

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-1171-SB of 2004 (O&M)
Date of Decision:16.9.2015

Tarsem Singh

....Appellant

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. S.P.S. Sidhu, Advocate for the appellant.

Mr. S.K. Bansal, AAG, Punjab for the respondent.

NAVITA SINGH, J.

1. This appeal is preferred against the judgment of conviction and order of sentence passed by Additional Sessions Judge, Ferozepur, on 01.04.2004, whereby the appellant was convicted and sentenced for the offence punishable under Section 306 of the Indian Penal Code (short for IPC) directing that he would undergo rigorous imprisonment for six years and to pay a fine of Rs.3,000/-, in default of which the period of imprisonment would be extended by six months.

2. Initially the FIR lodged by complainant Balwant Singh was under Section 302 IPC, but charge sheet was filed for the offences punishable under Sections 304-B and 498-A IPC.

3. The appellant alongwith his parents Gurdip Singh and Veero Bai were put to trial on the allegations that Paramjit Kaur daughter of the complainant consumed insecticide on 28.11.2000 and died as a result of that. The complainant informed the police that the deceased was married to the appellant about two years before her death and was kept well by the accused persons for about six months. Thereafter, they started maltreating her. They used to find fault with whole her work and used to beat her. She would narrate her tale of woes to

the complainant and other members of her family. However, as per tradition, she was sent back. A few days before her death, she had been beaten and turned out of the matrimonial home, but she was taken back to the matrimonial home by her brother Major Singh as assurance was given by Jalla Singh, Member Panchayat. This was only 4-5 days before she died. The complainant was informed about the incident and he reached the house of the accused and found his daughter dead.

4. Charges were drawn up against the appellant and his parents for the offences punishable under Section 304-B and 498-A IPC. The prosecution examined complainant Balwant Singh, Dr. Pardeep Kumar Aggarwal, Major Singh, Ajmer Singh, ASI and Randhir Singh, Constable as PW1 to PW5 respectively. Thereafter statements of the accused persons under Section 313 Cr.P.C. were recorded. They denied that there was any demand of dowry and said that Tarshem Singh (appellant) and the deceased had started living separately since 6-7 months before Paramjit Kaur died. She used to remain mentally upset and did not behave normally. She was got treated from G.G.S. Medical College and Hospital, Faridkot. She committed suicide as she was not mentally in the right state.

5. The trial Court came to the conclusion that demand of dowry was not proved and involvement of the parents of the appellant was also nowhere proved by the prosecution in the death of Paramjit Kaur. Gurdip Singh and Veero Bai were, therefore, acquitted. The appellant Tarshem Singh was, however, convicted for the offence punishable under Section 306 IPC.

6. Counsel for the appellant submitted that out of the total sentence of six years, the appellant had spent 1 year, 2 months and 29 days in custody, which could be said to be 1 year and 3 months, excluding the period of remission. However, he fairly conceded that though the period may not be

sufficient to reduce the sentence to that effect, he, without challenging the judgment regarding conviction, would request that the sentence of the appellant may be reduced to half. He contended that he would not touch the merits of the case. A lenient view may be taken as the parents of the appellant by now are very old. The FIR was of 28.11.2000 and the appellant was arrested one month thereafter. He has already faced the agony of protracted legal proceedings and he has a young child to look after.

7. Since the conviction is not challenged, no observation is required to be made touching the merits of the case. In view of the facts and circumstances explained by counsel for the appellant, it is felt that it is a case where the sentence of imprisonment should be reduced. The appellant is, therefore, sentenced to rigorous imprisonment for three years instead of six years and he shall surrender before the trial Court on 23.09.2015, failing which the trial Court shall procure his presence through warrant of arrest and commit him to jail for serving the remaining part of the sentence.

8. The appeal is, therefore, partly allowed.

(NAVITA SINGH)
JUDGE

16.9.2015
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