
(1998) 03 P&H CK 0113

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 13441-M of 1997

Harpal Kaur

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 09-03-1998

Acts Referred:

Citation : (1998) 3 AICLR 331 : (1998) 3 RCR(Criminal) 307

Hon'ble Judges : K.K.Srivastava, J

Advocate : A.S. Kalra, S.S. Randhawa, Advocates for appearing Parties

Judgement

K.K. Srivastava, J.

1. Reply has been filed today by respondent 1 and 2 and copy of the same has been handed over to the counsel opposite. By means of this petition filed under Section 482 Cr.P.C., the petitioner Harpal Kaur wife of Mohinder Singh seeks issuance of a direction to respondents 1 & 2 particularly respondent No. 2 to implead respondent No. 3 in the array of accused in FIR No. 337 dated 19.9.1996, P.S. Sadar, Ludhiana. The stand taken by the respondents in the reply is regarding the factual aspect of the matter. It has been contended that respondent No. 3 was not present at the time of the occurrence and his statement has been recorded under Section 161 Cr.P.C. The petitioner has not named respondent No. 3 as an accused in her statement. Respondent No. 3 is a landlord and Smt. Parkash Kaur, deceased mother of the petitioner was residing at the tubewell of Balbir Singh for the supervision of the crops. Then the version of the occurrence has been given. There is also a reference of compromise arrived at between the complainant and Balbir Singh. Learned counsel for the petitioner has drawn the attention of the Court towards para 3 of the petition where the role of respondent No. 3 has been mentioned in this occurrence in following words :

"In the meantime Jaswant Singh accused and respondent No. 3 reached the fields. All the accused started beating the mother of the petitioner with fist blows. Balbir Singh and Ajit Singh gave fist blows on the left side of neck. The

petitioner took her mother to Civil Hospital, Ludhiana where she died due to the injuries given on the head."

2. An affidavit has also been filed by the petitioner in respect of the aforesaid averment contained in para 3 of the affidavit which reads as under :

"In the meantime Jaswant Singh accused and respondent No. 3 reached the fields. All the accused started beating the mother of the deponent with fist blows. Balbir Singh S/o Ajit Singh gave fist blow on the left side of neck. The deponent took her mother to Civil Hospital Ludhiana where she died due to the injuries given on the head."

3. The purpose of investigation is to ascertain the accusation brought against the culprits. The grievance of the petitioner is that FIR was not correctly and appropriately drawn and her statement was not correctly recorded.

4. After hearing learned counsel for the petitioner and learned DAG, I find considerable merit in the petition and accordingly allow the same and direct the respondent No. 2 to proceed the investigation of the case keeping in view the averments made against respondent No. 3 as an accused. Needless to say that the investigation of the case shall be undertaken expeditiously.

Disposed of accordingly.