

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRA-S-2199-SB of 2013 (O&M)
Decided on : 10.02.2015

Darshan Singh

... Appellant

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MRS.JUSTICE SABINA

Present : Mr.Rajbir Singh, Advocate
for the appellant.

Sabina, J.

Respondent Nos.2 to 4 have faced trial in FIR No.75, dated 12.05.2007, under Sections 306/34 IPC, registered at Police Station Sadar Sunam. Trial Court vide order dated 16.02.2013 ordered the acquittal of respondents No.2 to 4. Hence, the present application under Section 378(3) of the Code of Criminal Procedure, 1973 for grant of leave to appeal by the complainant.

Prosecution story in brief was that Paramjit Kaur was married to respondent No.2, Amarjeet Singh in the year 1989. Out of the said wedlock, they were blessed with a son namely, Harjinder Singh who was aged about 16 years at the time of lodging of the FIR. The case of the complainant was that Harjinder Singh was residing with him. In-laws family of Paramjit Kaur had taken a loan and due to this reason, Amarjeet Singh started consuming liquor and quarreling with his wife. Due to this reason, Paramjit Kaur remained under tension. Amarjeet Singh and Paramjit Kaur also sought help from the complainant, Darshan Singh (brother of the deceased, Paramjit Kaur) in repaying the loan. Complainant helped Amarjeet Singh to repay the loan but despite

the said fact, accused continued harassing Paramjit Kaur and used to beat her. On 10.05.2007, complainant received a phone call from his sister and she told him to make arrangements for her son. On 12.05.2007 at about 6 a.m., Ranjit Kaur wife of the complainant received a phone call that Paramjit Kaur had committed suicide by hanging from the ceiling fan. Thereafter, complainant reached the house of his sister and found that dead body of his sister was lying on the bed. Paramjit Kaur had committed suicide due to harassment meted out to her by respondents No.2 to 4.

In order to prove its case, prosecution as well as accused led their evidence.

Learned counsel for the appellant has submitted that the prosecution had been successful in proving its case. In fact, Paramjit Kaur had been harassed by respondents No.2 to 4 on account of demand of dowry and due to this reason, she had ended her life by committing suicide.

Trial Court while ordering the acquittal of the respondents No.2 to 4 has placed reliance on the statements of DW-1, Harjinder Singh (who is none other than the son of the deceased) and DW-2, Karamjit Kaur (who was working as a maid servant in the house of the accused) and DW-3, Dr.Gurmeet Singh.

Harjinder Singh while appearing in the witness box as DW-1 deposed that on 12.05.2007, his mother Paramjit Kaur was sleeping in a separate room whereas he was sleeping in another room with his father. In the morning, Karamjit Kaur knocked at the door of the room of Paramjit Kaur but the same was not opened by his mother. When the

door was forcibly opened by his father and other family members, they saw that his mother had committed suicide by hanging from the fan with the help of *parna* (small piece of cloth). This witness further deposed that his mother had been sick for the last many years as she was under depression. His mother did not do any household work and used to lie on the bed for the entire day. No verbal quarrel had taken place between his father and mother. His mother had been getting treatment from different doctors at Patiala, Barnala and Sangrur. He further deposed that when they had informed qua the death of his mother to his maternal uncle, he had got registered a case against the accused.

DW-2, Karamjit Kaur corroborated the statement of DW-1 to the effect that she was working in the house of the accused for the last three years prior to the occurrence. On the day of occurrence, she had knocked at the door of the room of Paramjit Kaur but she had not opened the door. Thereafter when the door was forcibly opened by Amarjeet Singh and other family members, they saw that Paramjit Kaur had committed suicide by hanging with the help of the fan.

DW-3, Dr.Gurmeet Singh deposed that he had been giving treatment to Paramjit Kaur as she was a patient of chronic depression.

So far as the prosecution witnesses are concerned, PW-1 Darshan Singh and PW-2 Ranjit Kaur, PW-3 Gobinder Singh and PW-8 Baldev Singh have supported the story of the prosecution.

Harjinder Singh is none other than the son of the deceased . The said witness was aged about 16 years at the time of occurrence. Statement of DW-1 was recorded by the Deputy Superintendent of Police on 15.05.2007 and the said witness deposed

that his mother was under tension and never used to allow him to study. He further stated that on no occasion, his father and his grand-parents have ever maltreated his mother on account of demand of dowry etc.

As per case of the complainant, PW-1, Harjinder Singh was residing with him. In such a situation, statement of PW-1 Harjinder Singh gains more significance. DW-1 did not support the case of the complainant from the very beginning. In normal circumstances, had the accused harassed the deceased, Harjinder Singh who is son of the deceased would have supported the case of the complainant. Rather, the son of the deceased has not supported the case of the complainant from the very beginning. The statement of DW-1 is also corroborated by DW-3, Dr. Gurmeet Singh who had been treating Paramjit Kaur as she was patient of chronic depression.

In these circumstances, learned trial Court rightly held that plea put forth by the complainant qua harassment meted out to the deceased on account of demand of dowry, was not believable. In normal circumstances, when a woman dies an unnatural death, the relations between her family members and the family members of her in-laws become strained. Apparently, due to this reason, FIR in question was lodged by the complainant against the accused. However, the accused had been successful in rebutting the statement of the prosecution witnesses by leading cogent and convincing defence evidence.

Learned Trial Court, in the facts and circumstances of the case, rightly ordered the acquittal of the accused.

Their lordships of the Supreme Court in **Allarakha K.**

Mansuri v. State of Gujarat, 2002(1) RCR (Criminal) 748, held that where, in a case, two views are possible, the one which favours the accused, has to be adopted by the Court. A Division Bench of this Court in **State of Punjab v. Hansa Singh, 2001 (1) RCR (Criminal) 775**, while dealing with an appeal against acquittal, has opined as under:

“We are of the opinion that the matter would have to be examined in the light of the observations of the Hon'ble Supreme Court in **Ashok Kumar v. State of Rajasthan, 1991(1) SCC 166**, which are that interference in an appeal against acquittal would be called for only if the judgment under appeal were perverse or based on a mis-reading of the evidence and merely because the appellate Court was inclined to take a different view, could not be a reason calling for interference.”

To the same effect is the ratio of the judgments of the Supreme Court in **State of Goa v. Sanjay Thakran (2007) 3 SCC 755** and in **Chandrappa v. State of Karnataka, (2007) 4 SCC 415**.

Similarly, in **Mrinal Das & others v. The State of Tripura, 2011 (9) Supreme Court Cases 479**, the Supreme Court, after looking into various judgments, has laid down parameters, in which interference can be made in a judgment of acquittal, by observing as under:

“8) It is clear that in an appeal against acquittal in the absence of perversity in the judgment and order, interference by this Court exercising its extraordinary jurisdiction, is not warranted. However, if the appeal is heard by an appellate court, being the final court of fact, is fully competent to re- appreciate, reconsider and review the evidence and take its own decision. In other words, law does not prescribe any limitation, restriction or condition on exercise of such power and the appellate court is free to arrive at its own conclusion keeping in mind that acquittal provides for presumption in favour of the accused. The

presumption of innocence is available to the person and in criminal jurisprudence every person is presumed to be innocent unless he is proved guilty by the competent court. If two reasonable views are possible on the basis of the evidence on record, the appellate court should not disturb the findings of acquittal. There is no limitation on the part of the appellate court to review the evidence upon which the order of acquittal is found and to come to its own conclusion. The appellate court can also review the conclusion arrived at by the trial Court with respect to both facts and law. While dealing with the appeal against acquittal preferred by the State, it is the duty of the appellate court to marshal the entire evidence on record and only by giving cogent and adequate reasons set aside the judgment of acquittal. An order of acquittal is to be interfered with only when there are "compelling and substantial reasons", for doing so. If the order is "clearly unreasonable", it is a compelling reason for interference. When the trial Court has ignored the evidence or misread the material evidence or has ignored material documents like dying declaration/report of ballistic experts etc., the appellate court is competent to reverse the decision of the trial Court depending on the materials placed"

In the present case, trial Court has rightly acquitted the accused of the charge framed against them. In view of the defence evidence led by the accused and the reasons given by the trial court while ordering the acquittal of respondents No.2 to 4, this court is not inclined to interfere with the judgment of the trial court.

No ground is made out to grant leave to file an appeal.

Accordingly, this application is dismissed.

[Sabina]
Judge

10.02.2015
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