

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

Sr. No.112

CRM-M-21236-2020

DATE OF DECISION: JULY 31, 2020

PAWANDEEP SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sandeep Gors, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner is the brother of deceased Ramandeep Kaur who was married with Nishan Singh s/o Channan Singh-respondent No.8. From the record, it appears that there was matrimonial discord between the parties. Allegations and counter allegations had been raised by both sides on different occasions. Unfortunately, the car in which respondent No.8 was travelling along with his wife and child met with an accident resulting in the death of the wife and the child. The petitioner alleges that the accident was intentionally caused by respondent No.8 and thus, a case under Section 302 IPC must be registered instead of a case under Section 304-A, 279 IPC as has been done by the police by registration of FIR No.55, dated 07.07.2020.

Learned counsel for the petitioner has submitted that the matrimonial relations were strained as is evident from complaint dated 20.04.2020 (Annexure P-3) made by respondent No.8 to the Senior Superintendent of Police, Amritsar Rural. The diary of deceased-Ramandeep Kaur (Annexure P-4) also shows that respondent No.8 used to harass her. Thus, the said respondent had a motive to kill Ramandeep Kaur

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and the child. Photographs (Annexure P-5) clearly show that the car was intentionally banged into a safeda tree from the co-driver side. This establishes that this is a case of double murder and consequently directions must be issued to the police to register FIR under Section 302 IPC and to conduct the investigation in a fair and impartial manner or else to transfer the investigation to Central Bureau of Investigation (CBI).

From the evidence on record there can be no doubt that there was matrimonial dispute going on between the parties. However, from the photographs (Annexure P-5) it cannot be conclusively inferred that the car was hit with a safeda tree intentionally. The FIR that has been registered on the complaint of the petitioner itself records the factum of accident by referring to statement of one Kulwant Singh, Ex.-Sarpanch according to which, the car was driven rashly and negligently and it hit a safeda tree. Prima facie, therefore, it is difficult to infer that respondent No.8 intentionally banged his car into a safeda tree in order to cause the death of his wife and child.

I am informed that challan has still not been presented, thus, investigation is in progress. It is for the police to come up with evidence of intentional killing of Ramandeep Kaur and her child and if it does come up with such evidence it would act accordingly.

At this stage, I find no ground to issue any directions. The petition is accordingly dismissed.

July 31, 2020

Ankur

**(SUDHIR MITTAL)
JUDGE**

*Whether speaking/reasoned
Whether Reportable*

*Yes
No*