

IN THE COURT OF MUNISH GARG, PCS,
CIVIL JUDGE, SENIOR DIVISION, BARNALA.
(Unique Identification Number PB 0310)

CNR No.	PBBR02-000624-2019
Case Information No.	CS-188-2019
Date of Institution:	08.03.2019
Date of Decision:	16.05.2025

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1. **Jaspreet Kaur**, aged about 30 years widow of Shri Jagdeep Singh son of Gurjit Singh;
 2. **Jagpreet Singh** aged about 4 months minor son of Jagdeep Singh son of Gurjit Singh, through natural guardian Jaspreet Kaur widow of Shri Jagdeep Singh, mother;
 3. **Paramjit Kaur** aged about 55 years wife of Shri Gurjit Singh,
All residents of Bhadaur, Tehsil Tapa, District Barnala.

..... Plaintiffs

Versus

1. **Bahadur Singh** son of Gurdev Singh;
2. **Gurdeep Singh alias Pappa** son of Joginder Singh,
Both residents of Patti Veer Singh, Nanaksar Road, Bhadaur, Tehsil Tapa, District Barnala, now confined in District Jail, Barnala;
3. **Gurjant Singh** son of Sukhwinder Singh alias Bhola, resident of Patti Maur Dhudha, near Beebrian Mandir, Sehna, Tehsil Tapa, District Barnala;

4. **Nazam Singh alias Nazi** son of Sukhwinder Singh alias Bhola, resident of Chunga Road, Sehna, Tehsil Tapa, District Barnala, now confined in District Jail, Barnala;
5. **Mandeep Singh** son of Bahadur Singh;
6. **Balaur Singh** son of Balvir Singh,
Both residents of Bhadaur, District Barnala, now confined in District Jail, Barnala;
7. **Sukhwinder Singh alias Bhola Badre Wala** son of Maghar Singh, resident of Patti Maur Dudda, Sehna, District Barnala, now confined in District Jail, Barnala.

..... Defendants

Suit for recovery of Rs.1,00,00,000/- (One Crore only) as compensation from the defendants on account of murder of Jagdeep Singh son of Gurjit Singh, resident of Bhadaur, District Barnala by the defendants on 14.10.2018 along with interest @18% per annum from the date of murder i.e. 14.10.2018 till its actual realization.

Present: Sh.Prakashdeep Singh Aulakh, Advocate counsel for the plaintiffs.
Sh.Munish Kumar Garg, Advocate, counsel for the defendants no.1,2,5,6.
Sh. Ashok Kumar Palta, Advocate counsel for the defendants no.3,4, 7.

JUDGMENT:-

(Munish Garg)
CJSD/Barnala/16.05.2025

1. The plaintiffs have filed the present suit for recovery of Rs.1,00,00,000/- (One Crore only) as compensation from the defendants on account of murder of Jagdeep Singh son of Gurjit Singh, resident of Bhadaur, District Barnala by the defendants on 14.10.2018 along with interest @18% per annum from the date of murder i.e. 14.10.2018 till its actual realization.

2. Concisely put forth, the facts giving rise to the present suit are that Jagdeep Singh son of Gurjit Singh resident of Bhadaur was husband of plaintiff no.1, father of plaintiff no.2 and real son of plaintiff no.3 and he was murdered on 14.10.2018 by the defendants. The motive behind the murder was that uncle of Jagdeep Singh namely Jagraj Singh son of Nazar Singh had transferred land about one acre in favour of his wife Ranjit Kaur and thereafter Jagraj Singh had taken divorce from Ranjit Kaur and has filed a case for taking back his land as said land was joint property amongst the Jagdeep Singh and their family. Ranjit Kaur had sold land of her share to Sarup Singh and he further sold the land to defendant no.1 Bahadur Singh since there was no possession with Sarup Singh. Land in question was in possession of uncle of Jagdeep Singh namely Jagraj Singh. Defendants Bahadur Singh etc. have earlier in the previous season of paddy crop had tried to take forcible possession of the land from Jagraj Singh and Jagdeep Singh and at that time, a case was registered against Bahadur Singh etc. The plaintiffs, Jagdeep Singh and all other brothers had kept their residences in the fields. Jagdeep Singh and his brothers have taken land of their uncle Sukhjant Singh on lease. On 14.10.2018, Jagdeep

Singh and his two brothers Kuldeep Singh and Hardeep Singh were on combine of Gursewak Singh being driven by Happy Singh with helper Chheena and Gursewak Singh. At about 6:00 pm, defendants came into cars on the motor of Gurdeep Singh. 9 to 10 persons came out of the cars and proceeded towards Jagdeep Singh etc. and they were carrying Gandasa and Sotis. Defendant no.1 Bahadur Singh was carrying pistol, his son Mandeep Singh was carrying pistol, Balaur Singh was carrying soti, Gurdeep Singh was carrying soti, Bhola Singh was carrying soti, Nazam Singh and Gurjant Singh were carrying gandasa and 3-4 unknown persons were carrying sotis. Bahadur Singh and his son Mandeep Singh raised Lalkara that possession of the land be left else they would kill them. Then, Bahadur Singh fired two shots towards Jagdeep Singh and he fell down being injured. Then, Mandeep Singh gave pistol fires towards Gursewak Singh and he also fell down. Then, Happy Singh alighted out of the combine and Nazam Singh and Gurjant Singh gave gandasa blows to him. Bhola Singh and Gurdeep Singh gave him soti blows and the unknown persons gave him leg blows. Balaur Singh gave soti blow on the back of the Kuldeep Singh. Kuldeep Singh, Gursewak Singh and Chheena Singh raised shouts of Na Maro Na Maro. Then, all the defendants along with unknown persons fled away from the spot with their weapons. At the spot, Gurlal Singh and labourer Raju Singh came and thereafter Gursewak Singh was taken to Civil Hospital, Barnala by arranging vehicle. Jagdeep Singh and Happy Singh were also taken to Civil Hospital, Barnala by Kuldeep Singh in his car with the help of Raju Singh. From there, Gursewak Singh

was referred to Higher Center whereas Jagdeep Singh and Happy Singh were declared dead. The postmortem examination of dead body of Jagdeep Singh was conducted at Civil Hospital, Barnala. On the basis of statement of Kuldeep Singh, brother of deceased Jagdeep Singh, FIR bearing No.99 dated 15.10.2018 under Section 302, 307, 323, 201, 148, 149 of IPC and 27/54/59 of Arms Act was registered against all the defendants at police station Bhadaur. After conclusion of investigation, challan has already been presented. Deceased Jagdeep Singh was educated man having done M.A. BEd., hale and hearty young person of 31/32 years of age and was married with plaintiff no.1 few years ago and the son of deceased Jagdeep Singh was only aged about 4 months. The plaintiffs were wholly dependent upon the deceased Jagdeep Singh. Jagdeep Singh was agriculturist. He owned three acres of land and was also cultivating 7-8 acres of land on lease and was earning about Rs.6,00,000/- per annum. Jagdeep Singh has also kept four buffaloes and was selling milk and from that source, he was earning Rs.20,000/- per month. Jagdeep Singh was also working as Contractual teacher and was earning Rs.7,000/- per month. The plaintiffs have no other source of income of their own. Jagdeep Singh could have lived 40 to 50 years more and his income was likely to increase. Due to sudden and unnatural death of Jagdeep Singh, the plaintiffs have suffered a huge loss which cannot be compensated in any manner and as such plaintiffs are entitled to compensation of Rs.1,00,00,000/- from the defendants. The defendants were asked to admit the claim of the plaintiffs but they refused to do so. The value of the suit for the purpose of Court fee and jurisdiction

has been tentatively fixed as Rs.1,000/- on which Court fee of Rs.100/- has been affixed and the Court fee shall be affixed as per the amount of compensation to be assessed by the Court. Hence, the present suit.

3. On notice being served, the defendants no.1, 2, 5 and 6 appeared through counsel and filed joint written statement taking **Preliminary Objections** that the present suit is not maintainable in the present form; the present suit is bad for mis-joinder and non-joinder of necessary parties and the plaintiffs have not come to the Court with clean hands and have concealed the material facts from the Court. **On merits**, It is denied that on 14.10.2018, Jagdeep Singh was murdered by answering defendants. It is also denied that motive for the same was that Jagraj Singh son of Nazar Singh, the uncle of Jagdeep Singh had bestowed one Killa of the land or that Jagraj Singh had obtained divorce from his wife Ranjit Kaur or that then Jagraj Singh filed a suit for getting back his land from Ranjit Kaur or that Ranjit Kaur as vendor alienated the said land to Ram Sarup or that Ram Sarup failed to obtain the possession of the land and then further sold the same to Bahadar Singh defendant or that the land was in possession of Jagraj Singh. It is totally false that land was in possession of Jagraj Singh. It is further false that Bahadar Singh etc. with an intention to obtain the possession of said land, attacked Jagraj Singh and Jagdeep Singh at the time of paddy plantation last year or that case was registered against Bahadar Singh etc. It is further denied that the resident of the plaintiffs and late Jagdeep Singh and his brothers is in field. It is further denied that late Jagdeep Singh and his brothers had taken on lease (Theka)

the land of his Taya (elder paternal brother of the father). It is also denied that on 14.10.2018, late Jagdeep Singh and his both brothers Kuldeep Singh and Hardeep Singh were present with the combine of Gursewak Singh, which was being driven by Happy Singh or that Chheena and Gursewak Singh were acting as helpers or that they were present there or that land of Gurdeep Singh defendant adjoin that land or that the same had been taken on lease by Bahadar Singh defendant. It is false that at 6:00 PM, two vehicles arrived at the motor of Gurdeep Singh defendant or that 9/10 persons alighted from the same and proceeded towards late Jagdeep Singh etc. or that some of them were armed with Gandasa and sticks or that they came near Jagdeep Singh etc. or that Bahadar Singh defendant was armed with pistol, his son Mandeep Singh defendant was armed with pistol, defendant Balaur Singh armed with 'Soti', Gurdeep Singh defendant armed with 'Soti', defendant Bhola Singh armed with 'Soti', Nazam Singh and Gurjant Singh armed Gandasa and 3/4 unidentified persons were armed with 'Soti'. It is totally false that Bahadar Singh and his son Mandeep Singh raised Lalkara. It is false that immediately after this, Bahadar Singh fired two shots, which hit Jagdeep Singh and he fell in an injured position or that in the meanwhile defendant Mandeep Singh fired on Gursewak Singh with his pistol or that Gursewak Singh also fell down or that Happy Singh was made to alight from combine and then Nazam Singh and Gurjant Singh with their respective Gandasa caused injuries upon him or that Bhola Singh and Gurdeep Singh also struck him with 'Soti (s)' and Dang' or that unidentified persons kicked the persons, who

had fallen down or that Balaur Singh defendant gave a Soti blow on Kuldeep Singh, brother of Jagdeep Singh or that this blow hit on the back of Kuldeep Singh or that Kuldeep Singh, Gursewak Singh and Chhina Singh raised raula "Na Maro Na Maro" or that on this, all the defendants alongwith unidentified persons fled from the spot with their respective weapons on their vehicle. It is further denied that Kuldeep Singh etc. were busy in taking care of injured or that Gurlal Singh and labourer Raju Singh arrived at the spot or that after arranging a vehicle, Gursewak Singh was escorted by Inderpal Singh @ Chheena for treatment to Civil Hospital, Barnala. Jagdeep Singh and Happy Singh were removed Kuldeep Singh in his vehicle alongwith Raju Singh to Civil Hospital, Barnala or that after first aid, Doctor referred Gursewak Singh or that Jagdeep Singh and Happy Singh were declared to be dead or that the postmortem of the dead body of Jagdeep Singh was held on at Civil Hospital, Barnala. Denying all other averments, a prayer for dismissal of present suit has been made by defendants no. 1, 2, 5 and 6.

4. Defendants no. 3, 4 and 7 also appeared through counsel and filed joint written statement taking preliminary objections to the effect that plaintiffs have no locus standi and cause of action to file the present suit; plaintiffs have not come to the Court with clean hands; plaintiffs are estopped by their own act and conduct from filing the present suit; the plaintiffs has concealed the material and true facts from the Court and the present suit has been filed by the plaintiffs just to harass the defendants and as such defendants are entitled for special costs of Rs.10,000/- under

Section 35-A of CPC. On merits, the relationship of plaintiffs with deceased Jagdeep Singh and murder of Jagdeep Singh by the defendants on 14.10.2018 was denied. It has been admitted that Jagraj Singh had transferred about one acre of land to his wife Ranjit Kaur and thereafter Jagraj Singh obtained divorce from Ranjit Kaur and has filed one case for taking back his land from Ranjit Kaur. It has been denied that said land was joint amongst Jagdeep Singh and his ancestrals. It has been averred that said land was given to Jagraj Singh in family settlement and he had transferred the same in favour of Ranjit Kaur for her maintenance and Ranjit Kaur became owner in possession of said land from the date of execution of transfer deed. It has also been admitted that Ranjit Kaur sold said land to Sarup Singh. It has been denied that said land was in possession of Jagraj Singh. It has further been averred that Ram Sarup Singh gave possession of the land to Bahadur Singh and in the case which was filed by Jagraj Singh, Ranjit Kaur has admitted that she has handed over ownership and possession to Ram Sarup Singh and thereafter Ram Sarup Singh further sold said land to Bahadur Singh and has also given possession of the land to Bahadur Singh and since that day, Bahadur Singh had become owner in possession of the land. Jagraj Singh had no concern with said land. For that reason, the Court has dismissed the application under Order 39 rules 1 and 2 of CPC and Section 151 of CPC of Jagraj Singh. The entire occurrence of 14.10.2018 narrated by the plaintiffs in their plaint has been denied. It has been averred that defendants have no concern with the alleged occurrence and the FIR has been got falsely

registered against them. It has been denied that deceased Jagdeep Singh was earning Rs.6,00,000/- per annum from the cultivation of land, Rs.20,000/- per month by selling milk and Rs.7,000/- for working as contractual teacher. It has been averred that plaintiffs have no right to claim compensation from the defendants. No cause of action has arisen to the plaintiffs to file the present suit. Denying all other averments, a prayer for dismissal of present suit has been made by defendants no. 3, 4 and 7.

5. Replications to the written statements were filed by the plaintiffs wherein the plaintiffs have reiterated the version of the plaint and have denied the contents of the written statements in toto. From the pleadings of the parties following issues were framed on 19.08.2021:-

- 1. Whether the plaintiff is entitled for recovery of suit amount along-with interest as prayed for ? OPP**
- 2. Whether the suit of the plaintiff is not maintainable in the present form ? OPD**
- 3. Whether the suit of the plaintiff is bad for mis-joinder and non-joinder of necessary parties ? OPD**
- 4. Whether the plaintiff has not come with clean hands and concealed the material facts from this court ? OPD**
- 5. Whether the plaintiff has no locus standi to file the present suit?OPD**
- 6. Whether the plaintiff is estopped from the filing the suit by his act and conduct ? OPD**
- 7. Whether the defendant is entitled to special cost in the**

sum of Rs.10,000/- under Section 35A CPC being filed by the plaintiff to harass the defendants? OPD

8. Relief.

6. The parties to suit were given due opportunities to adduce evidence in support of their respective claims. In support of their case, the plaintiffs have examined **PW.1 Kuldeep Singh** and **PW.2 Paramjit Kaur**. Thereafter, learned counsel for the plaintiffs tendered in to evidence of the plaintiffs some documents and closed evidence on behalf of plaintiffs vide separate statement dated 22.01.2025.

7. On the contrary, in order to rebut the evidence of plaintiffs, counsel for defendants no. 1, 2, 5 and 6 tendered into evidence certified copy of Judgment dated 18.10.2021 as Ex.DA. The contesting defendants failed in concluding evidence despite availing numerous opportunities and finally evidence of the defendants was closed vide orders dated 17.04.2025 and 22.04.2025.

8. No evidence was produced in rebuttal evidence of the plaintiffs. Plaintiffs failed in concluding rebuttal evidence and ultimately rebuttal evidence of the plaintiffs was closed vide order dated 16.05.2025.

9. I have heard learned counsel for the parties who argued in consonance of their pleadings and have gone through the case file very carefully and minutely. My findings on the aforesaid issues are recorded as under:-

Issues No. 1 to 7:-

10. All these issues have been taken up together being inter-

related and inter-connected and can be conveniently so discussed together without risking tautology. The onus to prove issue no.1 was placed upon the plaintiffs whereas the onus to prove issues no.2 to 7 was rested upon the defendants.

11. Apart from the evidence discussed here-in-above, learned counsel for the plaintiffs Sh.P.S.Aulakh Advocate has argued with vehemence that the plaintiffs through their oral as well as documentary evidence have been able to prove on record their case. Learned counsel for the plaintiffs further argued that the defendants have caused death of Jagdeep Singh and same has been duly proved on record through testimonies of plaintiffs witnesses. Learned counsel for the plaintiffs has also submitted that the plaintiffs have independently proved on record that defendants were responsible for causing the murder of Jagdeep Singh and therefore the plaintiffs are entitled to amount of damages as claimed by them. He also contended that plaintiff no.1 being wife, plaintiff no.2 being minor son and plaintiff no.3 being mother of Jagdeep Singh have suffered huge loss and their entire life has been ruined by the defendants by causing murder of Jagdeep Singh and on account of such act of defendants, the plaintiffs have suffered huge monetary loss and same is required to be compensated by the defendants. Finally, learned counsel for the plaintiffs has prayed that suit of the plaintiffs be decreed with costs as prayed for.

12. Per contra, learned counsel for the defendants no. 1, 2, 5 and 6 Sh.M.K.Garg Advocate have strenuously controverted the submissions raised by learned counsel for the plaintiffs. Learned counsel for said

defendants has strenuously argued that the plaintiffs have failed in proving on record that defendants no.1, 2, 5 and 6 have committed murder of Jagdeep Singh rather plaintiffs have filed the present suit on wrong facts. Learned counsel for said defendants has further submitted that the plaintiffs were independently required to prove the occurrence as alleged, however, the plaintiffs have failed in proving on record such facts by leading cogent and convincing evidence. Learned counsel for defendants no.1, 2, 5 and 6 has attracted the attention of this Court towards the fact that defendants no.2, 5 and 6 have been acquitted by the Criminal Court. Finally, learned counsel for defendants no.1, 2, 5 and 6 has prayed for dismissal of present suit with exemplary costs.

13. Counsel for defendants no.3, 4 and 7 has also opposed the contentions raised by counsel for the plaintiffs, submitting that present suit is not maintainable against said defendants. He also submitted that plaintiffs have failed in proving on record the involvement of defendants no.3, 4 and 7 in the alleged occurrence and said defendants were not challaned by the police. Finally, learned counsel for defendants no. 3, 4 and 7 has prayed for dismissal of the present suit with heavy costs.

14. **I have considered the contradictory versions of the contesting parties and have deliberated over the arguments advanced in the light of pleadings, evidence, documents and peculiar facts and circumstances of the present case.**

15. The plaintiffs have filed the present suit for recovery of Rs.60,00,000/- (Sixty Lakhs Only) as compensation from the defendants

on account of murder of Jagdeep Singh son of Gurjit Singh, resident of Dana Patti, Rureke Kalan, Tehsil Tapa, District Barnala by the defendants on 14.10.2018.

16. Hon'ble Punjab and Haryana High Court in **Rajinder Kumar Saini Vs. Municipal Committee, Hissar, 2001(3) Civil Court Cases, 82 (P&H)** and Hon'ble Supreme Court of India in **Union of India and others Vs. Vasavi Co-operative Housing Society Ltd. And others, 2014 (1) Apex Court Judgments 264 (S.C.)** have held that **plaintiff has to stand/succeed on his own legs and cannot take advantage of weakness of evidence of defendants.**

17. In order to prove their case, plaintiffs have examined **Kuldeep Singh**, brother of the deceased as **PW.1** who tendered in to evidence his duly sworn affidavit **Ex.PW1/A** vide which he deposed on oath verbatim to contents of the plaint which need not be reiterated here in order to avoid repetition of facts. He also proved on record attested copy of post mortem report of deceased Happy Singh as Ex.P1, certified copy of report under section 173 of Cr.P.C as Ex.P2, certified copy of charge sheet dated 13.03.2019 as Ex.P3.

18. Plaintiffs further examined **PW.2 Paramjit Kaur** who tendered in to evidence her duly sworn affidavit **Ex.PW2/A** vide which she deposed on oath verbatim to the contents of plaint which need no repetition here for the sake of brevity. She also produced on record certified copy of judgment dated 18.10.2021 as Ex.P4.

19. It has been alleged by the plaintiffs that on 14.10.2018

defendants caused injuries to Jagdeep Singh and Happy Singh resulting in their death and FIR No.99 dated 15.10.2018 under Sections 302, 307, 323, 201, 148, 149 of IPC and 27/54/59 of Arms Act was registered at police station Bhadaur against the defendants.

20. The star witnesses for plaintiffs in order to prove the alleged occurrence was Kuldeep Singh who stepped in to witness box as PW.1 and tendered in to evidence his duly sworn affidavit Ex.PW1/A vide which he has deposed verbatim to the stand taken by plaintiffs in the plaint, which need not be reiterated here in order to avoid repetition of facts. PW.1 Kuldeep Singh was cross-examined at length by counsel for the defendants. PW.1 Kuldeep Singh during his cross-examination has stated that only Bahadur Singh defendant no.1 was convicted by the criminal court and other defendants were acquitted by the criminal court.

21. In civil proceedings, the plaintiffs were required to prove their case only on preponderance of probabilities. On this ground, this Court is fortified with judgment passed by Hon'ble Punjab and Haryana High Court in Swaran Singh Vs. Devinder Singh 2008 (4) PLR 402 wherein it has been held that:-

It is well known that a civil liability can be fastened on the defendants on the basis of preponderance of evidence whereas guilt of an accused in a criminal trial is to be proved beyond shadow of reasonable doubt.

Even otherwise independent of the judgment and order dated 3.5.2000 (Ex.P.9) both the Courts below have

considered the other evidence on record and the judgment (Ex.P.9) of the learned Additional Sessions Judge is only corroborative in nature. Therefore, the stand of the learned counsel for the appellant that undue weightage has been given to the judgment dated 3.5.2000 (Ex.P.9) passed by the learned Additional Sessions Judge is devoid of any merit.

22. The discrepancies, if any, are minor in nature and such like discrepancies are bound to occur with the passage of time. Moreover the witness account is satisfactory and in consistence with the version of the plaintiffs and the discrepancies, if any, have occurred in his statement, the same do not put any shadow in the truthfulness of statement of such witnesses, rather such like discrepancies are most likely to occur in the testimony of most truthful and trusted witnesses and such minor lapses are result of lapse of time, power of memorization and perception of an individual.

23. Learned counsels for the defendants have vehemently argued that the findings of the criminal case are not binding on this Court at the time of adjudication of present civil suit and the plaintiffs were required to prove independently the facts alleged by them. This Court has gone through entire evidence laid by the plaintiffs and has found that the plaintiffs have been able to prove on record the fact that Jagdeep Singh was killed on 14.10.2018. The oral well as documentary evidence led by the plaintiffs find corroboration from medical evidence produced by the

plaintiffs. No major contradiction has been found between the oral and documentary evidence and the medical evidence. Factum of death of Jagdeep Singh is not in dispute. Also, the defendants have not disputed the death of Jagdeep Singh. It is further apposite to mention that no doubt the judgment in a criminal case is not binding on the Civil Court, however, burden of proof is at higher pedestal in a criminal case, as the prosecution is always required to prove the case against the accused beyond shadow of reasonable doubt. In civil proceedings, the plaintiffs were required to prove their case only on preponderance of probabilities. On this ground, this Court is fortified with judgment passed by Hon'ble Punjab and Haryana High Court in Swaran Singh Vs. Devinder Singh 2008 (4) PLR 402 wherein it has been held that:-

It is well known that a civil liability can be fastened on the defendants on the basis of preponderance of evidence whereas guilt of an accused in a criminal trial is to be proved beyond shadow of reasonable doubt.

Even otherwise independent of the judgment and order dated 3.5.2000 (Ex.P.9) both the Courts below have considered the other evidence on record and the judgment (Ex.P.9) of the learned Additional Sessions Judge is only corroborative in nature. Therefore, the stand of the learned counsel for the appellant that undue weightage has been given to the judgment dated 3.5.2000 (Ex.P.9) passed by the learned Additional

Sessions Judge is devoid of any merit.

24. In the criminal proceedings present defendant no.1 Bahadur Singh has already been convicted by the Criminal Court of competent jurisdiction. Said fact is a relevant fact which must be considered by this Court. Same has been held by Hon'ble Punjab and Haryana High Court in **Amar Singh Vs. Major Singh 1978 CurLJ 495** wherein it has been held that the judgment in the criminal case, whereby all the defendants-appellants were held to be guilty of the murder is also relevant and has probative value.

25. Learned counsels for the defendants has vehemently argued that all the defendants except defendant no.1 have been acquitted by the criminal court and benefit of the same must go to said defendants. There is no dispute with regard to the fact that vide judgment dated 18.10.2021 Ex.DA, defendants no. 2 to 6 have been acquitted by the criminal court. The relevant paras of the judgment reads as follows:-

46. There is no doubt in the preposition of law that if it is proved that accused facing trial were members of unlawful assembly and that unlawful assembly committed the offence in pursuance of common object of that unlawful assembly, then each of the member of unlawful assembly would be convicted of the offence with the help of Section 149 of IPC, but in the present case, as already discussed, there is doubt about presence of accused Mandeep Singh, Balour Singh, Gurjant Singh, Nazam Singh and Gurdeep Singh at the place

of occurrence at the time of commission of offence. The case of prosecution and evidence of witnesses could not establish on record beyond reasonable doubt that all or any of them was present alongwith accused Bahadur Singh at the time of commission of offence.

47. The prosecution has failed to prove on record beyond any reasonable doubt as to who were the persons, who accompanied Bahadur Singh, but it is proved on record that all the injuries as shown in the medical evidence ie five fire arm injuries were caused by accused Bahadur Singh and there was only one injury on the person of Happy Singh, which was not caused by fire arm and Medical Officer has categorically deposed that possibility of the same being result of fall on hard surface can not be ruled out. In such circumstances use of weapon by any other person in the occurrence appears to be doubtful and benefit of doubt is to be given to accused Gurjant Singh, Nazam Singh, Balour Singh, Gurdeep Singh and Mandeep Singh

48. In view of the above discussion and evidence led by the prosecution as well as law laid down by the Hon'ble Apex Court, as prosecution has failed to prove its case beyond reasonable doubt against accused Gurjant Singh, Nazam Singh, Balour Singh, Gurdeep Singh and Mandeep Singh, they are acquitted of the offences charged with. However, the

prosecution has successfully proved its case against accused Bahadur Singh qua the offences charged with. Accordingly, accused Bahadur Singh is held guilty and is convicted for having committed the offences punishable U/s.302, 307 of IPC and 27 of Arms Act. Let the convict Bahadur Singh be heard on the quantum of sentence.

26. After detailed discussion, learned criminal court has found that there was doubt with regard to presence of the defendants no.2 to 6. It is not a case where benefit of doubt has been given to said defendants rather their presence has not been proved on record. No independent evidence has been led by the plaintiffs to prove the presence of defendants no.2 to 6. As regards, the defendant no.7, he was not challaned by the police and application under section 319 of Cr.P.C. was dismissed by the Court. He was found to be not involved in the alleged occurrence. Thus, there is only sufficient evidence against Bahadur Singh defendant no.1 and his involvement is not in dispute. Said defendant has failed in proving on record that he was not so involved. He himself has not appeared to depose. For this adverse inference must be drawn against him. He has also relied upon judgment dated 18.10.2021 but same is of no help to the case set up by him.

27. The only material which should have been analyzed by this Court was as to whether the action of the defendant no.1 was wrongful and neglectful and which resulted in death of the Jagdeep Singh. In the present case the plaintiffs have discharged their burden fully by proving on record

entire facts through testimony of witnesses PW.1 Kuldeep Singh and PW.2 Paramjit Kaur. Nothing has been brought on the record to discredit the eyewitness account by Kuldeep Singh which is quite convincing and consistent. The circumstances leading to the murder of Jagdeep Singh as stated by him, were not even questioned in any manner in cross-examination. On the other hand, defendant no.1 has not been able to rebut the evidence lead by the plaintiffs as he has not examined any witness.

28. Learned counsel for the defendant no.1 has argued that present suit has been filed prematurely by the plaintiffs as the defendant no.1 has filed criminal appeal against judgment of conviction. This argument is mis-placed and not acceptable. Hon'ble Punjab and Haryana High Court in Mangat Ram and Others Versus Bhag Singh 2009 (4) PLR 245 has held that a suit for damages by the family of the deceased from the persons who were accused of committing murder of the deceased during the pendency of the criminal trial is maintainable. Criminal and civil proceedings can proceed together in respect of the same incident. Further Hon'ble Punjab and Haryana High Court in Sat Narain and Others Versus Shakila and Others 2006 (1) Law Herald 449 has held that criminal proceedings are not relevant for determination the amount of compensation, if any payable to the claimants who have sought damages on account of the causing death at the hands of the defendants. The fact whether the criminal case would result into conviction or acquittal, is the relevant fact which shall be taken into consideration by the Civil Court while discussing the suit on the basis of evidence led before it. No case for

staying on the ground that criminal appeal arising out of the conviction is pending. Similarly, in the present case, pendency of criminal appeal by the defendant no.1 is no ground for dismissal of present suit.

29. Thus, from the appreciation of entire evidence, it has been culled out that plaintiffs are entitled to recover damages from defendant no.1 Bahadur Singh only.

30. With regard to quantum of damages/compensation, it is important to note down credentials of Jagdeep Singh which are as under:-

Name: *Jagdeep Singh*

Age: *32 years*

Status: *Married with Jaspreet Kaur (plaintiff no.1)*

Children: *One boy child namely Jagpreet Singh minor son aged 7 years.*

Parents: *Mother Paramjit Kaur alive.*

31. Certain guidelines have been issued by Hon'ble Punjab and Haryana High Court in Lachman Singh v. Gurmit Kaur, (P&H)(FB) : Law Finder Doc Id # 67430 ; 1979 PLR 1 while determining the amount of damages/compensation which are:-

(1) The compensation to be assessed is the pecuniary loss caused to the dependents by the death of the person concerned, and no compensation is to be assessed on any extraneous consideration like love, affection, mental agony or any such similar consideration. Solatium is alien to the concept of compensation;

(2) For the purpose of calculating the just compensation, annual dependency of the dependents should be determined in terms of the annual loss accruing to them due to the abrupt termination of life. For this purpose, annual earning of the deceased at the time of the accident and the amount out of the same which he was spending for the maintenance of the dependents will be the determining factor. This basic figure will then be multiplied by a suitable multiplier;

(3) The suitable multiplier, shall be determined by taking into consideration the number of years of the dependency of the various dependents, the number of years by which the life of the deceased was cut short and the various imponderable factors such like early natural death of the deceased, his becoming incapable of supporting the dependents due to illness or any other natural handicap or calamity, the prospects of the remarriage of the widow, the coming up of age of the dependents and their developing their independent sources of income as well as the pecuniary benefits which might accrue to the dependents on account of the death of the person concerned. Such benefits, however, should not include the amount of the insurance policy of the deceased to which the dependents may become

entitled on account of its maturity as a result of the death.

(4) The method adopted in certain decisions of this Court of multiplying the amount of the annual loss to the dependents with the number of years by which the life has been cut short without anything else cannot be sustained and all those decisions in which this view has been taken are hereby overruled;

(5) The compensation cannot be assessed on the basis of the so-called interest theory as the same provides the dependents with the capital as well as the amount of annual loss earned by way of interest and it also suffers from a number of other defects, as have been discussed in this judgment; and

(6) Considerations of over growing inflation and the decrease in the money value are also relevant for the purpose of assessment of compensation.

32. In Harbhej Singh v. Gurbachan Kaur, (P&H) : Law Finder Doc Id # 125659 ; 2007 (2) R.C.R. (Civil) 190, Hon'ble Punjab and Haryana High Court has held that:-

The Courts below while quantifying the damages on account of the death of the afore-stated persons relied upon the multiplier method to arrive at a just figure of

compensation. The Hon'ble Supreme Court in *Lata Wadhwa and others v. State of Bihar and others, 2001(4) RCR(Civil) 673 (SC) : AIR 2001 Supreme Court 3218* has upheld the principle of assessing compensation and damages in accident cases on the basis of multiplier method. Though the instant cases do not arise from an accident, yet, the same pertain to damages on account of unnatural deaths which were the result of a violent act and the principle of assessing compensation and damages can safely be restored to in such like cases as well.

33. Adverting to the facts of the present case, plaintiffs have alleged that deceased Jagdeep Singh was educated man studied up to MA Bed and was earning about Rs.77,000/- per month as he was engaged in agriculture and was also doing work of dairy farming and was teaching on contractual basis. On the other hands, defendant no.1 has averred in his written statement that Jagdeep Singh was not earning Rs.77,000/- per month but they have not disclosed about his actual income. However, no document has been placed on record by the plaintiffs to prove the income of Jagdeep Singh. The plaintiffs have claimed a sum of Rs. 60,00,000/- as damages/compensation. Going through the entire evidence, it is necessary to mention that income alleged by the plaintiffs is primarily the agricultural income and considering the education of Jagdeep Singh, income of Jagdeep Singh can be proportionally assessed as Rs.20,000/- per month. As

per landmark judgment in Smt. Sarla Verma v. Delhi Transport Corporation, (SC) : Law Finder Doc Id # 188882 ; 2009(3) R.C.R.(Civil) 77 in case of grant of compensation to the legal heirs of Jagdeep Singh, considering the fact that there are 3 dependents, one third of income of deceased at the time of his death is deducted as personal and living expenses of the deceased. Thus deduction must be 1/3 of total income from the income of the deceased. Deceased Jagdeep Singh was 32 years old at the time of death so multiplier of 16 must be applied. Upon calculation same comes out to be Rs.35,84,000/-. To the mind of this Court, the plaintiffs are also entitled to Rs.15,000/- under the head of loss of estate and Rs.15,000/- towards funeral expenses. The widow, son and mother of Jagdeep Singh (plaintiffs) are also jointly entitled to Rs. 1,20,000/- as loss of consortium. The plaintiffs have also alleged that they have already suffered expenses for defending Civil and criminal litigation as Judgment dated 18.10.2021 also provided that plaintiffs have engaged a counsel for prosecuting criminal case. Thus, to the mind of this Court, plaintiffs are also entitled to amount of Rs.50,000/- from the defendant no.1 against expenses for defending civil and criminal litigation. Thus, plaintiffs are entitled to amount of Rs. 37,84,000/- from the defendant no.1.

34. Accordingly, issues no. 1 to 7 are decided in favour of the plaintiffs and against the defendant no.1.

ISSUE NO.8 (RELIEF):-

35. As a sequel of my above said discussion, suit of the plaintiffs succeeds and same is, hereby, **decreed with costs with certain**

modifications against defendant no.1 only. Suit against defendants no.2 to 7 stands dismissed without costs. Plaintiffs are held entitled to recover a sum of Rs.37,84,000/- from the defendant no.1 as damages on account of causing murder of Jagdeep Singh. Defendant no.1 is directed to pay said sum within a period of three calendar months from passing of this judgment, failing which the plaintiffs shall also be entitled to interest @ 6% per annum starting from 16.08.2025 till the actual realization of the decretal amount. Since, plaintiffs have affixed court-fee of Rs.100/- on the tentative value of Rs.1000/- at the time of filing present civil suit, the plaintiffs are directed to pay the amount of court-fees on amount of Rs.37,84,000/- (Rs.89,490/- minus Rs.100/- = Rs.89,390/-) which comes out to be Rs.89,390/-.

36. Decree sheet be drawn accordingly. File be consigned to Judicial Record Room, Barnala after arranging, numbering and indexing the same.

Announced in open court
Dt.16.05.2025

Vikas Khara JW-I

(Munish Garg) PCS
Civil Judge (Senior Division),
Barnala, UID No.PB0310

Note: This **Judgment** has been directly dictated on computer and comprised of total 26 pages and all the pages have been checked and signed by me.

Dt.16.05.2025

Vikas Khara JW-I

(Munish Garg) PCS
Civil Judge (Senior Division),
Barnala, UID No.PB0310