

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR No.787 of 2016 (O&M)
Date of decision: May 20, 2019

Gurpartap Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sunil Hooda, Advocate for
Mr. Samrat Malik, Advocate for the petitioner
(in CRM-M-29270-2016)
Mr. KBS Mann, Advocate for the petitioner
(in CRM-M-44285-2016) and
Mr. DPS Randhawa, Advocate for the petitioner
(in CRR-787-2016).
Ms. Ishneet Kaur, AAG, Punjab.

Rajan Gupta, J.(oral)

Petitioner has impugned order dated 06.01.2016, passed by Additional Sessions Judge, Ferozepur, whereby accused were charged for offence under Section 306 IPC.

It has been urged before the court that the trial court gravely erred in framing the charge only under Section 306 IPC if there is evidence on record to show that 98 calls were exchanged between the accused and Paramjit Kaur and her paramour Davinder Singh one or two days prior to the incident. According to him, this shows that both accused have connived and element of premeditation cannot be ruled out. Thus, accused need to be charged under Section 302 IPC. Besides, there were injury marks on the body of the deceased.

Plea has been opposed by the State. According to State counsel, FIR was registered way back in the year 2014, under section 306

IPC. Entire evidence was collected. The police proceeded on the basis of said offence and collected evidence in relation to the said offence. By now all prosecution witnesses have been examined. Petitioner never moved the court after registration of FIR for transfer of investigation to any other agency.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged on the complaint of one Gurpartap Singh, father of the deceased. He alleged that his daughter-in-law Paramjit Kaur had illicit relations with one Davinder Singh and Harjit Singh. Marriage of his son Sukhraj Singh was performed with Paramjit Kaur in the year 2002. One son namely, Manjot Singh and one daughter Amolpreet Kaur were born out of the wedlock. As his son was away to Dubai, his wife Paramjit Kaur developed relationship with Davinder Singh, a conductor in Punjab Roadways. When his son came to know about the relationship, he cautioned his wife. However, he thought that better sense would prevail in her. His daughter-in-law also developed relations with another person namely, Harjit Singh, who was an NRI. Harjit Singh regularly used to send money to Paramjit Kaur. On 20.4.2014, his son Sukhraj Singh left his house alongwith his two children but did not return. Next day, his motor cycle was found by the police at Bengali Wala Bridge. After two days i.e. on 23.4.2014, dead-body of Sukhraj Singh bearing certain injuries was found. Thereafter, on 25.4.2014, dead-body of an unidentified child was recovered, which turned out to be his son. A postmortem was conducted on the body which was cremated by Paramjit Kaur at 8.00 P.M. on the same day. Complainant alleged that his daughter-in-law Paramjit Kaur alongwith his

paramour Davinder Singh and Harjit Singh and co-accused Major Singh and her father Sukhchain Singh alongwith his two sons, had killed his son and two grand sons. It came to light that body of his another grandson was not recovered.

After registration of the FIR, a detailed investigation ensued. Challan was filed by the police. According to said challan, son of the petitioner namely Sukhraj Singh had committed suicide due to harassment meted out by Paramjit Kaur and her paramours Davinder Singh and Harjit Singh. Case was ultimately committed to the Sessions court for trial. Admittedly, out of twenty four witnesses cited by the prosecution, sixteen have been examined. At the stage of charge, trial court framed charge under section 306 IPC. Petitioner has impugned the said order in the present revision petition. No such argument has been raised which would warrant interference in the impugned order. Besides, as per Section 216 Cr.P.C., amendment of charge can be sought if such grounds are forthcoming. It is not clear whether petitioner ever sought transfer of investigation to another agency during pendency of proceedings. Learned counsel appearing for the accused as well as State submit that no such application was moved by the complainant before the trial court.

Under the circumstances, no ground to interfere in revisional jurisdiction is made out. Dismissed.

(RAJAN GUPTA)
JUDGE

May 20, 2019
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No