

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

CRM A-445-MA of 2018

Date of Decision : July 02, 2018

Vikramjit Singh

.....Applicant

VERSUS

Ranjit Singh and others

.....Respondents

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

Present : Mr. Gagneshwar Walia, Advocate
as Legal Aid Counsel for the applicant.

T.P.S. MANN, J.

The applicant, who is son of deceased Gurcharan Singh, has filed the present application under Section 372 read with Section 378(3) Cr.P.C. for grant of leave to appeal against the judgment dated 14.6.2017 passed by learned Additional Sessions Judge, Gurdaspur whereby all the accused, namely, Ranjit Singh, Gurbhej Singh and Lakhbir Singh, who are respondents No.1 to 3, herein, were acquitted of the charges under Sections 302, 323 read with Section 34 IPC.

According to the prosecution, complainant-Vikramjit Singh's elder sister was married to respondent No.1-Ranjit Singh, who was a habitual drunkard and remained under the influence of intoxicants. He used to beat his family members. On 9.3.2013, the complainant was told by his sister on telephone that Ranjit

Singh had beaten her and her minor children and she asked him to take her with him. Upon this, the complainant alongwith his brother Narinder Singh, father Gurcharan Singh and wife Amandeep Kaur went to the house of Ranjit Singh at village Jaffarwal and made an attempt to counsel Ranjit Singh. At about 10.30 p.m., Ranjit Singh quarreled with them. In the meanwhile, Gurbhej Singh @ Bheja, Lakhbir Singh @ Lakha and Amandeep Singh @ Aman, neighbours of Ranjit Singh alongwith 4/5 other unidentified persons came at the spot and started beating them with dangs and small sticks. Lakhbir Singh @ Lakha and his sons Gurbhej Singh and Amandeep Singh dragged his father Gurcharan Singh to the street and gave severe injuries on his person. As a result, his father fell down and became unconscious. All the accused alongwith their respective weapons ran away from the spot. The complainant's brother Narinder Singh took their father Gurcharan Singh to Dhillon Hospital, Dhariwal but the doctor referred him to Civil Hospital, Gurdaspur in view of his serious condition. However, while on the way to Civil Hospital, Gurdaspur, Gurcharan Singh succumbed to his injuries.

The learned trial Court after going through the evidence available on the record acquitted the accused/respondents of the charges framed against them since there was no probative and unimpeachable evidence brought on record by the prosecution to connect them with the commission of

various offences.

This Court has heard learned counsel for the victim/complainant and perused the impugned judgment of acquittal.

From the testimony of PW5 Dr. Raj Masih, it is made out that when the post-mortem was conducted on the dead body of Gurcharan Singh, three injuries were found on his body. In the opinion of the team of the doctors, cause of death was declared as acute myocardial infarction which was sufficient to cause death in the ordinary course of nature. Probable time between injury and death was immediate (6 to 8 minutes) whereas between death and post-mortem it was within 24 hours. In his cross-examination, Dr. Raj Masih deposed that the injuries on the dead body were brownish abrasion and these abrasions could be two days' old before the death, as per their colour. He also deposed that these injuries were not possible with dang or stick. He explained the cause of death to be dilation of heart which showed yellowish opaque patch on apex and left lateral wall. He further deposed that major arteries arising from heart and peripheral arteries showed abnormal thickening and plaque formation. Further, overall internal condition of the deceased suggested that the deceased was suffering from chronic heart disease and the condition of the artery and valve showed that the deceased needed a bypass heart surgery. It was under these circumstances

that the learned trial Court came to the conclusion that cause of death was heart attack whereas the injuries found on the dead body were only abrasions and there was no corresponding internal injury. Even the abrasion could be two days before death. The Special Investigating Team had reached the conclusion that no case was made out for homicidal violence at the hands of Gurbhej Singh and Lakhbir Singh-accused and, accordingly, while submitting final report, the police exonerated them and pleaded for cancelling the case. It is another thing that Ilaqa Magistrate had taken cognizance under Section 190 Cr.P.C. and issued summons for their appearance.

Once this court finds that the death of Gurcharan Singh was not homicidal, rather it was result of acute myocardial infarction, no case is made out for any interference in the impugned judgment of acquittal by granting leave to the victim to file the appeal. The application is devoid of any merit and, therefore, dismissed. Leave to appeal is declined.

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

July 02, 2018
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**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No