

(2019) 01 P&H CK 0005

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Appeal No. 630-DB Of 2015 (O&M)

Satnam Singh

APPELLANT

Vs

State Of Punjab

RESPONDENT

Date of Decision: Jan. 8, 2019

Acts Referred:

- Indian Penal Code, 1860 - Section 302
- Code of Criminal Procedure, 1973 - Section 313

Hon'ble Judges: Rajiv Sharma, J; Harinder Singh Sidhu, J

Bench: Division Bench

Advocate: Kuldeep Singh Yadav, Rajesh Bhardwaj

Final Decision: Dismissed

Judgement

1. The present appeal is instituted against judgment and order dated 6.2.2015, rendered by Additional Sessions Judge, Tarn Taran, in Sessions Case

No. 15 of 6.6.2011/ 18.12.2014, vide which appellant Satnam Singh son of Malook Singh was charged with and tried for the offence punishable under

Sections 302 IPC. He was convicted and sentenced under Section 302 IPC to undergo life imprisonment and to pay fine of Rs. 10,000/-, and in default

of payment of fine, to further undergo rigorous imprisonment for two months.

2. The case of the prosecution in a nutshell is that on 21.4.2011, PW2 Surinder Kaur lodged a complaint to the effect that her daughter Simarpal Kaur

was married to Satnam Singh (appellant) about 30 years back. Satnam Singh was a drug addict and used to give beatings to her daughter. He was

having illicit relations with other women. Satnam Singh used to administer beating after consuming liquor. They had requested him to mend his ways.

On 21.4.2011 at about 10.10 A.M., complainant, her husband PW4 Tarlok Singh, elder daughter PW3 Balwinder Kaur and son-in-law Satnam Singh

son of Kirpal Singh went to meet Simarpal Kaur. Her daughter was lying on the cot in the courtyard. Her face was covered with cloth. When the

cloth was removed, then, she found that there were signs of electric burns on the left arm of her daughter. There were also signs of strangulation on

her neck. Her daughter was killed by Satnam Singh resident of village Kaji Kot. On the basis of her statement, FIR was registered. The inquest report

was prepared. The body was sent for post-mortem examination. The post-mortem examination was conducted by PW1 Dr. Rohit Mehta.

Investigation was completed and challan was put up after completion of all the codal formalities.

3. The prosecution examined a number of witnesses in support of the case. The statement of the accused was also recorded under Section 313

Cr.P.C. He denied the case of the prosecution. He was convicted and sentenced, as noticed above. Hence, the present appeal.

4. Learned counsel appearing on behalf of the appellant vehemently argued that the prosecution has failed to prove its case. Learned counsel

appearing for the State vehemently argued that the prosecution has proved its case beyond reasonable doubt and supported the judgment and order of

the learned Court below.

5. We have heard learned counsel for the parties and gone through the judgment and record very carefully.

6. PW1 Dr. Rohit Mehta has tendered his evidence by filing affidavit, Ex.P1. He was called for re-examination. He testified that he earlier appeared

as witness on 7.3.2012 in which he inadvertently stated that he conducted the post-mortem examination of Surinder Kaur and it was mentioned so in

his affidavit as in post-mortem report name of Surinder Kaur wife of Tarlok Singh was mentioned by him inadvertently. He was deputed to conduct

post-mortem examination on the written request made by the police on 21.4.2011, Ex.PW1/A. In the application, name of the deceased was

mentioned as Simardeep Kaur. The dead-body was accompanied by two officials namely HC Mukhtiar Singh and HC Mangal Singh. Avtar Singh and

Jagir Singh identified the dead-body. He conducted the post-mortem examination on the body of Simarpal Kaur daughter of complainant Surinder

Kaur. According to post-mortem report, the cause of death was due to electrical shock and strangulation, which were sufficient to cause death in ordinary course of nature.

7. PW2 Surinder Kaur testified that name of her younger daughter was Simarpal Kaur. She was married to accused Satnam Singh. Accused Satnam

Singh used to give beatings to her daughter after consuming liquor. He was also maintaining illicit relations with other ladies. Whenever they went to

the house of Simarpal Kaur, they requested accused Satnam Singh to mend his ways. She along with her husband, daughter Balwinder Kaur and other

son-in-law went to the house of Simarpal Kaur on the date of occurrence. The dead-body was lying on the cot. There were many signs of electric

burns. There were signs of strangulation on her neck. Her daughter was killed by accused Satnam Singh. In her cross-examination, she deposed that

Satnam Singh was present in the house. The sons of Satnam Singh were also present in the house. The people of the village gathered on the spot. She

admitted that there were residential houses at the distance of 40/50 yards from the house of accused Satnam Singh. Accused Satnam Singh used to go

at about 7.00 A.M. and return in the evening. He used to park his REHRI outside the Civil Hospital. The house of the accused was at a distance of

¾ kilometers from his place of working. She denied the suggestion that Satnam Singh son of Kirpal Singh had to pay some amount to the accused

due to which there was dispute.

8. Statement of PW2 Surinder Kaur is duly corroborated by PW3 Balwinder Kaur. She also deposed that dead-body was lying on the cot. On the

dead-body, there were strangulation marks around her neck and there were many electric press marks over her body. In her cross-examination, she

deposed that she had gone with her mother and father to the house of the accused. She has admitted that accused Satnam Singh has purchased a

residential house in the name of her sister Simarpal Kaur deceased.

9. PW4 Tarlok Singh is the father of the deceased. He also testified that accused Satnam Singh used to give beatings to his daughter after consuming

liquor. On 21.4.2011, they went to the house of Simarpal Kaur. Simarpal Kaur was lying on the cot in the courtyard. It was covered with a cloth. On

checking, they found that there were strangulation marks around her neck and her wrist was broken. There were electric press burning marks on her

arms. Many people had gathered there. He was also cross-examined. In his cross-examination, he deposed that he had tried to patch up the matter

between husband and wife. He has denied the suggestion that Satnam Singh son of Kirpal Singh owed money to accused Satnam Singh.

10. PW5 HC Mangal Singh deposed that on 21.4.2011, the body was handed over to him for getting post-mortem examination from Civil Hospital,

Tarn Taran. Application was moved vide Ex.PW1/A.

11. PW6 ASI Mukhtiar Singh testified that he joined the investigation of the case by ASI Gurmit Singh along with other police officials. On 24.4.2011,

accused made a disclosure statement, Ex.PW6/A, that he had kept concealed one electric wire and one string in his residential house.

12. PW7 SI Gurmit Singh deposed that on 22.4.2011, he was posted in Police Station, City Tarn Taran. He arrested accused on 22.4.2011. Memo of

arrest, Ex.PW7/B, was prepared. He was interrogated. He disclosed that he had kept concealed one electric wire and one string in his residential

house. The electric wire and plastic string were got recovered and taken into possession vide Ex.PW6/B. According to him, there was no flour mill or

any other shop situated in front of the house or nearby the house of the accused.

13. PW8 Palwinder Singh deposed that he knew accused Satnam Singh. He never came to his house. He had never disclosed about the murder of his

wife. He never requested to produce him before the police. He was declared hostile. On the request of learned Public Prosecutor, he was cross-

examined. He denied the statement made on 22.4.2011. The accused neither came to him nor he requested to produce him before the police.

14. The cause of death of Simarpal Kaur is due to electrical shock. The post-mortem report has been duly proved by Dr. Rohit Mehta. He has noticed

an electric burn of 10 cms x 4 cms on left forearm anteroilateral aspect of left forearm on the flexor surface, 2 cm below the cubital fossa and was

cutaneous in nature. He has also noticed another electric burn of 3 cms x 3 cms on the left wrist joint antero-laterally, and was cutaneous in nature.

The probable time between injury and death was immediate. The probable time between death and post-mortem examination was more than 72 hours.

It has come in the statements of PW2 Surinder Kaur, PW3 Balwinder Kaur and PW4 Tarlok Singh that accused Satnam Singh used to give beatings

to his wife Simarpal Kaur (deceased). He was requested to mend his ways. PW2 Surinder Kaur, PW3 Balwinder Kaur and PW4 Tarlok Singh visited

the house of Simarpal Kaur. She was lying on the cot. Her body was covered with a cloth. They had noticed electric burns on the left arm of the

deceased. There were also signs of strangulation on her neck. The accused had also made disclosure statement, vide Ex.PW6/A, on the basis of

which recoveries were effected. Since there was no habitation near the place from where recoveries were made, thus, no independent witness could

be associated.

15. Learned counsel appearing on behalf of the appellant argued that there is some doubt about the identification of the body. PW1 Dr. Rohit Mehta

was re-examined. He disclosed that earlier on 7.3.2012 in his affidavit he had inadvertently in post-mortem report mentioned name of Surinder Kaur

wife of Tarlok Singh. Thereafter, he clarified the name and status of the deceased. In fact, Tarlok Singh is father of the deceased and name of the

accused is Satnam Singh. In the application, Ex.PW1/A, the correct description was given.

16. Learned counsel appearing on behalf of the appellant also argued that there was some dispute with regard to money matter. However, he has not

produced any evidence in this regard. Statement of DW1 Manpreet Kaur has rightly been discarded by the learned trial Court. She has tried to save

her father. According to her, his maternal uncle Tarsem Singh and uncle Satnam Singh had borrowed money from his mother but did not return the

same. In her cross-examination, she could not tell the date, month and year when the amount was borrowed from her mother. She deposed that

amount had not been borrowed in her presence.

17. The prosecution has proved the case against the appellant beyond reasonable doubt. The trial court has correctly appreciated the evidence brought

on record by the prosecution and found the accused guilty. No interference is called for in the well reasoned judgment and order recorded by the

learned Court below. Accordingly, the appeal is dismissed.