

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Appeal No. S-922-SB of 2004 (O&M)
Date of decision : February 27, 2019

Sukhwinder Singh alias Gurjinder Singh

....Appellant

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Gurveer Sidhu, Advocate as Amicus Curiae
for the appellant

Mr. Rakeshinder Singh Sidhu, AAG, Punjab for the State

Fateh Deep Singh, J. (Oral)

This is an appeal by the convict-appellant Sukhwinder Singh alias Gurjinder Singh challenging the judgment of conviction dated 5.2.2004 of the court of learned Additional Sessions Judge, Fatehgarh Sahib whereby the appellant was found guilty for commission of offence under Section 306 IPC and sentenced to undergo rigorous imprisonment for four years with fine of Rs 1000/- and in default of payment of fine to further undergo rigorous

imprisonment for three months.

Heard Mr. Gurveer Sidhu, Advocate as Amicus Curiae for the appellant and Mr. Rakeshinder Singh Sidhu, AAG, Punjab for the State and perused the records of the case.

The allegations of the prosecution have come about from the statement of deceased Paramjit Kaur in which she has alleged that her marriage with accused Sukhwinder Singh took place nine years ago prior to the occurrence. She was being badly harassed by her in-laws family. Her husband always remained under the influence of liquor. On 29.8.2002, her husband started taking liquor in the morning and also started beating her and turned her out from the house asking her to leave the house and remarry with some one else. Due to this cruel act and harassment of her husband she went inside the kitchen and poured kerosene and set herself on fire. On seeing this, her husband, who was still under the influence of liquor put water on her and extinguished the fire. The accused then took the complainant to the hospital at Fatehgarh Sahib from where she was referred to PGI, Chandigarh where she succumbed to her injuries on 4.9.2002. On the basis of her statement Ex. PB, formal FIR Ex. PA was registered.

In order to prove its case, the prosecution examined PW1 SI Jalaur Singh, who proved FIR Ex. PA, PW2 Rachpal Kaur, PW3

Sanjeev Kumar Naib Tehsildar, who proved his endorsement Ex. PG/1, Request Ex. PG/2, Opinion of Doctor Ex. PG/3, Second Request Ex. PG/4, Opinion of Doctor Ex. PG/5, statement of deceased Paramjit Kaur Ex. PH and note Ex. PH/1. Prosecution further examined PW4 Dr. Joginder Bansal, who proved post-mortem report Ex. PJ, PW5 Dr. Ranjit Singh, who proved Bed-head tickets Ex. PK and his opinion on it Ex. PK/1; PW6 HC Pal Singh, attesting witness of recovery memos Ex. PC to Ex. PE, PW7 Dr. KPS Sandhu who proved MLR Ex. PM, Pictorial diagram Ex. PN, Intimation Ex. PO and other documents; PW8 Om Parkash Sachdeva Draftsman, who prepared scaled site plan Ex. PR; PW9 ASI Ajaib Singh, Investigating Officer, who proved application Ex. PL, opinion Ex. PQ, statement of deceased Ex. PB, his endorsement Ex. PS, FIR Ex. PA, police application Ex. PG, recovery memos Ex. PC to Ex. PE, Ex. P1 to P3, site plan Ex. PT, arrest memo Ex. PW, search memo Ex. PV, applications Ex. PL, Ex. PW, Ex. PX and Ex. PA, Inquest report Ex. PY; PW10 Dr. Jatinder Kumar, who proved his endorsement Ex. PK; PW11 Harish Kumar, Photographer, who proved photographs Ex. P1 to P5 and their negatives Ex. P6 to Ex. P10; PW12 Dr. PS Chari who proved opinions of Dr. Deepak S. Shetty Ex. PL and EM, Bed Head tickets Ex. PO, his own endorsement Ex. PO/1 and PW13 HC Jagdish Singh who tendered

his affidavit Ex. PQ and closed its evidence.

Upon closure of the prosecution evidence the accused was put the incriminating evidence oral as well as documentary in his statement recorded under Section 313 Cr.P.C. who denied the allegations. In defence, the accused examined DW1 Pavel Kumar, DW2 Gurmeet Kaur and thereafter the defence evidence was closed leading to the passing of the impugned findings.

At the very onset, learned Amicus Curiae for the appellant stated that he does not wish to assail the findings recorded by the learned trial court as the appellant has been released on completion of sentence and prayed that the appeal be disposed of accordingly.

As per custody certificate produced by the learned State counsel, the appellant has undergone 04 years and 16 days including the remissions. He has also paid the fine.

Keeping in view that the counsel for the appellant has not assailed the findings of the trial court and the appellant has been released on completion of his sentence, the present appeal is rendered infructuous and is disposed off as such.

February 27, 2019
'tiwana'

(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No

