

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.811 of 2016(O&M)
Date of Decision-03.04.2018

Amarjit Kaur and others ... Petitioners
Versus
State of Punjab ... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. G.S.Sidhu, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Ms. Monika Arora, Advocate for
Mr. Pritam Saini, Advocate
for the complainant.

RAJ MOHAN SINGH, J.

[1]. Petitioners have preferred this revision petition against the order of framing of charge dated 28.10.2015 and charge-sheet dated 28.10.2015 passed by Additional Sessions Judge, Patiala.

[2]. FIR was registered on the basis of statement of Gurtej Singh who stated that his family is comprising of two brothers and 4 sisters. Nine months earlier, younger brother of the complainant namely Parminder Singh was married to Parneet Kaur @ Nisha daughter of Mukhtiar Singh. Both the brothers jointly residing in one house. Parneet Kaur @ Nisha was pregnant who left the house about one and half months earlier and went to her parental house. About 8-10 days earlier, due to fast of Parneet Kaur @ Nisha, Parminder Singh and his mother Amarjeet Kaur went to

village Paharpur for giving Sargi. Some dispute arose between the brother of the complainant and members of his in-laws family with regard to sister-in-law of the complainant due to which mediator namely Jagwinder Singh was called. Jagwinder Singh informed the same to the complainant. Thereafter, Jagwinder Singh along with his mother Harbans Kaur lambardarni and brother Kaka Singh @ Surinder Singh went to village Paharpur. On reaching there, Parminder Singh told the family that his wife Parneet Kaur @ Nisha is having illicit relationship with Kaka Singh @ Surinder Singh. Parminder Singh claimed himself to be an eye-witness. On this, all the in-laws family members started beatings his brother. Harbans Kaur lambardarni caught hold legs of brother of the complainant and her sons Jagwinder Singh and Kaka Singh @ Surinder Singh gave lot of fist blows to Parminder Singh. Complainant and his mother got him released with difficulty. Sister-in-law of the complainant was also given lots of threats to the complainant side. Thereafter, complainant along with his mother and brother came back to their village. Because of the aforesaid occurrence, brother of the complainant remained disturbed and he committed suicide by hanging himself with a fan in the house. Dead body of Parminder Singh was taken to hospital, where doctor declared him brought dead. Dead body was deposited in the morchery and thereafter, the case was registered.

[3]. Police investigated the case and found that though the FIR was registered at the instance of Gurtej Singh, but the deceased Parminder Singh was having differences with his brother Gurtej Singh on account of partition of the house. Parminder Singh was earlier married at Bhawanigarh and was divorced. Settlement amount of Rs.7 lacs was allegedly given by Gurtej Singh and the said amount was credited to the share of Parminder Singh. There were differences between the brothers. The allegations of the complainant against the son of Harbans Kaur lambardarni namely Kaka Singh @ Surinder Singh were found to be false. On 27.04.2014, Jagwinder Singh, Kaka Singh @ Surinder Singh, Harbans Kaur lambardarni, Parneet Kaur @ Nisha and Rajni Kaur were joined in the investigation and no proof of their involvement was found. They were again joined in the investigation on 13.05.2014 and were released on their personal and surety bonds. They were found to be innocent. A report was sent to Senior Superintendent of Police vide endorsement No.3084 dated 09.08.2014 showing that Rajni daughter of Mukhtiar Singh is Spinster and is studying in Mahindra College, Patiala in B.A. 2nd year. Mukhtiar Singh is driver by profession and he was not present at home on the day of occurrence. Harbans Kaur lamabardarni got the marriage of her niece Parneet Kaur @ Nisha arranged with deceased Parminder Singh. In order to usurp the property of deceased Parminder Singh, on 05.11.2013, mother of Parminder Singh has

threatened Gurtej Singh, Khem Singh Sarpanch, Jaspal Kaur wife of Gurtej Singh, Parneet Kaur @ Nisha wife of deceased Parminder Singh and got stamp paper from Court Complex Samana. In order to grab the property of deceased Parminder Singh got the statement written on the stamp paper and got it attested from Executive Magistrate. Affidavit and suicide note were wrongly prepared and no incident about beatings in the village took place. An amount of Rs.7 lacs was spent at the time of divorce of first marriage of deceased Parminder Singh. Drug addiction of Parminder Singh, not getting any proper maintenance from his house and his separation from the house was also unearthed. No material was found about illicit relations of Kaka Singh @ Surinder Singh with Parneet Kaur @ Nisha wife of deceased Parminder Singh. Police found Jagwinder Singh son of Sukhdev Singh, Kaka Singh @ Surinder Singh son of Sukhdev Singh, Harbans Kaur lambardarni wife of Sukhdev Singh, Parneet Kaur @ Nisha wife of deceased Parminder Singh and Rajni Kaur daughter of Mukhtiar Singh to be innocent in the case.

[4]. Police further investigated the case and found that Parminder Singh was harassed by his family. He was harassed for the amount of Rs.7 lacs spent at the time of divorce of his first marriage. Family members did not provide maintenance to Parminder Singh and he was frustrated. Thereafter, Parminder Singh took loan of Rs.6 lacs on the land of his share and gave it to his brother Gurtej Singh. Even after acceptance of amount of

Rs.6 lacs, Gurtej Singh did not release his land and differences arose between the brothers. This fact was disclosed by Parminder Singh to his friends. Because of pregnancy of Parneet Kaur @ Nisha and the shock which she got after the death of her husband, Investigating Officer could not make proper inquiry at the relevant time as she was required to be joined in the investigation. After inquiry from her, the main reason behind the death of Parminder Singh was *prima facie* found against Gurtej Singh etc. During investigation, suicide note was recovered from the pocket of deceased Parminder Singh and on being sent to FSL, could not advance the case against in-laws of deceased Parminder Singh. The expert demanded more writing. Investigating Officer tried to get writing of Jaspal Kaur and Gurtej Singh. Jaspal Kaur first kept on making excuses, but later on started writing by changing her handwriting. She was also suspected. Statement of Gurtej Singh was found to be exaggerated statement in order to save himself, his friends and family members. Police also found that whenever he was tried to be joined in the investigation, he made all efforts to save himself and was afraid of joining the investigation by making excuses. Police also *prima facie* found that Parminder Singh got divorced from his first wife. Gurtej Singh had spent Rs.7 lacs on the divorce of Parminder Singh. Because of the aforesaid amount, Parminder Singh has to give house, land and tractor to his brother Gurtej Singh. Jaspal Kaur and Khem Singh in connivance

with each other used to ask Parminder Singh that when he will return the amount of Rs.7 lacs, then his house and share in the property will be given and till then, they will use the tractor. Parminder Singh used to say that his in-laws had given dowry of worth Rs.18/20 lacs and after returning an amount of Rs.7 lacs, still articles worth Rs.10-12 lacs were lying in the house. Since there was conflict between them, therefore, he remained disturbed. Khem Singh mislead him and got him loan of Rs.6 lacs on his land. All of three after taking the aforesaid amount of Rs.6 lacs promised him that at the next crop session, they will hand over his land to him. Despite taking amount of Rs.6 lacs, they did not return the land and tractor to Parminder Singh. Because of the aforesaid reasons, Parminder Singh remained more disturbed and many a times, Khem Singh, Gurtej Singh and Jaspal Kaur gave beatings to him.

[5]. Jaspal Kaur was joined in the investigation pursuant to order dated 15.05.2015 passed by the High Court in CRM-M No.15314 of 2015. She has accepted that on the asking of Khem Singh Sarpanch, she had prepared forged suicide note in connivance with her husband Gurtej Singh in the presence of her mother-in-law Amarjit Kaur. After preparing the suicide note, Jaspal Kaur gave the same to Gurtej Singh and Khem Singh Sarpanch to put the same in the pocket of deceased Parminder Singh. Copy on which the suicide note was prepared, that copy and pen were burnt. The police ultimately, collected the material

against Gurtej Singh, Amarjit Kaur and Jaspal Kaur for the offences under Sections 306/195/465/466/211/120-B/34 IPC and prepared challan under Section 173 Cr.P.C for the aforesaid offences on 18.05.2015.

[6]. An application under Section 190 Cr.P.C was filed by Parneet Kaur @ Nisha for taking cognizance against accused Khem Singh. The said application was allowed vide order dated 04.09.2015. Thereafter, Sub Divisional Judicial Magistrate, Samana committed the case to the Court of Sessions vide order dated 18.09.2015.

[7]. After the order of commitment, Additional Sessions Judge, Patiala passed the order of charge on 28.10.2015 and vide order of even date, charge-sheeted the petitioners for the offences in question. All the accused have been charge-sheeted for hatching a conspiracy and agreed to do an illegal act i.e. preparing a forged suicide note of deceased Parminder Singh in order to get the land of Parminder Singh and to get a false case registered against Parneet Kaur @ Nisha for the offence under Section 306 IPC in order to put pressure upon her to abstain her for getting any share in Parminder Singh's property. Petitioners were also charge-sheeted for the offence under Section 120-B IPC. They were also charge-sheeted for the offences under Sections 306, 195 read with Section 120-B IPC, Section 211 read with Section 120-B IPC and Section 465 read with Section 120-B

IPC in the light of allegations *prima facie* brought on record by the Investigating Agency/prosecution and after taking cognizance on the said allegations by the trial Court.

[8]. It is a settled principle of law that charges can be framed even on strong suspicion. At this stage, this Court is not obliged to examine the allegations so meticulously so as to give any benefit to the accused on the basis of conjuncture. It is also a settled principle of law that charge can be altered at any stage of the trial.

[9]. Initial version in the FIR was got recorded by the petitioner Gurtej Singh himself and was found to be otherwise. Gurtej Singh and his family members were found to be *prima facie* involved in abetting the offence under Section 306 IPC.

[10]. At this stage, no fault can be attributed to the process as well as material collected by the Investigating Agency. The impugned order dated 28.10.2015 passed by Additional Sessions Judge, Patiala cannot be found to be illegal or having suffered with any perversity. The present revision petition is found to be totally bereft of merits and the same is accordingly dismissed.

(RAJ MOHAN SINGH)
JUDGE

03.04.2018
Prince

Whether Reasoned/Speaking Yes/No

Whether Reportable Yes/No