

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

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CRM-A-563-MA of 2015 (O&M)

Date of Decision: 17.09.2015.

State of Haryana

....Appellant

VERSUS

Sukhwinder Singh and others

....Respondents.

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MRS. JUSTICE SNEH PRASHAR**

Present: Mr. Vivek Saini, Assistant Advocate General,
for the appellant-State of Haryana.

HEMANT GUPTA, J. (ORAL)

The present application seeking leave to appeal is filed by the State against the judgment dated 12.09.2014 passed by learned Additional Sessions Judge, Kurukshetra, whereby the respondents were acquitted of the charges for the offence under Section 304-B of the Indian Penal Code (for short, "I.P.C.").

The prosecution case was registered on the statement of Hakam Singh, father of the deceased Sushma, who was married to Gurdev Singh six years prior to her death on 27.04.2013. As per his statement, he was informed on 27.04.2013 at about 5:00 A.M. by his son-in-law on telephone that Sushma was suffering from vomiting and dysentery. When he along with his son reached village, he found his daughter lying dead on the double bed inside the room.

The postmortem was conducted by a board of doctors consisting of Dr. Anita (PW14), Dr. S.S. Arora and Dr. Tanuj. As PW14, Dr. Anita has deposed, after going through the Forensic Science Laboratory reports Ex.P10, Ex.P10/1 and Ex.P10/2, that no common poison was detected from viscera including parts of stomach, both intestines, lungs, kidney, liver, spleen, heart and brain, blood samples etc. However, she said that possibility of any uncommon poison cannot be ruled out as there are certain poisons, which cannot be detected. PW14 also stated that there was no underlying injury or fracture and that cause of death could not be ascertained.

For an offence under Section 304-B I.P.C., the prosecution is required to prove unnatural death and that too within seven years of marriage. Since the postmortem and the medical evidence does not make out a case of unnatural death, the basic ingredient for offence under Section 304-B I.P.C. is not satisfied by the appellant.

Thus, we do not find any illegality or perversity in the findings given by the trial Court, which may warrant interference in the present application seeking leave to appeal and the same is dismissed.

(HEMANT GUPTA)
JUDGE

(SNEH PRASHAR)
JUDGE

17.09.2015
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