

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

CRA-D-32-DB of 2018 (O&M)

Reserved on : 31.10.2019

Date of decision : 04.11.2019

Mahinder Singh and others

.... Appellants

Versus

State of Haryana

..... Respondent

CORAM :- HON'BLE MR. JUSTICE RAJIV SHARMA

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. H.S. Grewal, Legal Aid Counsel,
for the appellants.

Ms. Shubhra Singh, Addl. A.G., Haryana.

* * *

RAJIV SHARMA, J.

1. This appeal is instituted against the judgment dated 24.10.2017 and order dated 30.10.2017, rendered by learned Additional Sessions Judge, Ambala, in Sessions Case No. 150 of 2014 dated 07.08.2014/11.08.2014. Appellants Mahinder Singh, Balwinder Singh, Satwinder Kaur and Narinder Kaur along with co-accused Kuldeep Singh were charged with and tried for the offences punishable under Sections 302/34/201/120-B/406 of the Indian Penal Code (for short 'IPC'). The appellants were convicted and sentenced to undergo life imprisonment and to pay a fine of ₹ 60,000/- each for commission of offence punishable under Section 302 IPC read with Section

120-B IPC. In default of payment, they were sentenced to undergo simple imprisonment for a period of one year each. They were also convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹ 5,000/- each for commission of offence punishable under Section 201 IPC read with Section 120-B IPC. In default of payment, they were sentenced to undergo simple imprisonment for a period of six months each. Both the sentences were ordered to run concurrently. The appellants were acquitted of the charge under Section 406 IPC. Co-accused Kuldeep Singh was acquitted of all the charges.

2. The case of the prosecution, in a nutshell, is that on 01.04.2014, a telephonic information was received in Police Post Nenola from Police Station Baldev Nagar, regarding admission of Paramjeet Kaur in Leelawati Hospital, Ambala City, as a burn case. ASI Om Parkash along with EASI Nafe Singh reached Leelawati Hospital. The doctor referred her for treatment to the higher center. Thereafter, information was received that Paramjeet Kaur was admitted in GMCH, Sector 32, Chandigarh. ASI Om Parkash along with EASI Nafe Singh reached in Emergency Ward, GMCH, Sector 32, Chandigarh. The opinion of the doctor regarding fitness of the patient was obtained. The doctor declared her fit to make statement. Thereafter, statement of Paramjeet Kaur was got recorded by Ms. Siffa, learned Duty Magistrate, Chandigarh. According to her statement, her father-in-law and uncle-in-law had burnt her whereas her mother-in-law and aunt-in-law had caught hold of her. She cried for help. She was saved by the neighbours. The FIR was registered. ASI Om Parkash also recorded the statement of Paramjeet Kaur. According to her, her marriage was

solemnised with Kuldeep Singh on 04.12.2005 at village Udeypur. There was no issue out of this wed-lock. Her parents-in-law, namely Satwinder Kaur and Mahinder Singh, were harassing her. Her husband also used to instigate her parents-in-law on telephone. The brother of her father-in-law, namely Balwinder Singh, and his wife Narinder Kaur were also supporting her parents-in-law. They used to quarrel with her. On 01.04.2014 at about 8.00 AM, when she was talking on telephone, her parents-in-law misbehaved with her. Thereafter, her mother-in-law Satwinder Kaur and aunt-in-law Narinder Kaur caught hold of her. In the meantime, her father-in-law Mahinder Singh and uncle-in-law Balwinder Singh poured kerosene oil upon her and set her on fire. She raised hue and cry. The neighbours came on the spot. She was brought to GMCH, Sector 32, Chandigarh. She died on 07.04.2014 during her treatment in Command Hospital, Chandi Mandir, Panchkula, due to burn injuries. Thereafter, Section 302 IPC was also added. The post-mortem examination was got conducted. Accused were arrested. The investigation was completed and challan was put up after completing all the codal formalities.

3. The prosecution examined as many as thirty witnesses in support of its case. The appellants were also examined under Section 313 Cr.P.C. They denied the case of the prosecution and pleaded false implication.

4. The appellants were convicted and sentenced, as noticed herein-above. Hence, this appeal.

5. Mr. H.S. Grewal, Legal Aid Counsel, appearing on behalf of the appellants has vehemently argued that the prosecution has failed to

prove its case against the appellants. Learned counsel appearing on behalf of the State has supported the judgment and order of the learned Court below.

6. We have heard learned counsel for the parties and gone through the judgment and record very carefully.

7. PW.4 Dr. (Major) Manish Bansal deposed that on 02.04.2014, he received a patient, namely Paramjeet Kaur, in Command Hospital, Chandi Mandir, with 99% deep/superficial burns. Patient was immediately treated. MLC was issued. He received a call on 07.04.2014 that condition of the patient was critical. She died at 900 hours. He issued death certificate Ex.P8.

8. PW.5 Dr. Jitendra Singh led his evidence by filing affidavit Ex.P9. He along with Dr. Ravinder conducted post mortem examination on the body of Paramjeet Kaur. He found following injuries on the body of the deceased, as per the affidavit Ex.P9 :-

- (1) Deep and superficial burns all over the body with pilling of skin at places underneath the antiseptic dressing. Patecheal haemorrhage present at multiple places in the burn area. Scalp hairs were easily detachable and charred.

The cause of death, according to him, was shock as a result of extensive superficial and deep burns all over the body (99%) which was sufficient to cause death in course of events. Burns were ante-mortem in nature.

9. PW.21 Dr. Rajat Mathur deposed that Paramjeet Kaur wife of Kuldeep Singh was brought to their hospital i.e. Leelawati Hospital, Ambala City at about 9.30 AM on 01.04.2014 with approximately 90% burns. She

was given first aid. She was referred to higher center for further management. Ruqa was sent to Police Station.

10. PW.28 Dr. Gaurav Rai Sharma testified that he had treated Paramjeet Kaur wife of Kuldeep Singh in GMCH, Sector 32, Chandigarh on 01.04.2014. The police moved an application Ex.P46 regarding fitness of Paramjeet Kaur. He declared the patient fit to make statement vide Ex.P60.

11. PW.30 Dr. Sourabh Jindal deposed that on 01.04.2014, he was posted as Junior Resident in General Surgery Department of Government Medical College and Hospital, Chandigarh. Paramjeet Kaur was admitted with burn injuries. He treated her. The learned Duty Magistrate, Chandigarh, had arrived at hospital for recording statement of Paramjeet Kaur. She asked for his opinion regarding fitness of Paramjeet Kaur. He declared the patient fit to give statement vide report Ex.P63. He signed the same at point 'B'. Thereafter, statement of Paramjeet Kaur was recorded by the learned Judicial Magistrate Ist Class, Chandigarh.

12. PW.2 Daljinder Kaur deposed that Paramjeet Kaur was her sister-in-law. She was married with Kuldeep Singh. Huge dowry was given at the time of marriage. Paramjeet Kaur did not conceive till her death. She was being harassed by the accused for this reason. There used to remain quarrel between the husband and wife. On 01.04.2014 at about 9.30 AM, they received a telephone call from the doctor of Leelawati Hospital, Ambala that Paramjeet Kaur was lying in the hospital in burn condition. Jaspal Singh and Gurmeet Singh had gone to Leelawati Hospital. Jaspal Singh told them that Paramjeet Kaur was referred to GMCH, Sector 32, Chandigarh. She along with her mother-in-law and other relatives also

reached at GMCH, Sector 32, Chandigarh. Paramjeet Kaur disclosed them that she was caught hold of by Satwinder Kaur and Narinder Kaur. Accused Balwinder and Mahinder Singh put her on fire by sprinkling kerosene oil on her. In her cross-examination, she categorically denied that Paramjeet Kaur used to talk with a boy on mobile phone.

13. PW.3 Jaspal Singh deposed that Paramjeet Kaur was daughter of his brother-in-law. She was adopted by Saudagar Singh and Pritam Kaur. Paramjeet Kaur was married with Kuldeep Singh on 04.12.2005. About ₹ 20 lacs were spent on the marriage of Paramjeet Kaur by her mother Pritam Kaur. Paramjeet Kaur had no issue. Accused persons, namely Mahinder Singh, Satwinder Kaur, Kuldeep Singh, Balwinder Singh and Narinder Kaur, used to harass and taunt Paramjeet Kaur due to her non-conceivment. Accused Kuldeep Singh was serving in Army. On 01.04.2014, he received a telephonic call from Pritam Kaur that Paramjeet Kaur was set on fire by her in-laws and she was admitted in Leelawati Hospital, Ambala. He along with his wife Jaswinder Kaur reached the hospital. The doctor referred Paramjeet Kaur to GMCH, Sector 32, Chandigarh. Thereafter, he called his brother-in-law Gurmeet Singh. They took Paramjeet Kaur to GMCH, Sector 32, Chandigarh. The police also reached in the hospital. Statement of Paramjeet Kaur was recorded by the learned Magistrate. On the way to GMCH, Sector 32, Chandigarh, Paramjeet Kaur disclosed that the accused persons were harassing her for many days. In the morning, when she was cleaning the house, her mother-in-law Satwinder Kaur and Narinder Kaur caught hold of her. Her father-in-law Mahinder Singh and Balwinder Singh had set her on fire after sprinkling kerosene oil. On 23.05.2015, the police had taken into

possession dowry articles mentioned in list Ex.P3. In his cross-examination, he admitted that Paramjeet Kaur remained in the house of her in-laws for a period of nine years. He had told ASI Om Parkash that the accused persons had set Paramjeet Kaur on fire.

14. PW.6 Gurmeet Singh deposed that marriage of accused Kuldeep Singh was solemnized with Paramjeet Kaur on 04.12.2005. Since she could not conceive, she was being harassed by the accused. On 01.04.2014, when Paramjeet Kaur was admitted in Leelawati Hospital, Ambala City due to burn injuries, he was present in Military Hospital, Ambala Cantt for preparing his medical card. He received a telephonic information that Paramjeet Kaur was admitted in Leelawati Hospital, Ambala City. He reached Leelawati Hospital. He met Jaspal Singh. He told that Paramjeet Kaur was shifted to GMCH, Sector 32, Chandigarh. He accompanied Jaspal Singh in ambulance. Paramjeet Kaur told them that accused Balwinder Kaur and Satwinder Kaur had caught hold of her. Mahender Singh and Balwinder Singh put her on fire by pouring kerosene oil. She raised alarm. It attracted neighbours. She was taken to Leelawati Hospital. She was got admitted in GMCH, Sector 32, Chandigarh. In his cross-examination, he admitted that Jaspal Singh had retired from Haryana Police as ASI. It took about 30-45 minutes for the Magistrate in recording statement of Paramjeet Kaur. He denied the suggestion that Paramjeet Kaur did not disclose anything to them on the way to Chandigarh in the ambulance.

15. PW.7 SI Ramesh Chand testified that he was posted as ASI at Police Station Naggal on 01.04.2014. Statement of Paramjeet Kaur under

Section 164 Cr.P.C. was recorded by the learned Judicial Magistrate Ist Class, Chandigarh. The police proceedings conducted by ASI Om Parkash vide Ex.P13 were received in the Police Station through EASI Nafe Singh. He proved endorsement Ex.P15.

16. PW.8 HC Ram Saran visited the place of occurrence on 21.04.2014, i.e. house of the accused in village Udaypur. He proved the scaled site plan Ex.P16 prepared by him with correct marginal notes.

17. PW.9 HC Salinder Singh led his evidence by filing affidavit Ex.P17. According to the averments made in the affidavit, on 07.04.2014, ASI Om Parkash had deposited one parcel of burnt clothes of deceased Paramjeet Kaur along with sample seal. It was sent to the Forensic Science Laboratory, Madhuban, on 15.04.2015.

18. PW.10 Surjit Singh is the brother of deceased Paramjeet Kaur. According to him, his sister Paramjeet Kaur was married with accused Kuldeep Singh on 04.12.2005. The accused used to harass her. She was set on fire by the accused on 01.04.2014. He came back to India from USA on 04.04.2014. His sister had told him how she was put on fire by the accused. He identified her dead body. The dead body was handed over to him after post mortem examination. In his cross-examination, he deposed that there was no complaint from the in-laws side of Paramjeet Kaur that she used to talk on mobile phone with somebody from Italy.

19. PW.11 EHC Chandu Lal had taken the case property to the Forensic Science Laboratory, Madhuban.

20. PW.13 HC Surjeet Singh deposed that accused Balwinder Singh made a disclosure statement Ex.P22 that he could get the place of

occurrence demarcated. He led the police party to the house of accused Mahinder Singh. The place of occurrence was demarcated.

21. PW.14 SI Rajpal Singh testified that accused Satwinder Kaur made a disclosure statement. She disclosed that she could demarcate the place of occurrence. She led the police party to village Udaypur. The place of occurrence was demarcated. Accused Narinder Kaur was also arrested. She also made disclosure statement to the effect that she could demarcate the place of occurrence. She also got demarcated the place of occurrence. Accused Balwinder Singh made disclosure statement admitting the commission of crime. He also disclosed that he could get recover empty bottle of kerosene oil after demarcation from Marinda Gurudwara, Punjab.

22. PW.15 HC Hardev Singh deposed that accused Mahinder Singh was interrogated. He made disclosure statement. He admitted his involvement in the crime. He disclosed that when Paramjeet Kaur was being taken to hospital, he along with his wife Satwinder Kaur, brother of Balwinder Singh and Narinder Kaur cleaned the floor. He had concealed half burnt clothes of the deceased in a earthen-pot (Hara) near bathroom of his house. He could get the same recovered. The disclosure statement is Ex.P29. Accused led the police party to the spot and got recovered a polythene containing half burnt red coloured salwar, shirt of blue and green colour, white colour bra and underwear of the deceased. These were taken into possession.

23. PW.17 EASI Ram Phal deposed that the ashes having smell of kerosene oil were picked from the place of occurrence with the help of cotton.

24. PW.23 SI Raghubir testified that accused Kuldeep Singh was interrogated. He made disclosure statement Ex.P43. He was again interrogated on 23.05.2015. He disclosed that his wife Paramjeet Kaur had resided with him from the year 2009 to 2011 at his official quarter at Chandi Mandir, Panchkula. He also disclosed that he could get the dowry articles recovered from his house.

25. PW.24 ASI Om Parkash deposed that he along with EASI Nafe Singh collected ruqa from Police Station Baldev Nagar. Thereafter, they reached Leelawati Hospital. They were informed that Paramjeet Kaur had been referred to higher center for treatment. She was admitted in GMCH, Sector 32, Chandigarh. They reached the hospital and obtained ruqa. He obtained opinion of the concerned Medical Officer regarding fitness of Paramjeet Kaur to make statement. The concerned doctor opined on the application Ex.P46 that the patient was fit for recording statement. An application was made to Ms. Shifa, learned Judicial Magistrate Ist Class for recording statement of Paramjeet Kaur. The statement was recorded by the learned Judicial Magistrate Ist Class. The police proceedings Ex.P13 were prepared. He recorded statements of the witnesses. Statement of Paramjeet Kaur was also recorded by him vide Ex.P47. He prepared the rough site plan Ex.P48. The accused were arrested and interrogated. In his cross-examination, he admitted that he had obtained call details of several mobile numbers. He did not know if the phone being used by Paramjeet Kaur was taken away by Daljit Kaur, when the dispute arose that phone calls from a boy settled in Italy used to be received on mobile phone of Paramjeet Kaur. He denied the suggestion that he visited Pehowa and Police Post Saraswati,

Pehowa, in order to trace the address of the boy settled in Italy.

26. PW.29 Ms. Shifa, Sub Divisional Judicial Magistrate, Hansi, deposed that ASI Om Parkash moved an application Ex.P62 before her, mentioning therein that Paramjeet Kaur wife of Kuldeep Singh was admitted in Government Medical College & Hospital, Sector 32, Chandigarh. She was referred from Leelawati Hospital, Ambala, with 90% burn injuries. She was declared fit for making statement by the doctor. She reached GMCH, Chandigarh in Burns Ward. Paramjeet Kaur was lying admitted. She inquired from the doctor on duty about fitness of Paramjeet Kaur to make statement. The doctor opined that the patient was fit for making statement. Opinion Ex.P63 was obtained from the doctor. Thereafter, statement of patient Paramjeet Kaur was recorded. Paramjeet Kaur put her right thumb impression at point A of her statement. She signed the same.

27. Paramjeet Kaur was married with Kuldeep Singh on 04.12.2005. She could not conceive. She was being harassed by the appellants. On the morning of 01.04.2014, appellants Satwinder Kaur and Narinder Kaur had caught hold of her. She was put on fire by appellants Mahinder Singh and Balwinder Singh. She raised an alarm. She was taken to Leelawati Hospital, Ambala City, by the neighbourers. Thereafter, she was shifted to GMCH, Sector 32, Chandigarh, and ultimately referred to Command Hospital, Chandi Mandir, Panchkula, where she died on 07.04.2014.

28. PW.2 Daljinder Kaur, PW.3 Jaspal Singh, PW.6 Gurmeet Singh and PW.10 Surjit Singh have categorically deposed that Paramjeet Kaur had

told them that appellants Mahinder Singh and Balwinder Singh had put her on fire, while Satwinder Kaur and Narinder Kaur caught hold of her. The statement of Paramjeet Kaur was recorded by PW.29 Ms. Shifa. According to the statement, her father-in-law and uncle-in-law had burnt her. Her mother-in-law and aunt-in-law had caught hold of her. She cried for help. She was saved by the neighbourers. Her husband was not at home since he was in Army. PW.24 ASI Om Parkash also recorded the statement of Paramjeet Kaur vide Ex.P47, after getting certificate of her fitness to get her statement recorded. According to her statement, recorded by ASI Om Parkash, she was married with Kuldeep Singh on 04.12.2005. At about 8.00 AM, she was at home. Satwinder Kaur and Narinder Kaur caught hold of her. Mahinder Singh and Balwinder Singh set her on fire after pouring kerosene oil. She raised an alarm. She was taken to Leelawati Hospital, Ambala by the villagers. The doctor had referred her to Chandigarh. Thereafter, her maternal uncle Jaspal Singh and Gurmeet Singh took her to GMCH, Sector 32, Chandigarh, for treatment. She had requested that legal action be taken against the accused.

29. PW.4 Dr. (Major) Manish Bansal had treated Paramjeet Kaur with 99% deep/superficial burns in Command Hospital, Chandi Mandir, Panchkula. She died on 07.04.2014. He issued death certificate Ex.P8. PW.21 Dr. Rajat Mathur, who was working in Leelawati Hospital, deposed that Paramjeet Kaur was brought to their hospital at about 9.30 AM on 01.04.2014 with approximately 90% burns. She was referred to higher center. PW.28 Dr. Gaurav Rai Sharma has categorically deposed that Paramjeet Kaur was admitted in GMCH, Sector 32, Chandigarh on

01.04.2014. He was on emergency duty on that day. The police moved an application Ex.P46 regarding fitness of Paramjeet Kaur. Vide Ex.P60, he declared the patient fit to make statement. The patient was discharged on 02.04.2014. PW.30 Dr. Sourabh Jindal has also deposed that on 01.04.2014, he was posted as Junior Resident in General Surgery Department of Government Medical College and Hospital, Chandigarh. Paramjeet Kaur was admitted in the hospital with burn injuries. He was the treating doctor. The learned Duty Magistrate, Chandigarh, had arrived at hospital for recording statement of Paramjeet Kaur. She asked for his opinion regarding fitness of Paramjeet Kaur. He declared the patient fit to give statement vide report Ex.P63. Thereafter, statement of Paramjeet Kaur was recorded by the learned Judicial Magistrate Ist Class, Chandigarh. PW.29 Ms. Shifa, Sub Divisional Judicial Magistrate, Hansi, has categorically deposed that she reached GMCH, Sector 32, Chandigarh after receiving the application Ex.P62 from ASI Om Parkash. She inquired from the doctor on duty about fitness of Paramjeet Kaur to make statement. The doctor opined that the patient was fit to make statement. Opinion Ex.P63 was also obtained from the doctor. Thereafter, statement of patient Paramjeet Kaur was recorded. Statement of Paramjeet Kaur was recorded strictly in accordance with law.

30. There is no merit in the contention of learned counsel appearing on behalf of the appellants that the deceased was tutored. The deceased had disclosed the manner in which she was put on fire, to PW.2 Daljinder Kaur, PW.3 Jaspal Singh, PW.6 Gurmeet Singh as well as to PW.10 Surjit Singh. The appellants have also made disclosure statements, on the basis of which empty bottle of kerosene oil, the dowry articles and the burnt clothes of the

deceased were recovered. They also got the place of occurrence demarcated. There was no occasion for Paramjeet Kaur to falsely implicate the appellants. There is no merit in the contention of learned counsel for the appellants that Paramjeet Kaur committed suicide. There was no reason for her to commit suicide. The Investigating Officer has denied that he had ever visited Pehowa to gather the facts about the boy who was living in Italy and was talking with the deceased on phone. PW.10 Surjit Singh has also denied that his sister had been talking with a boy. The cause of death was shock as a result of extensive superficial and deep burns all over the body (99%) which was sufficient to cause death in course of events. Burns were ante-mortem in nature. The prosecution has proved the motive.

31. Accordingly, the prosecution has proved its case against the appellants beyond reasonable doubt. There is no occasion for us to interfere with the well reasoned judgment of the trial court. There is no merit in this appeal and same is dismissed. The impugned judgment dated 24.10.2017 and order dated 30.10.2017 are upheld.

(RAJIV SHARMA)
JUDGE

November 04, 2019
ndj

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes