

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-A-2144-MA-2016 (O&M)
Date of decision : 30.10.2019

Daljit Kaur

..... Applicant

versus

Kuldip Kaur & anr.

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
HON'BLE MRS.JUSTICE ALKA SARIN**

Present : Mr. Malkeet Singh, Advocate
for the applicant.

AJAY TEWARI, J. (Oral)

1. This is an application for leave to appeal against the acquittal of respondent No.1 in case FIR No.53 dated 12.05.2014 registered under Section 302 IPC at P.S. Sudhar by Sessions Judge, Ludhiana vide order dated 06.09.2016.

2. As per the allegations in the complaint respondent No.1 had killed her daughter. According to the grand mother-complainant, on the fateful day, her son (father of the child) had left for Ludhiana early in the morning for work while she had gone to the local Gurudwara to pay obeisance and she came back at about 8.00 AM. The door of the house was locked from inside and was opened by respondent No.1 only after repeated knocking. As soon as she entered she noticed that the little grand child did not seem to be normal and she found that she was not breathing. On inquiry respondent No.1 told her that the child would not get up again. Immediately the complainant rushed to the neighbouring house to summon her husband's brother and they took the child to the

hospital where it was brought dead. The cause of death was throttling and the motive which was ascribed was that respondent No.1 had illicit relations with one Gurpreet Singh and she killed the child because the child was proved to be a hindrance in that relationship.

3. The Trial Court found that the allegation of motive was not proved at all and even a divorce petition which was filed by the husband against respondent No.1 on these grounds was dismissed on merits. The issue before the Court is whether in this case of circumstantial evidence all the links point to the guilt of the accused. Having gone through the judgment we also find that there are inexplicable gaps in the story of the prosecution. The statement of the husband i.e. father of the deceased was not recorded for three months. There was no explanation as to where the grand father of the deceased was during the time of this transaction because he admittedly lived in the same house.

4. In the circumstances, we see no reason to take a different view to that taken by the Trial Court. Leave to appeal is declined.

5. Since the main case has been dismissed, the pending Crl.Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(ALKA SARIN)
JUDGE

30.10.2019

pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No