

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

CRM M-6899 of 2014

Date of decision :02.12.2016

Parminder Kaur @ Babbu

....Petitioner

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Rishma Verma, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G. Punjab.

Ms. Jasneet Mehra, Advocate for respondent no. 2.

RAJAN GUPTA J.

Present revision petition is directed against order passed by trial court rejecting the application filed by petitioner for releasing property belonging to deceased Hardip Singh on sapurdari.

Brief facts of the case are that an FIR No. 244 dated 31.10.2004 under section 306/388 IPC was registered at police station Division 'C', Amritsar. Four dead bodies were found lying on a bed and one in the gallery in a house near Sant Nursing Home, Chowk Moni, Main Bazar, Amritsar. It was found to be of Hardip Singh @ Baggi, his wife Romi, two children and his mother Jaswant Kaur. On the walls of the room reasons for suicide were written in Punjabi and Hindi blaming the accused for their death. It was also alleged that accused had been harassing/blackmailing the deceased and his wife on the allegation that they had evidence of Hardip Singh killing his father. Parminder Kaur (petitioner herein) is an accused in the case and is facing trial at present. Admittedly, she is sister of deceased Hardip Singh.

Though investigation ensued pursuant to aforesaid FIR and challan was presented before the competent court, it appears that a complaint was separately filed by one Sarabjit Singh. In order to understand the nature of allegations and reasons due to which petitioner became an accused it is necessary to refer to contents of the complaint as well which has been annexed by the petitioner as Annexure P/3. Complainant alleged that Hardip Singh, his wife, two children and his mother committed suicide on 30/31.10.2004. Certain suicide notes were also recovered. According to same, such circumstances were created by then SSP, Amritsar Kultar Singh, Hardev Singh, Inspector, Amritsar and other accused which led to suicide of a complete family. In para 5 of the complaint, it is mentioned that deceased Hardip Singh is alleged to have killed his father Sunder Singh on 11.08.2004. This incident was witnessed by Sabreen Kaur who further disclosed this fact to her father-in-law Mohinder Singh. Dead body of father of Hardip Singh was recovered as unidentified. As a result, FIR No. 144/2004 under section 302 IPC was registered at police station B-Division. Mohinder Singh and Sabreen Kaur started demanding money from Hardip Singh and threatened that in case he did not part with money, they would disclose the entire crime to the police. They demanded ₹7,25,000/- from him. Faced with this situation, deceased Hardip Singh told the whole story to his relative Manmohan Singh and offered to surrender himself. Manmohan Singh unfortunately disclosed the entire episode to one Jaswinder Singh @ Kaka, a relative of wife of then SSP Amritsar Kultar Singh. A meeting was, thus, arranged between Hardip Singh and Kultar Singh. It appears that Hardip Singh confessed his crime before Kultar Singh who offered that he will put up a weak case against him for illegal

gratification of ₹12.00 lacs. Prosecution would cite witnesses of choice of accused Hardip Singh so that they could turn hostile before the court. Allegedly, an amount of ₹5.00 lacs was paid to Kultar Singh by deceased Hardip Singh. Thereafter, Hardip Singh approached his sister **Parminder Kaur** (petitioner herein) and her husband Palwinder Pal Singh for the purpose of citing them as witnesses. However, they also started blackmailing him. Thereafter, accused Kultar Singh committed rape on the wife of Hardip Singh. According to allegations in the complaint, inquiry was handed-over to senior officer Jaswinder Singh before whom number of witnesses deposed regarding involvement of Kultar Singh and Hardev Singh. During the course of proceedings of the complaint, entire record of the case was allegedly destroyed by somebody. However, accused Kultar Singh and Hardev Singh were summoned by the trial court in trial pursuant to FIR No. 144/2004 in exercise of powers under section 319 Cr.P.C. Admittedly, petitioner is also an accused in the said case and is facing trial. She being sister of deceased Hardip Singh moved instant application for release of entire property, being the only legal heir. I find that trial court has rightly dismissed the same. Present is a unique case of greed of a sister who is accused of causing death of her brother yet wishes to claim his entire property during pendency of criminal trial. Investigating agency has filed an affidavit of Assistant Commissioner of Police stating that during investigation, concrete evidence has come on record to establish that all accused including petitioner had participated in the crime. Challan was, thus, presented against all of them. All prosecution witnesses have been examined. In para 5 of the affidavit dated 8.01.2015, it is stated that in the eventuality, petitioner is ultimately held guilty and is convicted for causing

death of a person, she cannot be declared his legal heir as per law and lays a claim to property of the deceased. According to affidavit, there is sufficient evidence on record and case is likely to succeed on the basis of evidence (para 5 of affidavit dated 08.01.2015). There is allegation against the petitioner that she alongwith other accused wanted to extort money from her deceased brother and created such circumstances that her mother, brother, his wife and two children were forced to commit suicide.

Keeping in view facts and circumstances of the case, the manner in which entire conspiracy is alleged to have been hatched leading to death of an entire family, I am of the considered view that this petition needs to be dismissed. In fact conscience of this court is shocked to see that an accused who is alleged to have abetted the suicide of her own mother, brother, brother's wife and two children, has moved instant application claiming moveable/immovable property of the deceased. She did not even wait for the conclusion of the trial. Such haste and clamour for property and money by an accused is not only strange but unheard of. I, thus, deem it fit to dismiss this petition with ₹2.00 lacs as costs. Same would be recoverable from the petitioner. Trial court to do the needful.

December 02, 2016

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No