

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

CWP No.25567 of 2014 (O&M)

Date of decision: July 23, 2015

Baljit Singh Nayak

...Petitioner

Versus

State of Haryana and others

...Respondents

**Coram: Hon'ble Mr. Justice Satish Kumar Mittal
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present: Mr.Kanishk Lakhanpal, Advocate
for the petitioner.

Ms. Kirti Singh, Deputy Advocate
General, Haryana.

HARINDER SINGH SIDHU, J.

By filing this petition, the petitioner has sought a direction to the respondents to take appropriate action regarding the alleged incident of killing of Simran a young girl of about 17 years on 4.11.2014 by her own parents. He has prayed that the matter be got inquired into through an independent agency as the local police is conniving with the accused.

The petitioner claims to be a social worker and a resident of the same village as that of the deceased.

The case pleaded in the petition is that the deceased, a resident of Nayak Mohalla of Kalayat, District Kaithal was taking coaching of SSC from a coaching centre. She was allegedly having an affair with some boy in the same coaching Centre. Her parents

after becoming aware of the same resorted to the brutal step of killing her by strangulation. The whole village supported the said act as according to Khap Panchayat in many places in Haryana, it is deemed to be a killing for 'honour'. Though according to the parents of the deceased, she died due to electrocution at about 4.00 pm when she was ironing clothes, but the claim cannot be accepted. There are glaring suspicious circumstances surrounding her death. She was cremated at about 4.30 pm in great haste. Her ashes were picked up at around 8.00 pm, the same day which is normally done only after two days. Neither the post-mortem examination was got conducted nor the police was informed about the death of Simran. All this was done so that there is no trace left of the offence.

It is further pleaded that one Surinder Kumar of the same village when going home after his day's work noticed the body being cremated. When he went to the cremation ground he was informed in confidence by two persons present there that Simran has been killed. At this, Surinder Kumar told the people present there that he would lodge a complaint with the police. On this, most of the people present there joined in beating him, but he managed to escape with the help of some of those present. The next day Surinder Kumar met the petitioner and narrated the entire incident to him, whereafter, they sent complaints to the authorities to take action into the unnatural death of Simran. Instead of taking action on their complaints, a false case was registered against Surinder Kumar that he had dishonoured the corpse and he was arrested.

Upon notice, Superintendent of Police, Kaithal has filed reply stating that earlier Surinder Kumar had also filed CRM-M No.39767 of 2014 regarding the same incident, which was dismissed on 20.11.2014 with the observations that no particulars whatsoever had been put forth which could form the basis of the apprehension of the petitioner therein that Simran had been killed by her parents. It was observed that merely because Simran had been cremated a few hours after her alleged death would not be sufficient to accept the plea that she had been killed by her parents. The Court held that it appears that as the petitioner had some dispute with the family members or relatives of Simran during cremation proceedings, the present petition has been filed with an intent to subserve some ulterior object.

Further, it is stated that on the date of incident, at about 8.30 pm, Kamal cousin of Simran, and one neighbor Sanju went to the cremation ground to see the pyre, where they saw that Surinder Kumar had removed the skull of Simran from the pyre and moving around the pyre. In this regard, case bearing FIR No.176 dated 5.11.2014 under Sections 295-A, 297 IPC was registered at Police Station Kalayat against Surinder Kumar for offering indignity to the corpse of Simran.

Regarding the investigation into the alleged killing of Simran, it is stated that the complaints made by the petitioner and Surinder Kumar were got enquired into from the Deputy Superintendent of Police (Hq.), Kaithal, who submitted his report

dated 11.02.2015 (Annexure R-2) wherein it was concluded that there is no truth in the allegations. As per this report on 4.11.2014, Simran d/o Surinder Kumar Dhiman was ironing the clothes with electric iron at her residence when she suffered electric shock and died due to it. She was cremated by the family members and respectable persons of the society at 4.30 pm on the same day. The haste in the cremation was attributed to the fact that the people in this part of the State do not want to keep the dead body after death for long time. No substance was found in the complaints.

We are not satisfied with the enquiry conducted in the matter so far. It is a fact that no post mortem was conducted. Also no inquest was conducted under Section 174 Cr.P.C. which is mandatory in case of unnatural death.

Keeping in view the nature of allegations and the fact that that no post mortem or inquest was got conducted and that the circumstances of the unnatural death have to be explained, we feel that the matter needs a thorough and independent investigation to find out the truth about the death of Simran. Accordingly, we direct the respondent-State that the matter be got investigated by an experienced officer under the supervision of the Senior Superintendent of Police, Kaithal.

The petition stands disposed of accordingly.

(SATISH KUMAR MITTAL) (HARINDER SINGH SIDHU)
JUDGE JUDGE

July 23, 2015
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“No reasons whatsoever are forthcoming which can form basis of apprehension of the petitioner that Simran has been killed by her parents. He has not disclosed the names of the persons who had told him that Simran was killed. There is no material on record suggestive of the fact that parents of Simran had any reason whatsoever to kill their daughter. The mere fact that Simran was cremated few hours after her alleged death at 4.00 pm is not at all sufficient to accept plea of the petitioner that Simran was killed by her parents or the present case depicts picture of honour killing warranting intervention by this Court in exercise of inherent jurisdiction. It further appears to the Court that as the petitioner had some dispute with the family members or relatives of Simran during cremation proceedings, the present petition has been filed with an intent to subserve some ulterior object.

Learned counsel for the petitioner has urged that all the circumstances lead to the intention of the parents in connivance with other villagers to quickly get rid of the body of Simran. Not only her body was cremated within hours of death, but even the ashes were picked up within hours of burning the body. It is stated that normally, it is after two days of cremation that the ashes are picked up, but all this was done in hushed up manner so as to remove all type of evidence of the brutal act of murdering an innocent girl. One neighbor of Simran, namely Surinder raised his voice during the

cremation of Simran and demanded enquiry into the death of Simran. Instead of listening to him, the villagers in connivance with the parents of the deceased assaulted him and a false case was lodged against him for unnatural religious activities.