

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

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**CRM No. 6283 of 2016 in/and  
CRA-AD-77 of 2015  
Date of decision : 18.3.2016**

**Nasib Kaur**

**...Applicant-Appellant**

**v.**

**State of Punjab and others**

**.....Respondents**

**CORAM : HON'BLE MR. JUSTICE T.P.S. MANN  
HON'BLE MR. JUSTICE RAMENDRA JAIN**

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters?
3. Whether the judgment should be reported in the Digest?

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Present : Mr. Arun Singla, Advocate  
for the applicant-appellant

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**RAMENDRA JAIN, J.**

In the instant application filed under Section 378(3) CR.P.C., the complainant is seeking leave to file appeal against judgment dated 31.8.2015 acquitting respondents No.2 and 3 under Sections 302/34 IPC.

Briefly stated, deceased Charanjit Singh after the death of his first wife had performed his second marriage with respondent No.2. He died on 10.2.2014 due to electrocution after administering some intoxicant. Post mortem on the dead body was conducted in Rajindra Hospital, Patiala on the next day. The applicant-complainant being mother of deceased Charanjit Singh

made a statement to the police on 6.3.2015 that her son was murdered by respondents No.2 and 3 in conspiracy with each other as they were having illicit relations. She further stated that her deceased son has come to know about their said relations and had forbid his wife-respondent No.2 from indulging in such illegal activities but she did not mend.

On the above statement of the applicant-complainant, FIR was registered. Criminal law set into motion. Both the respondents were arrested and interrogated. They suffered their respective disclosure statements. After completion of investigation, final report under Section 173 Cr.P.C. was presented before the Illaqua Magistrate, who after complying with the provisions of Section 207 Cr.P.C., committed the case to the Courts of Sessions.

The learned trial Court charge sheeted the private respondents under Section 302 read with Section 34 IPC. The prosecution in support of its case, examined as many as 11 witnesses.

Statements of private respondents were recorded under Section 313 Cr.P.C. putting entire incriminating evidence on record against them, to which they pleaded their false implication. Respondent No.2 also tendered into evidence document Ex.D4.

In defence, respondent No.2 took the stand that her husband had expired due to accidental electrocution while repairing the electricity line. Qua mobile phones, she pleaded that her husband was using the said mobile phones and might have given to respondent No.3 known to him. In fact, she being nominee of his husband was entitled to get his service benefits besides the house left by her husband. In order to deprive her from the said benefits and property, the appellant-complainant has falsely implicated her in the instant case.

After hearing learned counsel for the parties and scanning the evidence on record, the learned trial Court acquitted the private respondents vide the impugned judgment.

Learned counsel for the applicant-complainant contended that the impugned judgment of the learned trial Court is based on surmises and conjectures. The learned trial Court has erred in acquitting the private respondents despite having ample evidence on record regarding their extra marital relations and causing murder of deceased Charanjit Singh. The learned trial Court has failed to appreciate that respondent No.2 had got recovered iron rod and other incriminating material pursuant to her disclosure statement which was sufficient to record her conviction along with respondent No.3 under Section 302 read with Section 34 IPC.

After giving our thoughtful consideration to the above submissions, we find the present application/appeal completely devoid of any merit for the reasons to follow.

There is a delay of around 25 days in lodging the FIR which renders the prosecution case highly doubtful. It is pertinent to mention here that immediately after the death of Charanjit Singh, statement of the applicant-complainant Ex.P3 was recorded by the police wherein she did not express any suspicion against private respondents. That apart, she also did not level allegations of their having illicit relations with each other. Hence, introduction of story of illicit relations in between the private respondents after 25 days of the death of Charanjit Singh can safely be said to be after thought.

It is pertinent to mention here that after the death of Charanjit Singh the statements of his married daughter namely Manpreet Kaur, besides the

statement of Bijender Singh his brother and son in law Mandeep Singh Ex.D2, PW1/B and PW1/C respectively, were recorded by the police. None of them have raised any suspicion against the private respondents. Even the residents of the locality vide their joint statement Ex. D1 had not expressed their suspicion over private respondents. The story put forth by the prosecution after 25 days of the death has rightly not been believed by the trial Court.

All the mobile phones of which call details collected by the appellants, were in the name of respondent No.2. This fact by itself does not prove her alleged illicit relations with respondent No.3. There is no evidence on record what to talk of any cogent and convincing evidence.

As per the prosecution version deceased Charanjit Singh was administered injection of Thiosol Sodium 500 mg before his electrocution, but there is no medical report in this respect on the record. Even otherwise, no mark of injection was found or observed on the dead body while conducting post mortem by PW1 Dr. Kulbhushan Garg.

In view of the above infirmities in the prosecution case, the defence taken by the private respondents that around 8.30 p.m. on 10.2.2014 electricity of their house had gone all of a sudden, and after noticing the electricity in the neighbouring houses, deceased Charanjit Singh taking the screw driver and pliers, went towards the main electricity connection of their house and tried to repair it, and during that process he got electrocuted and fell down on the ground raising hue and cry attracted neighbours, seems to be plausible.

Motive behind the occurrence is also missing in this case and hence, the learned trial Court has rightly acquitted the private respondents.

We have gone through the impugned judgment very carefully and

find no irregularity or perversity in the same.

Accordingly, the application being completely devoid of any merit,  
is hereby dismissed. Leave to appeal is declined and appeal is dismissed.

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

**(RAMENDRA JAIN)**  
**JUDGE**

**18.3.2016**  
*Ashwani*