

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

Crl. Appeal No.S-2664-SB of 2015 (O&M)

Date of Decision: September 26, 2017

Nachhatar Singh

...Appellant

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Roopak Bansal, Advocate
for the appellant.

INDERJIT SINGH, J.

The present appeal has been filed by the appellant against State of Punjab and other respondents, challenging the judgment dated 21.04.2015 passed by learned Sessions Judge, Sangrur, whereby the accused-respondents were acquitted of the charges framed against them.

The brief facts of the prosecution case as noted down in the judgment passed by learned Sessions Judge, Sangrur, are as under:-

“2. In brief, case of the prosecution was that on 17.09.2014 complainant Nachhatar Singh son of Sarwan Singh, Ramdasia, resident of Ward no.15, Sunder Basti, Patran moved application before Deputy Superintendent of Police, Dhuri for taking action against Karamjit Kaur daughter of Bant Singh, Kulwinder Kaur wife of Bant Singh, residents of village Kheri Jattan and Gurpreet Dass son of Harpal Dass, resident of village Meemsa (accused herein); that in the said application it was stated by complainant Nachhatar Singh that he had three sons; that his youngest son namely Krishan Singh, aged about 25 years, was married to accused Karamjit Kaur about five years back and the couple was blessed with a male child;

that accused Karamjit Kaur developed illicit relations with her brother-in-law (sister"s husband) namely Gurpreet Dass, accused and she usually had been staying in her parental house most of the time; that on 12.09.2014 (Friday) his son Krishan Singh went to Dera Beas for offering services; that Krishan Singh stated that he wanted to go house of his in-laws to bring his wife; that earlier also Panchayats were convened to rehabilitate accused Karamjit Kaur with Krishan Kumar but in-laws of his son did not send accused Karamjit Kaur with Krishan Kumar as accused Karamjit Kaur had illicit relations with accused Gurpreet Dass and her mother i.e. accused Kulwinder Kaur alias Balwinder Kaur was supporting the same; that on 16.09.2014, at about 11.00 intimation was received telephonically that Krishan Singh met with an accident; that he (complainant) along with his son Jagsir Singh, son-in-law Wazir Singh and Amrit Singh son of Baldev Singh reached Dhuri and it was found that dead-body of Krishan Singh was hanging on tree with a rope; that he suspected that the deceased committed suicide after being fed up from his harassment at the hands of the accused; that on the basis of aforesaid application, Exhibit PA, First Information Report was registered against the accused for offence under Section 306 read with section 34 of the Indian Penal Code; that on the basis of statement made by Jagsir Singh son of Nachhatar Singh, resident of Patran, proceedings under Section 174 of the Code of Criminal procedure had already been initiated and Daily Diary Report no. 23 dated 16.09.2014 was already entered in Police Station, Sadar, Dhuri in this regard; that inquest report had already been prepared and postmortem examination on the dead-body of the deceased had already been got conducted from Civil Hospital, Dhuri; that the investigating officer reached the spot and prepared site plan with marginal notes; that accused were arrested; that statements of witnesses were recorded; and that on completion of investigation, challan against the accused was presented."

On presentation of challan against accused, copies of challan and other documents were supplied to them under Section 207 Cr.P.C. Finding prima facie case, the accused were charge-sheeted under Section 306 read with Section 34 IPC, to which they pleaded not guilty and claimed trial.

In support of its case, prosecution examined PW-1 Nachhatar Singh, complainant, PW-2 Jagsir Singh, PW-3 Amrit Singh, Pw-4 Tarsem

Saini, Photographer, PW-5 Dr.Sukhbir Singh, Medical Officer and PW-6 ASI Kulwant Singh, Investigating Officer.

At the close of the prosecution evidence, the accused were examined under Section 313 Cr.P.C. They denied the correctness of the evidence and pleaded themselves as innocent. Accused also stated that there was no dispute between the deceased and accused Karamjit Kaur. PWs Nachhatar Singh and Jagsir Singh were not having good relations with deceased Krishan Singh as he used to spend money on studies of his wife i.e. accused Karamjit Kaur to which PW Nachhatar Singh was not liking and used to forbade deceased Krishan Singh from doing so. They further pleaded that after the death of Krishan Singh, PW1 Nachhatar Singh levelled false allegations against accused Karamjit Kaur in order to deprive her from inheritance of estate of the deceased and PW1 Nachhatar Singh in connivance with the police and under political pressure coined a false story with an ulterior motive and got false case registered against them.

In defence, accused examined DW-1 Jyoti Thakur, Clerk from the office of Civil Surgeon, Sangrur, DW-2 Sharanjit Singh, Clerk from Shivam College of Education, Khokhar Kalan, Tehsil Sunam, DW3 Parshotam Lal Singla, Document Writer, DW4 Karnail Kaur and DW5 Mandeep Kaur.

Learned trial Court, after appreciating the evidence acquitted the accused-respondents.

I have learned counsel for the appellant and have gone through the record.

The perusal of the judgment shows that no abetment by the accused is made out from the evidence. Even if it is taken that accused

Karamjit Kaur wife of the deceased was having some matrimonial dispute and residing at her parents' house for the last 2-3 months before the occurrence, this is no ground to commit the offence. There is no evidence on record to show any abetment by any of the accused immediate before the occurrence. There is also no cogent evidence on record except the oral statements of Nachhatar Singh and other close relatives of the complainant regarding any illicit relationship between Karamjit Kaur and Gurpreet Dass. It is in the evidence that Kulwinder Kaur mother of Karamjit Kaur supported other accused. Learned trial Court has rightly held that it looks improbable and unnatural that mother will abet her daughter to have illicit relations with the husband of her other daughter. No independent person of village had come to witness box to prove this version of illicit relation of Karamjit Kaur with Gurpreet Dass. Similarly, there is no cogent evidence on record to show any matrimonial dispute between the deceased and accused Karamjit Kaur.

Furthermore, the occurrence took place on 16.09.2014 and after post-mortem examination, the dead body was cremated and no objection was raised before the police at that time. On 17.09.2014, an application was given by Nachhatar Singh complainant against the accused to the police for registration of the case. This fact also creates doubt and it looks that version is an afterthought.

Moreover, it is in the evidence that Karamjit Kaur was under-graduate at the time of marriage and she passed the examination later on and was residing in the matrimonial house about 5 months to the occurrence and was studying.

All these facts show that prosecution has failed to prove the

guilt of the accused beyond reasonable doubt and the judgment dated 21.04.2015 passed by learned Sessions Judge, Sangrur, is correct, as per evidence and law and does not require any interference from this Court.

Furthermore, in appeal against acquittal filed by the victim, it is necessary to ask for leave to appeal and that application has not been filed by the appellant. Even if it is taken that it is a technical ground, even then, I do not find any merit in the present appeal and the same is dismissed.

September 26, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No