

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.145-2019 (O&M)
Date of decision : 21.01.2019

Ranjit Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr.Parampreet Singh Bajwa, Advocate for the petitioner

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (Oral)

Heard.

Impugned in the present revision is the order dated 6.12.2018 passed by learned Additional Sessions Judge, Sangrur vide which application filed by the present petitioner Ranjit Singh under Section 319 Cr.P.C. for summoning Manjit Kaur and Gaganpreet Kaur as additional accused was dismissed.

Brief facts of the case are that Rajinder Kaur deceased was having some dispute with her husband Gurpreet Singh and his brother Harpreet Singh. Manjit Kaur -respondent is wife of Harpreet Singh and Gaganpreet Kaur -respondent is daughter of Harpreet Singh. They were residing in the same house. It is stated that when deceased Rajinder Kaur had conceived, all the accused were pressing her for abortion. Rajinder Kaur moved an application before police on 21.3.2018 regarding

harassment by her husband and husband's brother Harpreet Singh and his wife Manjit Kaur, claiming that they do not want to take her to her in-laws house and they also threatened to kill her and her three months old daughter. It comes out that later on a compromise was effected on 23.4.2018 in police station, under which Rajinder Kaur along with her daughter went to her in-laws house on the motorcycle of Gurpreet Singh, in the presence of Panchayat of both the villages. Complainant, namely, Ranjit Singh sent his son Sarabjot Singh to the house of Gurpreet Singh. He found that the house is locked. Thereafter, dead bodies of Rajinder Kaur and her minor daughter were found in the canal. On the basis of the investigation, Gurpreet Singh, husband of the deceased and Harpreet Singh, brother of Gurpreet Singh were challaned. The complainant claimed in the application under Section 319 Cr.P.C. that the murder was committed by Gurpreet Singh, Harpreet Singh, Manjit Kaur and Gaganpreet Kaur, in connivance with each other. It is found that name of Gaganpreet Kaur was not mentioned in the complaint regarding harassment mentioned above. Only name of Manjit Kaur was mentioned and she was not challaned by the police.

Learned counsel for the petitioner contends that in this case Gurpreet Singh was driving motorcycle, whereas Rajinder Kaur and her minor daughter were riding pillion. Gurpreet Singh intentionally drove the motorcycle into canal along with its occupants. He himself was able to swim out. However, his wife and minor daughter drowned and died. It is alleged that this was done in conspiracy with Harpreet Singh brother of Gurpreet Singh and Manjit Kaur and their daughter Gaganpreet Kaur. Admittedly, it is case of death by drowning. At the time of incident, only Gurpreet Singh husband of the deceased was driving motorcycle. In the

earlier complaint, even name of Gaganpreet Kaur was not mentioned and only name of Manjit Kaur was mentioned, in addition to Gupreet Singh and Harpreet Singh. Thereafter, compromise was effected in the police station and after the compromise, Gupreet Singh was taking his wife and minor daughter on the motorcycle to his house and occurrence took place on the way.

The trial Court has taken into consideration the law laid down in the case of Hardeep Singh vs. State of Punjab, (SC) 2014(1) R.C.R. (Criminal) 623 and stated that merely on the basis of the statement of the complainant, it cannot be presumed that Manjit Kaur and Gaganpreet Kaur had entered into criminal conspiracy to murder Rajinder Kaur.

After considering the facts and circumstances and the manner in which the crime is alleged to have been committed, I am of the view that the trial Court has taken a correct view in the matter. In fact, it appears that the petitioner wants to caste the net wider by involving the wife and daughter of elder brother of husband of the deceased. Elder brother of the husband of deceased has already been challaned in this case. No ground to interfere in the impugned order.

Resultantly, the present petition stands dismissed.

21.01.2019

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No