

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-31901-2022 (O&M)

Date of decision: 17.04.2023

KULDEEP KAUR AND ANR

....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioners.

Mr. H.S. Sullar, Sr. DAG Punjab.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 482 CrPC for issuance of direction to the respondent No.2 to comply with the judgment passed by the Hon'ble Apex Court in Lalita Kumar vs. Government of UP, 2014 (2) SCC 1, direction to register FIR in pursuance to the criminal complaint dated 05.07.2022 and to transfer of investigation to some other agency except the Sangrur police.

This Court vide order dated 29.07.2022 had directed the SSP, Sangrur to himself examine the matter and file his affidavit, pursuance thereof, a reply dated 16.09.2022 by way of affidavit of Mandeep Singh Sidhu, IPS, Senior Superintendent of Police, District Sangrur was filed in Court. Copy thereof was furnished to the learned counsel for the petitioner, who sought time to go through the same. Thereafter, on 05.12.2022 and 27.02.2023 request for adjournment was made for arguments.

Learned State counsel makes a reference to the aforesaid affidavit in particular to para Nos.6, 7 and 8 of preliminary submissions, which read thus:-

“6. That it is respectfully submitted that from the statements of Jeet Singh and his sons Chamkaur Singh and Hakam Singh, it was revealed that in the year 2015, Hakam Singh and Kulwinder Singh (also son of Jeet Singh), were carving out

ventilation window in the room towards street in their Village house that is adjacent to house of present petitioners, which was objected to by petitioner Kuldeep Kaur, leading to filing of a civil case before the Ld. Competent Court at Dhuri against Jeet Singh by her, which was decided in her favour on 18.04.2019. As a matter of consequence, they had not made any provision for ventilation window in that room. After that, no dispute whatsoever had taken place between them and petitioners and they have been on visiting terms with each other. On the intervening night of 29/30.06.2022, they were present at their respective houses constructed near cremation ground of the village and Hakam Singh, who resides in the aforesaid village house, was present at Gurudwara Shri Gurusagar Sahib, Village Bhogiwal, District Malerkotla in connection with marble work, Gurmeet Singh, who was working at Oil Mill. Sangrur had committed suicide being upset over financial issues by hanging himself on 30.06.2022. Gurwinder Singh and Jaspreet Singh, both co-workers of Hakam Singh had also deposed on similar lines and corroborated statement of Hakam Singh.

7. That it is respectfully submitted that from the statements of Sohan Singh, Sarpanch Village Hassanpur it further came to light that on 30.06.2022, pursuant to receipt of information of death of Gurmeet Singh, he went on the spot being Sarpanch of the village and found deceased hanging with rope tied to the shed pipe of the kitchen with his feet above the ground. At that time, Kuldeep Kaur, Harjinder Kaur along with her brother Jaswinder Singh and cousins of deceased namely Gupreet Singh and Gurmeet Singh and many other villagers/neighbours of deceased were present on the spot. On his information, ASI Malkit Singh No.772/SGR the then Incharge Police Post Ranike, Police Station Sadar Dhuri had come on the spot along with the police party and after taking down dead body of the deceased sent that for post mortem at Civil Hospital Dhuri, had carried out proceedings under Section 174 Cr.P.C on the statement of Harjinder Kaur and also recorded joint statement of respectable of the village. Gurmeet Singh alias Happy who was residing along with his four children, wife Harjinder Kaur and mother Kuldeep Kaur and working with Oil Mill, Sangrur, had committed suicide being upset over financial issues by hanging himself on 30.06.2022. Harbans Singh, Member Panchayat Village Hassanpur and other residents of Village Hassanpur namely Harjit Pal, Balvir Singh, Kulwinder Singh and Sukhwinder Singh have also suffered similar statements and substantiated the statement of Sohan Singh. Further, as per statement of Sandeep Singh, neighbour of deceased Gurmeet Singh and Halam Singh, no body entered or left from the house of deceased on the intervening night of 29/30.06.2022 and there was no dispute between both the families and they were on visiting terms. Respondent Gurmail Singh had also deposed

on similar lines.

8. That it is further submitted from the statements of ASI Malkit Singh No. 772/SGR the then Incharge Police Post Ranike Police Station Sadar Dhuri (now posted at Police Station Sadar Sangrur) and ASI Malkit Singh No.20203/SGR the then duty officer/officiating SHO PS Sadar Dhuri, it transpired that on 30.06.2022 he along with the police party had reached the spot of occurrence in furtherance of the information received from Sohan Singh, Sarpanch with regard to suicide committed by Gurmeet Singh alias Happy by hanging himself with the pipe of kitchen shed. During spot inspection, deceased was found hanging with rope tied with shed pipe of the kitchen with his feet above the ground. The intimation of the occurrence was sent to SHO Police Station Sadar Dhuri and in furtherance thereof the duty officer/officiating SHO ASI Malkit Singh No.20203/SGR had come present on the spot. After photography, no visible injury was found on the body and v-shape mark on his neck was present, the dead body of the deceased was sent for post mortem to Civil Hospital, Dhuri and on the statement of Harjinder that was recorded in presence of/verified by her brother Jaswinder Singh and brother in law Jasvir Singh, proceedings under Section 174 Cr.P.C were carried out. At that time, Harjinder Kaur had not shown any apprehension about murder of her husband by any person. The joint statement of respectable persons of the village was recorded. Compliance of Form No. 25.35 (1A) was made and DDR No.14 dated 30.06.2022 was recorded at Police Station Sadar Dhuri in that regard. As per column No. 14 & 5 of Form No. 25.35 (1A) no violence or poisonous substance was used in death of deceased. As per PMR No. HB/06/2022 dated 30.06.2022 also, the opined cause of death is ante-mortem hanging.

In view of the aforesaid, the present petition has been rendered infructuous and disposed of accordingly.

However, liberty is granted to learned counsel for the petitioner to avail of alternate remedy available to him in accordance with law.

(AMAN CHAUDHARY)
JUDGE

April 17, 2023
M.Kamra

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No