ Laddi during the night and her dead body cremated at 11.00 p.m. in order to destroy the evidence and even immersed the ashes of Gurjit Kaur in the canal. According to Chamkaur Singh, the in-laws of his niece Gurjit Kaur used to quarrel with her and in conspiracy with each other had murdered Gurjit Kaur and caused disappearance of the evidence by cremating her dead body besides immersing her ashes in the canal. On the basis of statement made by Chamkaur Singh, brother of the appellant, FIR No. 48 dated 8.6.2014 under Sections 302/201/34 IPC was registered against respondents No.2 to 4 at Police Station Tallewal.

Further case of the prosecution is that during the investigation, the accused were arrested, statements of the witnesses recorded and after completion of the investigation, challan was presented in the Court. Subsequently, the case was committed to the Court of Sessions where respondents No.2 to 4 were charged for the offences, as mentioned above.

During the trial of the case, the prosecution examined PW1 Chamkaur Singh-complainant, PW2 Ranjit Singh, PW3 Shamsheer Singh, PW4 Baldev Singh and PW5 Pargat Singh. All these witnesses did not support the case of the prosecution and

were declared hostile. Even during their cross-examination by the learned Public Prosecutor, no material could be brought on record to connect respondents No.2 to 4 with the commission of the crime. Resultantly, the trial Court even dispensed with recording of statements of respondents No.2 to 4 under Section 313 Cr.P.C. as there were no incriminating circumstances appearing in the prosecution evidence against them. The trial Court then went on to acquit respondents No.2 to 4 of the charges against them.

Learned counsel for the appellant has submitted that the matter was investigated by the police in a partial manner. Though the case was heinous yet the police did not seek police remand of accused Umanpreet Singh @ Laddi. It is also submitted that during the investigation of the case, Daljit Singh, who was the unnamed uncle of respondent-Umanpreet Singh @ Laddi was declared innocent. Further, recovery of Soti was got effected by respondent-Umanpreet Singh @ Laddi. One Maruti car used in the crime was also recovered. After the completion of the investigation and presentation of challan followed by commitment of the case and framing of the charges, the trial was conducted in a sham manner as all the witnesses were shown to have resiled. The impugned judgment of acquittal passed by the trial Court on the day when the prosecution witnesses were examined, who did not support the case of the prosecution, is

totally a cryptic one. The trial Court was under a duty to search for the truth but no such steps were taken and, therefore, the impugned judgment is unsustainable.

Having heard learned counsel for the appellant, this Court finds that respondent-Umanpreet Singh @ Laddi was arrested by the police on 11.6.2014 and produced before the Illaqa Magistrate on 12.6.2014. As respondent-Umanpreet Singh @ Laddi had been duly subjected to interrogation, the police found it appropriate to seek his judicial remand which was granted. Therefore, it cannot be said that respondent-Umanpreet Singh @ Laddi had not been subjected to thorough interrogation.

As regards, Daljit Singh, uncle of respondent-Umanpreet Singh @ Laddi, being found innocent during the investigation of the case, no steps seem to have been taken by the appellant or his brother Chamkaur Singh to establish his involvement in the crime either by filing a criminal complaint against him or challenging the action of the police by filing appropriate petition before the High Court. Similarly, recovery of Soti and Maruti car do not establish the commission of crime by respondents No.2 to 4.

In his testimony before the trial Court as PW1, Chamkaur Singh, brother of the appellant and uncle of deceased Gurjit Kaur, did not support the prosecution case. Rather he stated

that Gurjit Kaur used to live in her matrimonial home and the accused had been properly behaving with her. During his cross-examination by the defence counsel, he testified that Gurjit Kaur died a natural death and she was cremated in his presence and also of all other relatives. He further stated that there was no foul play in her death. It is a matter of fact that PW1 Chamkaur Singh did not support the prosecution case and he was declared hostile and subjected to cross-examination by the learned Public Prosecutor. During such cross-examination, the witness denied making statement to the police. He admitted his signatures appearing therein but testified that the same were obtained by the police on blank papers. Similarly, PW2 Ranjit Singh, who is the son of the appellant and brother of deceased-Gurjit Kaur testified that he had not got recorded any statement to the police but the police had obtained his signatures on some blank papers. He was also got declared hostile and cross-examined by the learned Public Prosecutor. Despite the same, the prosecution could not bring on record any material to connect respondents No.2 to 4 with the alleged crime. PW3 Shamsheer Singh, PW4 Baldev Singh and PW5 Pargat Singh, who were also examined by the prosecution, did not support its case and were declared hostile. Finally, the Public Prosecutor made statement (Annexure A10) giving up Gurwinder Singh as having been won over by the accused.

Further, as there was no possibility for the improvement of the case and the remaining witnesses being formal in nature and if examined, no further progress was possible, the Public Prosecutor closed the prosecution evidence. The trial Court then proceeded to acquit the accused of the charges against them.

Since the incident but till the passing of the impugned judgment of acquittal, the appellant, who is father of Gurjit Kaur-deceased, did not make any hue and cry against respondents No.2 to 4 for being involved in the murder of his daughter Gurjit Kaur. Only when the trial Court had acquitted respondents No.2 to 4 of the charges against them that he has filed the present appeal. His plea that he was not projected as a prosecution witness in the case as he had been opposing the marriage of his daughter Gurjit Kaur with Umanpreet Singh @ Laddi is not enough which could keep him away from the investigation and subsequent trial of respondents No.2 to 4. The reasons as to why he has chosen to to now come out from his slumber and challenge the acquittal of respondents No.2 to 4 are well known to him. Moreover, it cannot be said that the investigation was conducted by the police in a partial manner or that the trial Court did not take any steps to unravel the truth.

Resultantly, no ground is made out for any interference in the impugned judgment passed by the trial Court whereby

respondents No.2 to 4 stand acquitted of the charges against them.

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

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

February 24, 2015
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**(SHEKHER DHAWAN)
JUDGE**