

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

CRM-M-31354-2017

Date of Decision:04.12.2018

Charanjit Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. R.S. Marahar, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Present petition has been filed under Section 482 Cr.P.C. with a prayer that investigation regarding the murder of son of the petitioner be handed over to some independent agency.

The petitioner has submitted a representation addressed to the D.I.G., Railway Police, Punjab, Patiala to the effect that her son Lovepreet Singh, who was residing with her in Ekta Nagar Patiala, was allured by Mamta and she used to call her son every day through phone calls and messages on his mobile. However, when it came to the knowledge of Amar Singh and Kalawati (perents of Mamta), they alongwith Mamta, conspired to kill Lovepreet Singhs. Petitioner came to know that Amar Singh and Kalawati used to extend threats to her son and on 24.12.2014, they killed

Lovepreet Singh and threw his dead- body in front of a train.

Learned counsel for the petitioner has argued that Lovepreet Singh (son of the petitioner) was enticed by Mamta, daughter of Amar Singh and when the fact of this love affair came to the knowledge of the parents of Mamta, then they objected to it. The accused used to threat the petitioner and her son that they will kill Lovepreet Singh if he dares to meet Mamta. On 24.12.2014, Lovepreet Singh was murdered by Mamta and her parents in their house. Before going to the house of Mamta on 24.12.2014, deceased Lovepreet Singh had informed the petitioner that he has been called by Mamta and her parents to their house. Thus, the accused committed the murder of her son Lovepreet Singh. Though, it was a case of homicidal death of the son of the petitioner, but the police officials of GRP Patiala had cooked up a false story of un-natural death of deceased-Lovepreet Singh, because father of Mamtas was a railway employee. He has further argued that it has wrongly been presumed that Lovepreet Singh has committed suicide, rather he was murdered by the accused, for which investigation is required to be carried out by some independent agency.

In response to the aforesaid fact, reply has been filed by way of affidavit of Sh. Jatinder Singh, PPS, Deputy Superintendent of Police, Admn., Govt. Railway Police, Patiala, wherein preliminary submissions have been made that as per statement of Sunil Kumar, driver of train No.54551 Headquarter Bathinda, who was driving the train from Ambala Cantt. towards Bathinda on 24.12.2014, when the train reached between railway station Daun Kalan-Patiala, at about 2.15 PM, one person (deceased) came out from the bushes and jumped before the running train at kilometer No.21/5-6. The deceased was alone at that time. The driver and

the guard of the train reached at the spot and found that the said person had died. As such, the deceased committed the suicide. Thereafter, the driver and guard gave a memo in writing to the Deputy Station Superintendent Railway Station, Patiala. Even the petitioner had reached the spot, but she refused to record her statement. However, on the next day before post-mortem, brother of the deceased, namely, Sukhwinder Singh and uncle Balbir Singh have also reached at the Rajindra Hospital, Patiala. Their statements were recored under Section 175 Cr.P.C. They did not show any suspicion on any person regarding the death of Lovepreet Singh and rather stated that the deceased had committed suicide because he could not get any job since long.

Learned State Counsel has also drawn the attention of this Court to the report submitted by the Sub Divisional Inspector, GRP, Patiala. The relevant extract reads as under:-

“During the inquiry of that application, mother of deceased Charanjit Kaur made compromise with the family of Mamta in writing in the presence of residents of Mohalla and received Rs.40,000/- and second time Rs.20,000/- (total Rs.60,000/-) but Charanjit Kaur admitted Rs.20,000/- in her statement. During investigation of that application no evidence regarding to kill or harass by Mamta to compel to Lovepreet Singh to commit suicide was come on record. Copy of inquiry report of ASI Balkar Singh is attached. In the inquiry report he stated that the cause of death of Lovepreet Singh was suicide, due to quarrel with his mother and conduct of his mother. The person who joined first inquiry of first application has repeated their statement during my inquiry that Charanjit Kaur made a compromise after receiving money and as per the statement of women of Mohalla the conduct of Charanjit Kaur is not good and there was quarrel between Lovepreet Singh and Charanjit

Kaur due to Resham Singh who often always come to their house. Call details of mobile number of that time is attached. Some call details could not be receipt due to more than one year. Charanjit Kaur has moved this application with intention only to make pressure on the family of Mamta. During my inquiry no evidence regarding to kill or to compel to commit suicide to deceased Lovepreet Singh by Mamta daughter of Amar Singh and his family has come on record and the heirs of deceased could not produce any cogent evidence in this regard and no suicide note has been recovered from the deceased during the investigation at the spot. If the heirs of deceased known that Lovepreet Singh committed suicide due to Mamta, then this fact was to be recorded on 24.12.2015 during inquest report. So, it is crystal clear that these are after thought and self made stories and are giving application against Mamta and her family. There is no truth in that application. Deceased Lovepreet Singh committed suicide due to domestic quarrel due to came of Resham Singh to her mother Charanjit Kaur. Allegations leveled by Charanjit Kaur mother of the deceased against Mamta daughter of Amar Singh and Kalawati mother of Mamta and Amar Singh father of Mamta regarding to kill Lovepreet Singh or to harass him to commit suicide has not been proved. Lovepreet Singh has committed suicide under the train which has been proved on the statement of loco Pilot Sunil Kumar, so application be filed. Report is submitted.”

Considering the fact that the driver of the train and Guard have made the statements that the deceased was alone at that time and had jumped before the running train on 24.12.2014, which is also supported by the statements of Sukhwinder Singh (brother of deceased) and Balbir Singh (uncle), coupled with the inquiry report reproduced here-in-above, this Court finds that the prayer made by the petitioner to hand over the

matter to some independent agency cannot be accepted.

The present petition is accordingly dismissed. However, the petitioner is at liberty to avail any other remedy as available under the law.

December 04, 2018
seema

(HARI PAL VERMA)
JUDGE

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