

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

CRM-A-891-MA of 2017

Date of Decision: July 12, 2017

State of Haryana	Versus	Applicant
Sukhpal Singh and others		 Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present : Mr. Kapil Aggarwal, Addl. A.G., Haryana.

T.P.S.MANN, J.

The State of Haryana has filed the present application under Section 378(3) of the Code of the Criminal Procedure for grant of leave to appeal against the judgment dated 11.8.2016 passed by the learned Additional Sessions Judge-I, Fatehabad.

Vide impugned judgment, the learned trial Court acquitted Sukhpal Singh accused of the charge under Section 302 IPC while Bakshish Singh and Jasvir Kaur accused were acquitted of the charge under Sections 201/34 IPC. At the same time, Sukhpal Singh accused was convicted under Section 304-B IPC and sentenced to undergo imprisonment for seven years and also under Section 498-A IPC and sentenced to undergo rigorous

imprisonment for three years and to pay a fine of Rs.1,000/-.

According to the prosecution, Amandeep Kaur (deceased) was married to Sukhpal Singh accused in the year 2011. Twins were born from their wedlock. Thereafter, Sukhpal Singh turned Amandeep Kaur out from the matrimonial home after giving beatings. The deceased alongwith her children went to the house of her brother Kulwinder Singh and told him that her husband Sukhpal Singh, mother-in-law Jasvir Kaur and father-in-law Bakshish Singh used to give her beatings for not giving money to them. The deceased remained in the house of her parents for about 7/8 months. During this period, none from her in-laws family visited her. Whenever Sukhpal Singh made telephonic call to the deceased, he would ask her to come alongwith the money or he would divorce her. Her father alongwith relatives and respectable persons went to the house of Preet Kaur, sister of Sukhpal Singh, where she and her husband were persuaded and Sukhpal Singh assured that in future, he would not give beatings to her and would also not demand money. He tendered an apology and took Amandeep Kaur alongwith children to his house. After some days, Amandeep Kaur informed her mother on telephone that her mother-in-law, father-in-law and husband were harassing and giving beatings to her besides demanding money. Her sister-in-law (Nanad) would

ask her mother to give beatings to her until her family members did not meet their demands of money. The deceased also asked her mother to visit her matrimonial home so as to bring her back or else she would be killed by her in-laws. On 30.9.2014 at about 12 O'clock, Kulwinder Singh came to know that his sister Amandeep Kaur had been murdered by the accused on 29.9.2014 by setting her ablaze after pouring kerosene on her.

At the trial Sukhpal Singh was charged for the offences punishable under Sections 498-A and 304-B IPC and in the alternative, for the offence under Section 302 IPC whereas Bakshish Singh and Jasvir Kaur were charged for the offence punishable under Section 201 read with Section 34 IPC.

From the evidence available on record, the trial Court came to the conclusion that Sukhpal Singh had committed the offences punishable under Sections 304-B and 498-A IPC and accordingly, convicted and sentenced him. However, he has rightly absolved of the charge under Section 302 IPC as there is no direct evidence on the record to prove that Sukhpal Singh intentionally committed the murder of Amandeep Kaur. As regards the charge against Bakshish Singh and Jasvir Kaur accused for commission of offence punishable under Section 201 read with Section 34 IPC, it has not been proved by the prosecution that they caused the dead body of Amandeep Kaur to disappear by

setting it ablaze after pouring kerosene with intention to screen their son Sukhpal Singh from legal punishment.

In view of the above, no fault can be found with the conclusion arrived at by the learned trial Court while acquitting Sukhpal Singh accused under Section 302 IPC and Bakshish Singh and Jasvir Kaur accused under Section 201 read with Section 34 IPC.

The application is devoid of merit and, therefore, dismissed. Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

July 12, 2017
amit rana

(MAHABIR SINGH SINDHU)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No