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

**RSA No.6065 of 2015 (O&M)
Date of decision : 05.05.2025**

Inderjit Singh @ Bantu

....Appellant

Versus

Amrik Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Tejinder Kaur, Advocate for
Mr. Vipin Mahajan, Advocate for the appellant.

Ms. Himani Kapila, Advocate for the respondents.

PANKAJ JAIN, J. (ORAL)

Defendant is in second appeal. For convenience and to avoid confusion, the parties hereinafter are referred to by their original position in the suit i.e. the appellant as 'defendant' and the respondents as 'plaintiffs'.

2. Plaintiffs filed suit seeking recovery of Rs.10,00,000/- on account of compensation from the defendant claiming that the defendant murdered the deceased Jaspal Singh on 09.05.2007. The plaintiffs being legal heirs of the deceased are entitled to compensation.

3. Suit was dismissed by the Trial Court holding that the plaintiffs have failed to connect defendant Inderjit Singh @ Bantu with the murder of deceased Jaspal Singh.

4. In appeal preferred by the plaintiffs, the findings recorded by the Court of the First Instance stand reversed and the plaintiffs have been



entitled to recovery of Rs.4,80,000/- along with interest @ 6% per annum from the date of filing of the suit till the date of actual realization of the amount.

5. Counsel for the appellant has drawn attention of this Court to the judgment passed by Division Bench of this Court in CRA-D-1220-DB of 2011 whereby the conviction of the appellant under Section 302 IPC has been set aside and he has been convicted of offence punishable under Section 304, Part I IPC and sentenced to undergo imprisonment of 8 years and to pay a fine of Rs.10,000/-. He submits that in view of observations made by the Division Bench in criminal proceedings spelling out the circumstances, which led to death of deceased Jaspal Singh, the suit ought not have been decreed by the Lower Appellate Court.

6. I have heard counsel for the parties and have carefully gone through records of the case.

7. Division Bench of this Court while disposing off the appeal in criminal proceedings, observed as under:

“In the present case, the deceased taking undue advantage of the mental condition of the wife of the accused had developed illicit sexual relations with him. He used to visit the house of the accused in his absence. The accused was in the know of this and had repeatedly warned him to desist from his activities, but without success. On the fateful day when the accused returned from school he found the deceased in the bed room with his wife. The deceased succeeded in running away by pushing away the accused. This caused extreme provocation to the accused, who immediately picked up his pistol, followed the deceased to his shop which was right opposite to his house and shot at him and ran away. Though,



the accused had been forbearing earlier and had only limited himself to warning the deceased to desist from his evil ways, but having caught him in such a position, the accused must have lost his self control and shot at the deceased. All this happened before the accused had regained his composure and self control. Thus, we are of the view that the Ld. Court below was not correct in holding that the case of the accused was not covered under Exception 1 to Section 300 IPC.

Accordingly, we partially accept this appeal. The conviction of the appellant under Section 302 IPC is set aside. Instead, the appellant is convicted of offence under Section 304 Part I IPC and sentenced to undergo imprisonment for eight years and to pay fine of Rupees Ten Thousand. In case of default of payment of fine, the appellant shall undergo further rigorous imprisonment for six months.”

8. Even though, the findings recorded by criminal court are not binding on civil court, however, the plaintiffs themselves relied upon the judgment passed in criminal trial and lower appellate court also has based its findings on the same. From the findings, the circumstance that led to death of Jaspal Singh can be safely inferred. It is difficult to ascertain the causal root of the incident. The claim maintained by plaintiffs does not satisfy the requirement of Section 1A of the Fatal Accidents Act, 1855.

9. In view of above, this Court finds that the judgment passed by the Lower Appellate Court holding the appellant liable to pay a sum of Rs.4,80,000/- to the respondents as compensation on account of murder of Jaspal Singh, cannot be sustained. The same is hereby set aside. However, it is ordered that any amount already paid by the appellant to the respondents, shall not be recovered.

10. With the aforesaid observations, the present appeal is allowed.
11. Pending application, if any, shall also stand disposed off.

May 05, 2025

Dpr

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(Pankaj Jain)

Judge