

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

**Crl. Appeal No.D-977-DB of 2002
Date of Decision: January 15, 2018**

Tejinder Singh

...Appellant

VERSUS

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE A.B.CHAUDHARI
HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Naresh Dilawari, Advocate for
Mr.Yogesh Goel, Advocate
for the appellant.

Mr.H.S.Grewal, Addl. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present appeal has been filed by the appellant against the judgment of conviction and order of sentence dated 20.11.2002, passed by the learned Sessions Judge, Ludhiana, whereby he was convicted and sentenced to undergo rigorous imprisonment for life and to pay a fine of ₹2000/- under Section 302 IPC and in default of payment of fine, to further undergo rigorous imprisonment for a period of four months.

The brief facts of the case are that the FIR in the present case has been registered on the statement of Taranjit Singh, who got recorded his statement to SI Balwinder Singh. Complainant Taranjit Singh stated that they are two brothers and two sisters. His sister Paramjit Kaur is married to

Tejinder Singh and they have one daughter and one son. The husband of his sister is addicted to liquor and other vices and complainant side used to meet the expenses of his sister. He further stated that a quarrel took place between Paramjit Kaur and Tejinder Singh. On 26.03.2000, complainant's family along with Paramjit Kaur had gone to Amritsar Harmandir Sahib to pay obeisance and on return, his sister and her children stayed in complainant's house being night hours. Paramjit Kaur told the complainant that she is to clean her house, so she should be dropped at her house. In the morning, at 6.00 a.m., complainant took Paramjit Kaur on his scooter and left her at her house and at that time, children were sleeping in the complainant's house. In the matrimonial house of his sister, complainant's brother-in-law Tejinder Singh was present. When complainant along with his brother Kamaljit Singh took his maternal son Harminder Pal Singh Lali and maternal daughter Amarpreet Kaur on scooter to their house, they found that front door of room was lying open. On suspicion, complainant and Kamaljit Singh went to the rear room, where they found that Tejinder Singh pushed Paramjit Kaur on the ground by putting peg-tail around her neck and was pressing her throat and she was gasping for breath. Complainant's brother Kamaljit Singh took their sister out of the room and locked Tejinder Singh in the room and bolted from outside. Complainant left his brother Kamaljit to sit there and guard the accused, and took Paramjit Kaur to Mohan Dai Oswal Hospital for treatment but the doctor declared her dead. When the complainant was going to Chowki Vardhman for giving information, then on the way, SI Balwinder Singh met him. The complainant also stated that the cause of grudge is that the house in which

Tejinder Singh and Paramjit Kaur used to say that the said house should be got transferred to their name but Tejinder Singh used to say that the house would be transferred in their name after the death of his mother. This statement, after making endorsement, was sent to the Police Station for registration of the FIR whereupon, FIR No.71 dated 27.03.2002 was registered. The special report was sent to the concerned officers. Then SI Balwinder Singh accompanied Taranjit Singh complainant and reached Mohan Dai Hospital, Ludhiana. Dead body of Paramjit Kaur was lying there. Inquest proceedings were conducted. The dead body was identified by Taranjit Singh complainant and Jasbir Singh. Thereafter, the dead body was sent for post mortem examination. PW-1 Dr. Jasbir Singh, Civil Hospital, Ludhaina, conducted the post mortem examination on the dead body of Paramjit Kaur and found following injuries:-

1. *The ligature mark were present on the front of the neck with abraded margin with 7, 1/2" long extending from the right side of neck upto the left side of the neck placed horizontally. Half inch wide. The posterior side was spare.*
2. *An abrasion was present below 5" below the chin measuring 1/2" x 1/4".*
3. *Four parallel abrasion on the front of the chest placed obliquely in the middle of the chest. On exploration of the neck, ligature, skin, subcontaneous tissue, platysma was enchymosed, the hyod bone was depressed.*
4. *An abrasion was present on the left side face just below the left eye.*

In the opinion of the doctor, the death in this case was due to asphyxia as a result of strangulation which was sufficient to cause death in ordinary course of nature. The probable time that elapsed between the death and post mortem examination was about 24 hours.

Site plan was prepared. The statements of the witnesses were recorded. Accused was arrested. After necessary investigation, challan was presented against the accused-appellant.

On presentation of challan, copies of challan and other documents were supplied to the accused-appellant under Section 207 Cr.P.C. Finding prima facie case, the appellant was charge-sheeted under Section 302 IPC, to which he pleaded not guilty and claimed trial.

In support of its case, the prosecution examined PW-1 Dr.Jasbir Singh, who conducted post mortem examination on the dead body of Paramjit Kaur. PW-2 Taranjit Singh, complainant, who deposed regarding prosecution version. PW-3 Manpreet Kaur, daughter of the accused and deceased, also deposed as per prosecution version. PW-4 SI Balwinder Singh, deposed regarding partial investigation conducted by him in the present case. PW-5 Inspector Paramjit Singh, who took over investigation from SI Balwinder Singh, also deposed regarding the investigation conducted by him in the present case. PW-6 Constable Rajinder Pal Singh, formal witness, tendered into evidence his affidavit Ex.PW-6/A. PW-7 Dr.P.S.Verma, Medical Officer, Mohan Dai Oswal Cancer Treatment and Research Foundation, Ludhiana, mainly brought the patient record of Paramjit Kaur.

At the close of prosecution evidence, the accused-appellant was examined under Section 313 Cr.P.C. He was confronted with the evidence

of the prosecution and he denied the correctness of the evidence and pleaded himself as innocent. He further deposed that he had gone at the place of his duty on 27.03.2000 and when he came back, he found that his wife Paramjit Kaur was lying dead. He also pleaded that he had strained relations with his in-laws and they got him falsely implicated in this case.

No witness was examined in defence.

The learned trial Court, after appreciation of the evidence, convicted and sentenced the accused-appellant as stated above.

Aggrieved from the above-said judgment of conviction and order of sentence, present appeal has been filed.

At the time of arguments, learned counsel for the appellant argued that it is a case of suicide and not a murder. Learned counsel for the appellant, therefore, argued that there being merit in the present appeal, the same should be allowed and accused-appellant should be acquitted.

On the other hand, learned State counsel argued that prosecution has duly proved its case by leading cogent evidence. He argued that brother of the deceased and even daughter of the deceased have supported the prosecution version and have proved the fact that accused-appellant killed his wife namely Paramjit Kaur by strangulating her. He next argued that ocular evidence of the PWs is duly supported by medical evidence. The accused-appellant was locked in the room at that very time and was arrested from the house. Learned State counsel further contended that it is not a case of suicide as the doctor has given the opinion that cause of death in the present case is asphyxia by way of strangulation. He next contended that even there is no version as to how Paramjit Kaur has

therefore, argued that accused-appellant has been rightly convicted and there being no merit in the present appeal, the same should be dismissed.

After hearing learned counsel for the appellant as well as learned State counsel and after going through the record, we find that PW-1 Dr.Jasbir Singh, who conducted the post-mortem examination, has specifically found the injuries including the ligature mark on the dead body of Paramjit Kaur and cause of death in this case in his opinion was due to asphyxia which was result of strangulation, which was sufficient to cause death in ordinary course of nature. In view of the medical opinion and the post-mortem examination report, in no way, it can be held that it is a case of suicide. Otherwise also, there is no evidence produced on the record of any type to show that it is a case of suicide. It is nowhere the case of the defence that Paramjit Kaur committed suicide by hanging herself or any other way. Therefore, argument of learned counsel for the appellant has no merit.

Furthermore, we find that Taranjit Singh, brother of the deceased has consistently deposed regarding prosecution version and stated that firstly, he left his sister at her residence and later on, he brought children when this occurrence took place. He also stated that he got his sister rescued from the accused and at that time, she was feeling breathless. Then he confined the accused in a room and bolted the door from outside and then he got his sister admitted in Mohan Dai Oswal Hospital, Ludhiana, where doctor declared her dead. PW-3 Manpreet Kaur, daughter of the deceased as well as accused, aged about 14 years and 10th class student, also deposed consistently as per prosecution version. She has specifically deposed that her father was strangulating her mother with peg tail (parandi).

She and her brother raised shrieks and her maternal uncle got released her mother from her father and took her mother to adjoining room. She further deposed that her father was confined in that room by her maternal uncle. Her elder maternal uncle Taranjit Singh took her mother to the hospital and she, her other maternal uncle and brother kept sitting there.

We have gone through the cross-examination of these eye witnesses. There is nothing in their cross-examination which may make their statements unreliable. PWs have consistently deposed regarding the prosecution version, which is duly supported and corroborated by medical evidence. PW-5 Inspector Paramjit Singh, SHO, stated that he reached at the place of occurrence in Sanjay Gandhi Colony. He inspected the place of occurrence. At that time, accused was confined by his brother-in-law Kawaljit Singh in a room and he got the room opened and arrested the accused. PW-5 has further supported the prosecution version. No defence evidence has been produced by the accused.

Therefore, from the evidence on record, we find that prosecution has duly proved its case by leading cogent evidence and no reasonable doubt exists in the prosecution version. The findings have been given by learned trial Court while appreciating the evidence in right perspective. There are no material contradictions or improvements in the statements of the witnesses. The witnesses are reliable witnesses. The ocular evidence has been duly supported and corroborated by the medical evidence.

In view of the above discussion, we find that the impugned judgment of conviction and order of sentence dated 20.11.2002, passed by the learned Sessions Judge, Ludhiana, are correct, as per evidence and law

and do not require any interference from this Court.

Therefore, finding no merit in the present appeal, the same is dismissed.

As appellant Tejinder Singh is on bail, his bail bonds stand cancelled and he is directed to surrender himself before the jail authorities immediately for completing remainder of sentence, failing which the concerned authority shall proceed against him in accordance with law.

(A.B.CHAUDHARI)
JUDGE

(INDERJIT SINGH)
JUDGE

January 15, 2018
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
No