

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

**Criminal Appeal D-422-DB of 2015
Date of Decision: August 24, 2015**

Jagtar Singh

.....Appellant

Versus

State of Punjab and others

..... Respondents

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

Present : Mr. C.M.Munjal, Advocate
for the appellant.

T.P.S.MANN, J.

The appellant, who is the brother of deceased Paramjit Kaur and thus, a 'victim' as defined under Section 2 (wa) of the Code of Criminal Procedure has filed the present appeal for challenging the judgment dated 5.1.2015 passed by the Sessions Judge, Faridkot, whereby respondents No. 2 to 4 stand acquitted of the charges under Sections 302 and 201 read with Section 34 IPC.

According to the prosecution, deceased-Paramjit Kaur, aged about twenty eight years, was married to accused-Kala Singh and she had one son aged about eight years.

Paramjit Kaur used to be refrained by her father-in-law Niranjan Singh, mother-in-law Phinno Kaur and husband Kala Singh from having relations with her brother, i.e. the appellant and they never allowed her to visit him for a period of seven years. The deceased never visited the village of the appellant. However, the appellant had learnt from his relatives that his sister was being refrained by the accused from coming to his house. On the morning of 15.3.2013, the accused committed murder of his sister and without disclosing about the same to him, performed her last rites. When the appellant and his brother Balkar Singh went along with the Panchayat of their village to the in-laws house of his sister, none was present there. On learning that the accused had taken the dead body of his sister for cremation, the appellant also proceeded for the said place. The police officials also reached the cremation ground. As the dead body was being cremated, it was difficult to douse the fire. The accused had already fled from the cremation ground. The appellant claimed that the husband, father-in-law and mother-in-law of his sister had committed her murder and without informing him, had cremated her and resultantly destroyed the evidence.

After hearing learned counsel for the appellant and on going through the impugned judgment of acquittal, this Court finds that though according to the prosecution, the accused had

committed the murder of Paramjit Kaur yet the plea of the accused that Paramjit Kaur had died due to heart attack stands established from the report Ex.PX of the Forensic Science Laboratory, as per which, no metallic poison was detected in the contents of the parcels. Further, according to the testimonies of PW2 Jagtar Singh and PW3 Balkar Singh, they had learnt about the murder of Paramjit Kaur on 15.3.2013, but they could not narrate as to from whom they came to know about the accused having committed the murder of their sister Paramjit Kaur. No such person, who had accompanied the appellant and his brother to the house of the accused, has been examined and so also anyone from the neighbourhood of the accused. On the other hand, there is the testimony of PW1 Jaspal Singh, a *Granthi* of village Mani Singh Wala, who testified that on 15.3.2013, he had gone to the cremation ground and recited Kirtan Sohila and performed final prayers (Ardass) while performing last rites of Paramjit Kaur. He went on state that the accused alongwith a number of persons were present in the cremation ground. Therefore, it cannot be held that the cremation was conducted in a hurried manner.

According to the appellant and his brother, the accused had not been allowing their sister to meet them. Further, their sister had not come to their house for the last seven years.

During his examination under Section 313 Cr.P.C., accused-Kala Singh had stated that the complainant party was not on visiting terms with the accused for the last eight years. The deceased had submitted writing Mark-A dated 12.1.2006 against her father Angrej Singh and other family members and subsequently due to the intervention of the Panchayat, the matter was compromised under which Angrej Singh or his family members were not to come to the house of Paramjit Kaur. It has also come on the record that the marriage of Paramjit Kaur with accused-Kala Singh was not to the liking of her parents, who wanted her to divorce accused-Kala Singh and they would re-marry her to some one else.

In view of the above, no case is made out for any interference in the impugned judgment of acquittal.

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

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

August 24, 2015
amit rana

**(GURMIT RAM)
JUDGE**