

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

**CRM A-430-MA of 2016**

Date of Decision : July 16, 2018

Dilbagh Singh

.....Applicant

***VERSUS***

Davinderjit Singh and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN  
HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present : Mr. J.B.S.Gill, Advocate  
for the applicant.

**T.P.S. MANN, J.**

Complainant-Dilbagh Singh has filed the present application under Section 378(4) of the Criminal Procedure Code for grant of leave to appeal against the judgment dated 22.12.2015 passed by learned Sessions Judge, Hoshiarpur whereby the accused, who are respondents No.1 and 2 herein, were acquitted of the charges under Sections 302/34 IPC.

According to the prosecution, complainant-Dilbagh Singh alongwith his family resided in village Budhi, Police Station Tanda, District Hoshiarpur whereas accused-Davinderjit Singh alongwith his family resided in the same village near the house of the complainant. Shiv Kumar and Dharam Pal-accused were also residents of the same village and used to visit the house of Davinderjit Singh. Earlier, Davinderjit Singh had abducted Balwinder Kaur daughter of Ujaggar Singh, resident of village

Budhi. The matter was reported to the Panchayat by Ujaggar Singh. Balwinder Kaur was recovered from Davinderjit Singh, who further admitted his guilty before the Panchayat and tendered apology. Accordingly, no case was registered against Davinderjit Singh.

It is further the case of the prosecution that Gurpreet Kaur daughter of Davinderjit Singh due to the aforementioned incident had been quarrelling with her father. Even her classmates used to taunt her. On 6.2.2009, Gurmit Singh and Sohan Singh were sitting on the roof of haveli of Gurmit Singh. At about 4.00 p.m., they heard the noise of quarrel coming from the courtyard of the house of Davinderjit Singh. Both of them saw Davinderjit Singh alongwith Shiv Kumar and Dharam Pal sitting in the courtyard. Gurpreet Kaur present there was accusing her father Davinderjit Singh about his conduct. When Gurpreet Kaur did not stop making complaints, Dharam Pal and Shiv Kumar exhorted Davinderjit Singh to finish Gurpreet Kaur. Davinderjit Singh took out his pistol from the pocket of his trouser and fired a shot on the head of Gurpreet Kaur, who fell down. Gurmit Singh and Sohan Singh raised an alarm whereupon Davinderjit Singh pointed out his pistol towards them and threatened them to stop raising alarm. In the meantime, the villagers started collecting near the house of Davinderjit Singh. All the accused proclaimed

that Gurpreet Kaur had received injuries due to bursting of gas cylinder. The complainant had enquired into the matter and was convinced that on the exhortation of Shiv Kumar and Dharam Pal, Davinderjit Singh had caused the death of his daughter Gurpreet Kaur. However, the accused in connivance with the local police succeeded in getting an entry in the DDR, as per which on 6.2.2009, the daughter of Davinderjit Singh had shot herself in a freak incident in her house while fiddling with the revolver in filmy style. The accused succeeded in completing the proceedings under Section 174 Cr.P.C. The post-mortem of the dead body of Gurpreet Kaur was also conducted. The investigation was conducted by the police but no action was taken on the complaint filed by the complainant. He then filed a petition in this Court seeking issuance of directions to the Senior Superintendent of Police for registration of a criminal case but the same was dismissed as withdrawn with liberty to avail alternative remedy. The complainant was earlier convicted in a criminal case. Even the appeal filed by him was rejected. It was only on 29.10.2010 that he was released on bail during the pendency of the revision. As such, on 3.12.2010, the complainant filed a private complaint for trying the accused.

Having heard learned counsel for the complainant and on going through the record which stands requisitioned, this court

finds that the complaint had been filed after an unexplained delay of one year and ten months. Further, a detailed enquiry was conducted by the police which came to the conclusion that the death of Gurpreet Kaur occurred while fiddling with the revolver herself. There was no sufficient evidence to prove the motive on the part of the accused to commit the murder of Gurpreet Kaur. PW2 Dilbagh Singh-complainant, PW3 Sohan Singh and PW4 Harjinder Singh had reasons to implicate Davinderjit Singh because of previous enmity. Gurmeet Singh, who alongwith Sohan Singh, was sitting on the roof of his haveli and said to have witnessed the occurrence, was not examined by the prosecution. Further, the ocular evidence was not corroborated by the medical evidence.

In view of the above, no case is made out for any interference in the impugned judgment of acquittal.

The application under Section 378(4) Cr.P.C. is devoid of any merit and, therefore, dismissed. Leave to appeal is declined.

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

**July 16, 2018**  
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**( FATEH DEEP SINGH )  
JUDGE**

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|---------------------------|----------|
| Whether speaking/reasoned | : Yes/No |
| Whether Reportable        | : Yes/No |