

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

CRM A-2466-MA of 2017

Date of Decision : October 10, 2018

Daljinder Singh

.....Applicant

VERSUS

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE H.S.MADAAN**

Present : Mr. Navjot Singh, Advocate with
Ms. Dhivya, Advocate
for the applicant.

T.P.S. MANN, J.

The applicant, namely, Daljinder Singh, whose father Lakha Singh had received injuries in the occurrence and succumbed to the same afterwards, has filed the present application under Section 378(4) of the Code of Criminal Procedure, 1973 seeking leave to appeal against the judgment dated 19.8.2017 passed by learned Additional Sessions Judge, Hoshiarpur whereby accused Bakshish Kaur, who is respondent No.2 herein, stood acquitted of the charge under Sections 302, 307, 427 and 34 IPC.

According to the prosecution, on 11.1.2014 at about 11.00 a.m., the applicant was spreading manure in his fields. His father Lakha Singh came on a bicycle from his house and while he was standing alongwith his bicycle on the road, Harcharan Singh-accused and his mother Bakshish Kaur-accused came on a tractor and stopped near him. His father asked Harcharan Singh as to why he has cut their trees. On this, Harcharan Singh started abusing his father. In the meantime, his uncle Paramjit Singh and co-villager Jasdeep Singh reached the spot. Harcharan Singh struck his tractor against the applicant's father as a result of which his father alongwith his bicycle fell down in the fields of Baldev Singh. Bakshish Kaur raised *lalkara* not to let Lakha Singh escape alive. Harcharan Singh ran his tractor over the applicant's father, who was lying down and also over his bicycle. As a result his father became unconscious. The applicant tried to save his father but Harcharan Singh took kirpan from his tractor and tried to hit him while sitting on the tractor. The applicant tried to save himself but the kirpan slightly hit on his right little finger. Harcharan Singh and his mother Bakshish Kaur fled away alongwith the tractor towards village Baddowal. Thereafter, the applicant arranged a vehicle and alongwith his uncle Paramjit Singh and co-villager Jasdeep Singh took his father for treatment to Adampur but he died on the way. According to the applicant, Harcharan Singh and his mother

Bakshish Kaur, in connivance with each other, had killed his father by running the tractor over him. The motive behind the occurrence was that Harcharan Singh had cut their two poplar trees and when he was asked about the same, he became angry and committed the crime.

After going through the evidence brought on the record, learned trial Court acquitted respondent No.2-Bakshish Kaur of the charge against her. However, Harcharan Singh accused was convicted under Sections 302 and 427 IPC and sentenced to undergo imprisonment for life besides paying a fine of Rs. 50,000/-.

Having heard learned counsel for the applicant and on going through the impugned judgment, this Court finds that in the entire occurrence, respondent No.2-Bakshish Kaur was attributed raising of *lalkara*, exhorting her son Harcharan Singh not to let Lakha Singh escape alive and, thereafter, it was Harcharan Singh-accused, who had run his tractor over Lakha Singh as a result of which he had died subsequently. Bakshish Kaur-accused happened to be the mother of Harcharan Singh-accused and a widow. It cannot be said that she would have exhorted her son to kill the deceased especially when there was no long drawn enmity between the parties. Even otherwise there was no occasion for Bakshish Kaur-accused to exhort her son Harcharan Singh as the latter had already started abusing and hitting the

deceased with his tractor.

In view of the above, no case is made out for any interference in the impugned judgment to the extent of acquitting respondent No.2-Bakshish Kaur of the charge against her.

The application is without any merit and, therefore, dismissed. Leave to appeal is declined.

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

October 10, 2018
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**(H.S.MADAAN)
JUDGE**

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No