



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

CRR-1949-2006 (O&M)

Date of Decision: 20.07.2026

ROSHAN LAL

....Petitioner(s)

VERSUS

SHER SINGH AND OTHERS

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. Akhil Godara, Advocate (Legal Aid Counsel)
for the petitioner.

Mr. Rajat Gautam, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J. (Oral)

CRM-58645-2006

Prayer in the present application is for condonation of delay of 125 days in re-filing the present petition.

For the reasons mentioned in the application, the same is allowed and delay of 125 days in re-filing the present petition is condoned.

CRR-1949-2006

The complainant – Roshan Lal has preferred this revision petition against the judgment dated 13.01.2006, passed in Sessions Case No.36 of 2004, arising out of FIR No.118 dated 14.08.2004, registered under Sections 302/306/34 IPC, at Police Station Ateli to the extent whereby the Sessions Court had acquitted the respondents – accused Sher Singh and Shanti Devi. An appeal

CRA-D-146-DB-2006 had also been preferred by the convict/accused – Rajesh son of Sher Singh, who had been convicted for the commission of offence under Section 302 IPC and had been sentenced to undergo rigorous imprisonment for life with a fine of Rs.30,000/-. Vide order dated 29.01.2007, the present criminal revision petition was ordered to be heard along with CRA-D-146-DB-2006. As the said convict Rajesh had passed away, hence, CRA-D-146-DB-2006 was disposed of as having abated on his demise, vide order dated 23.01.2026.

FACTS

2. Learned legal aid counsel for the petitioner contends that the judgment passed by the trial Court suffers from misappreciation and non-appreciation of the judicial record and, thus, respondents – accused Sher Singh and Shanti Devi were wrongly acquitted by the Sessions Judge, Narnaul. He contends that the prosecution case was registered on the application (Ex.PA) submitted by the petitioner – Roshan Lal, to the police official SI/SHO Devender Kumar, wherein it was alleged that his sister Nirmala (victim) was married to co-accused Rajesh, (since deceased), in February 1996, as per Hindu rites and ceremonies. After marriage, Nirmala used to be harassed by her husband Rajesh (since deceased), her brother-in-law Shiv Kumar, her father-in-law Sher Singh, and her mother-in-law Shanti Devi, in relation to the demand of dowry in cash and kind from time to time. Their demands were being met by the victim's family; despite the same, she was continuously being harassed for more dowry. It is alleged that on the intervening night of 13/14.08.2004, a telephonic message was received from one Om Parkash son of Amar Singh that Nirmala was seriously ill. On receipt of this information, the petitioner – complainant Roshan

Lal along with his brother Rajpal and uncle Om Parkash reached village Turkiawas. When they reached the matrimonial house of Nirmala (victim), they saw that Shanti Devi (mother-in-law), Shiv Kumar (brother-in-law (*devar*)) and Sher Singh (father-in-law) standing at the gate of their house. The latter became nervous on seeing the victim's family. They informed that the dead body of Nirmala was lying inside the room. The complainant's family went inside the room and found that there were bluish marks on the throat of Nirmala. No satisfactory reply was, however, given by respondents – accused Sher Singh and Shanti Devi, to their queries.

3. A Panchayat was accordingly convened and the complainant's family approached the Station House Officer of Police Station, Ateli. On the said version of the complainant, FIR (Ex.PW) was registered. Allegations were made specifically to the effect that Rajesh (husband), Sher Singh (father-in-law), Shiv Kumar (*Devar*) and Shanti Devi (mother-in-law) had murdered Nirmala by strangulating her. The husband was arrested. The matter was investigated. The statements of witnesses were recorded and after completion of investigation, final report was presented in the Court against the accused – Rajesh alone, whereas, respondents – accused Sher Singh, Shiv Kumar and Shanti Devi were placed in column No.2 since no material could be found against them by the investigating agency.

4. Since the case was triable by the Court of Sessions, it was committed to the Court of Sessions. A charge under Section 302 IPC was framed against Rajesh and alternatively, also for offence under Section 306 IPC, vide order dated 23.11.2004. Accused Rajesh pleaded not guilty and claimed trial.

5. After the evidence of PW-1 Roshan Lal, the Public Prosecutor moved an application under Section 319 Cr.P.C. for summoning of the additional accused viz. the respondents – accused herein, whereupon vide order dated 16.03.2005, the Sessions Judge, Narnaul summoned Sher Singh, Shanti Devi and Shiv Kumar as additional accused to stand trial for offences under Section 302 IPC as well as for the alternative offence under Section 306 IPC. The accused Shiv Kumar was found to be a juvenile. Vide order dated 08.04.2005, Sessions Judge, Narnaul directed a separate trial against accused Shiv Kumar to be conducted by the Juvenile Justice Board at Gurgaon. The respondents – accused also pleaded not guilty and a charge was framed against them for the offence under Section 302 read with Section 34 of IPC and an alternative charge was framed under Section 306 IPC. Vide order dated 15.04.2005, a charge was framed, to which they pleaded not guilty and claimed trial. In support of its case the prosecution examined 13 witnesses and six witnesses were given up as unnecessary.

6. The entire incriminating evidence was put to the respondent – accused persons and statements were recorded under Section 313 Cr.P.C. A specific stand was taken by the respondents – accused to the effect that they were innocent and had been falsely implicated in the case. Respondent Shanti Devi took a stand that Rajesh and Nirmala were residing separately from her, her husband Sher Singh and Shiv Kumar. Sher Singh had gone to Ajmer on 13.08.2004 and had returned to village Turkiawas on 14.08.2004. Shanti Devi and her younger son Shiv Kumar were sleeping separately in their rooms on the intervening night of 13/14.08.2004.

7. Respondent – accused Sher Singh took a stand in his statement under Section 313 Cr.P.C. to the effect that he, his wife and their younger son Shiv Kumar were residing separately from Rajesh and Nirmala. He had gone to Ajmer on 13.08.2004 to bring the Migration Certificate of his son Shiv Kumar and had also deposited Rs.40/- for the same vide Ex.DA and written the slips with his hand, giving address of Gram Turkiawas Post Office, Ateli Mandi District Mahendragarh Haryana. After receipt of said certificate at about 4 PM on 13.08.2004, Sher Singh returned to the village by bus on 14.08.2004. He also deposited a sum of Rs.1 lakh in his granddaughter's name from his own pocket. Additionally, the respondents – accused also led defence evidence. The accused examined Shamsher Singh Malik as DW-1 as a Handwriting and Fingerprint expert. Om Parkash – a co-villager and close relation of the respondents was also examined, who specifically corroborated that Rajesh and Nirmala were living separately from the respondents – accused. The Ex-Sarpanch was, however, given up as unnecessary.

8. After hearing respective counsel for the parties and upon careful assessment and examination of the evidence on record, the trial Court recorded a finding that as the charge under Section 302 IPC was proved only against co-accused Rajesh, he was held guilty and convicted for the commission of the said offence. No offence was, however, proved against respondents – accused Sher Singh and Shanti Devi. Consequently, they were acquitted of the charges. Hence, the present revision petition.

ARGUMENTS BY PETITIONER

9. Learned legal aid counsel appearing on behalf of the petitioner – Roshal Lal has contended that the petitioner – PW-1 has specifically narrated

allegations with regard to ill-treatment and cruelty let loose by the respondents – accused placed as father-in-law and mother-in-law of deceased Nirmala respectively. PW-11 Raj Pal, another brother of the deceased, also made specific allegations regarding demand of dowry in cash and kind which were being satisfied by them. The cause of death was asphyxia due to strangulation and there were also ligature marks on the neck of the deceased along with certain other injuries which establish that it was not a case of involvement of a single person. He contends that the story of respondent – accused Sher Singh about his plea of alibi has to be disbelieved and that it has been wrongly accepted by the trial Court. He has further contended that even otherwise, mere absence of the said respondent would not be sufficient to assume that he had no role to play in commission of the offence and that he was never in the knowledge of the things. Learned counsel vehemently contends that the trial Court was unduly persuaded by the alleged non-mentioning of detailed facts in the FIR, notwithstanding that an FIR is not supposed to be an encyclopedia of all facts and is merely an information to the police about the occurrence of the incident. Even complete details in a particular case are not sufficient unto themselves to explain all the aspects of an occurrence. The said aspect is to be seen from the statements as recorded during the course of investigation. There is no dispute that the co-accused/convict Rajesh has since then passed away.

10. Learned State counsel, on the other hand, however, is not in a position to advert to any error committed by the trial Court in the judgment under challenge.

CONCLUSION

11. We have heard learned counsel for the parties and have gone through the evidence on record with the able assistance of the counsel.

12. It is evident from a perusal of the above that the trial Court deliberated on the evidence led by the respective parties. It was duly noticed from the record that marriage between the parties was solemnized in February, 1996 and as on the date of death, the marriage had been subsisting for more than 07 years. Even if it is sought to be established by the prosecution that harassment and cruelty were meted out to the victim by the accused in connection with demand of dowry, it was not a case of dowry death and prosecution could not have drawn support from the provision as enshrined under Section 113-B of the Evidence Act, to establish their charge under Section 302 of IPC or in support of the alternate charge under Section 306 of IPC.

13. The Court noticed the comparative analysis of the attributes of hanging and strangulation by referring to Medical Jurisprudence and Toxicology by Jaising P. Modi (21st Edition) and upon consideration of the ligature marks placed horizontally around the neck and as well as the base of the groove along with the ecchymosis around edges of the ligature mark and the fracture of thyroid cartilage as also hyoid bone, concluded that the medical evidence established a case of homicidal strangulation and not suicidal death. A specific finding was accordingly given by PW-8 Dr. Rakesh Sharma, to the effect that it was a death on account of asphyxia due to strangulation and not hanging.

14. It was specifically noticed that an intimation about the incident on the intervening night of 13/14.08.2004 was given to the petitioner – complainant Roshal Lal by a co-villager, namely, Om Parkash resident of village Turkiawas on the same day by way of a telephonic call about seriousness of Nirmala,

pursuant whereto they reached at village Turkiawas about 2:45 AM i.e. within one hour and found Nirmala to be dead. It is further evident from the perusal of the evidence that so far as the allegations of demand of dowry are concerned, there have been substantial improvements by the prosecution. While the allegations of the complainant Ex.PA were about demand of dowry in cash and kind i.e. sweeping and general allegations, heavy improvements were later made by making specific attributes of demand allegedly made in the year 2001. Significantly, the marriage between the parties had taken place in the year 1996, hence, there was no occasion of demanding dowry in the year 2001 for and in relation to marriage.

15. Further, PW-10 Roshan Lal alleged that the victim used to be harassed by her in-laws after the first year of marriage and was also given beatings by the respondents – accused on the ground of inadequacy of dowry. The said version has not been established or corroborated. The comparison of the version of PW-10 in his application Ex.PA with his testimony made in the Court makes it evident that there is a discernible and large-scale difference from his earlier version. The explanation put forth by Roshan Lal was only to the extent that he was not in the right frame of mind and, thus, omitted to mention various facts. The aforesaid digression would not be sufficient at this juncture to accept his testimony without looking for any corroboration on the allegations that have been so levelled. It is also noticeable that even in the statement under Section 161 Cr.P.C., a similar story was put forth as in the Ex.PA and he was repeatedly confronted with his statement, recorded under Section 161 Cr.P.C. by the police.

16. Similarly, PW-11 Raj Pal – brother of the deceased, omitted all the descriptions that were sought to be later introduced during the course of deposition before the Court. The same gives rise to suspicious circumstances as both the brothers omitted to mention the details of particulars of alleged cruelty which they claim are the facts. It is also noticed that the petitioner – complainant Roshan Lal is well educated and was then serving as a lecturer while PW-11 Raj Pal was also serving as a teacher. Hence, it would not be construed or even assumed that they were unaware of the statement which they had made and the impact thereof.

17. Further, it is also noticed that even the stand of Roshan Lal was to the effect that he could not incorporate complete details, is contradicted by his own statement where he mentioned that the complaint Ex.PA was made after due deliberation and that too when his father Phool Chand, with the Panchayat of the village, had arrived at village Turkiawas. Hence, there was not only a deliberation, but also a social gathering of the Panchayat convened in this regard. Thus, the omission cannot be said to be a bona fide error; the same would be reflective of the circumstances.

18. Besides, at no point of time did Roshan Lal and PW-11 seek an attempt for giving detailed description of the allegations by seeking recording of their supplementary statement; hence, they never disputed the evidence so collected and contents of the statement that was recorded by the police during the investigation. It is also noticed that the petitioner could not be said to be a person who took things lying down and immediately after making the complaint on 14.08.2004, he along with Panchayat members met the Superintendent of Police on 17.08.2004, and even the investigating officer was changed on their request.

19. Even on 18.08.2004, when the accused – respondent Sher Singh had come for discussion on the matter in the Panchayat, the complainant arranged a photographer to capture the developments in a CD which was later on handed over to the SHO, Police Station, Mahendragarh on 04.09.2004 (Ex.PB). Thus, he was not only meeting the officials at regular intervals but was also actively pursuing the entire complaint and outcome as well as steering the investigation in the matter. He was also regularly in touch with the higher officials including the Deputy Superintendent of Police and the Superintendent of Police. He met the DSP on 12.09.2004 and the Superintendent of Police along with the Panchayat of his village again on 08.10.2004. He went repeatedly to the SHO and repeatedly met the Superintendent of Police and made applications against the errors/lapses by the investigating officer and apprised the superior authorities about the SHO.

20. In the said circumstances, the explanation by the litigant that he omitted or failed to give a detailed account of the incidents is to be viewed with circumspection and such lapses would not be held to be ordinary. Hence, the lapses being a mere act of omission on account of not being in the right frame of things, there was no reason as to why a litigant, who is vigorously pursuing with the investigating officer, would not have asked for getting his supplementary statement recorded.

21. It is also noticed that even though PW10 had levelled certain allegations of demand of dowry, physical abuse and the jewellery being raised, all these aspects are conspicuously non-existent in the complaint Ex.PA. Surprisingly, even when the specific case had been set up to the effect that all demands were raised by respondent – accused Sher Singh with Phool Chand – father of Roshan Lal and that said Phool Chand himself satisfied the cash

demands as well as the jewellery demands, yet, Phool Chand was neither associated with the investigation nor was examined by the prosecution to corroborate any of the said allegations. A litigant who had been regularly pursuing an investigation and pressuring the investigating officer to conclude the investigation while also being in constant touch with the witnesses, would not have given up his own father Phool Chand as a witness despite being a key player as not only the recipient of the alleged demands from the respondent – accused persons but also as a placator of the said demand by meeting the same from his own resources leaves a vital gap in the prosecution case. The lapse on the part of the prosecution, thus, would not be a mere ignorant omission.

22. It is further evident from the perusal of the evidence that Om Parkash was the person who had given a call to the petitioner – Roshan Lal about the incident on the intervening night of 13/14.08.2004. The said Om Parkash had not been associated by the police, although he appeared as DW-2. It remains established that Om Parkash is the nephew of respondent – Sher Singh. Hence, the information in this regard was sent to the family itself. The Court noticed that when the aforesaid lapses are examined in light of the evidence viz. Sher Singh not being in his village Turkiawas on the date of the incident and having gone to Ajmer, which aspect was corroborated by the evidence placed on record, establishes that the net of implication has been spread wide to nominate all persons in the family of the accused in the present case. The evidence also suggested that the parties were already separate in mess and residence and ordinarily, there would be no circumstances for raising any demand of dowry or extending any harassment to the deceased on account thereof.

23. It has come forth that the respondent – Sher Singh had gone to Ajmer, which is at a distance of nearly 302 kms from village Turkiawas. He left on 12.08.2004 at about 7:00 AM and would have reached Ajmer by evening. He could thus have transacted the business at Ajmer only on 13.08.2004. He went to the Board of School Education and deposited an amount slip for seeking a migration certificate. PW-5 Satya Parkash, an official from the Board of Secondary School Education, Ajmer, testified about the receipt of a request for issuance of migration certificate and for processing the same. He also deposed that on such request, the migration certificate was issued. He, however, submitted that he could not inform as to who had approached for and had received the migration certificate qua which the defence examined Shamsheer Singh as DW-1, who is a handwriting expert. The circumstances of the case would show that it was not possible for respondent – accused to have come back on 13.08.2004, after doing his job at the Board of School Education, Ajmer, taking into consideration the long distance and travel by public transport. Assuming that he could have reached village Turkiawas on the same day; after getting free by lunchtime, it is highly impractical for respondent – Sher Singh to have reached village Turkiawas and to participate in the commission of the offence at the same time. The circumstances rule out the presence of respondent – Sher Singh at the place of occurrence in the manner as alleged.

24. Considering that PW-10 and PW-11 submitted that when they reached at village Turkiawas at about 02.45 AM on the intervening night of 13/14.08.2004, Sher Singh was present, it would be about the same time when he would have reached the said place. There are holes, which would seriously render Sher Singh's presence at village Turkiawas doubtful. The said circumstances

transpire that there was no convincing and conclusive evidence about the involvement of Sher Singh and Shanti Devi in the alleged demands of dowry or in killing or abetting the suicide of the victim, and at best they could have been irritants in the matrimony of the deceased with her husband.

25. In the said circumstances, even though the Court concluded that there were certain discordant notes within the matrimonial life of the victim, the participation of the respondent – Sher Singh and Shanti Devi in the commission of offence could not be proved beyond reasonable doubt. Hence, the said respondents – Sher Singh and Shanti Devi had been acquitted.

26. No evidence or testimony has been brought to the notice of this Court on the basis whereof, the aforesaid inconsistencies and the deviations as well as exaggerations in the prosecution evidence could be satisfactorily explained or could be deemed as mere human error. The conclusions drawn by the Court, after noticing such glaring omissions and contradictions as well as exaggerations, become important in the facts of the present case. The conclusions finally drawn by the Sessions Court, after due deliberation and consideration of the evidence cannot thus be said to be fully misplaced or unsustainable, and are based on a meaningful and objective consideration of the evidence brought on record.

27. Law is well settled that if, upon the consideration of the evidence before the Court, two views are possible, the Appellate Court would not supplant its own view merely because the same view is also a possible view and would thus ordinarily not interfere with the judgment of acquittal that has been passed by the Court, which is an objective and reasonable view based upon detailed consideration and analysis of the evidence brought before it.

28. Consequently, the present criminal revision petition is dismissed and the judgment dated 13.01.2006, passed in Sessions Case No.36 of 2004, arising out of FIR No.118 dated 14.08.2004, registered under Sections 302/306/34 IPC, at Police Station Ateli to the extent whereby the Sessions Court had acquitted the respondents – accused Sher Singh and Shanti Devi, is upheld.

29. Pending miscellaneous application(s), if any, also stands disposed of.

(VINOD S. BHARDWAJ)
JUDGE

(SUKHVINDER KAUR)
JUDGE

July 20, 2026
Sangeeta

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