

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-1891-SB of 2003

DATE OF DECISION: APRIL 6, 2015

MANJIT SINGH

...APPELLANT

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.

1. Whether the judgement should be reported in the digest? Yes

PRESENT: MR. P.S.AHLUWALIA, ADVOCATE FOR THE APPELLANT.
MS. RITU PUNJ, ADDL.A.G., PUNJAB.

M. JEYAPPAUL, J.

1. Accused Manjit Singh and Joginder Kaur were sent up for trial to face the charge under Section 304-B IPC. The trial Court convicted accused Manjit Singh alone for the charge under Section 306 IPC. Accused Joginder Kaur was acquitted. Therefore, accused Manjit Singh has preferred the present appeal challenging the judgement of conviction under Section 306 IPC and sentence of 7 years R.I. and to pay a fine of ₹2000/- and in default of payment of fine, to undergo a further period of 1 month awarded to him.

2. It is the brief case of the prosecution that accused Manjit Singh married Baljit Kaur (since deceased) in the year 1996 after the death of his brother Jarnail Singh who was the first husband of deceased Baljit Kaur. Accused Manjit Singh used to taunt Baljit Kaur as she was older than him and demanded a sum of ₹4 lacs.

3. PW1 Mohan Singh was the father of the deceased Baljit Kaur.

He has deposed that in the year 1994, he gave his daughter in marriage to Jarnail Singh, elder brother of accused Manjit Singh. However, Jarnail Singh died in the year 1995. After his death, a male child was born to Baljit Kaur. Therefore, Baljit Kaur was given in marriage to accused Manjit Singh, the younger brother of Jarnail Singh in the year 1996. After about 1 year of her marriage, Manjit Singh started maltreating his wife Baljit Kaur on the ground that she was older in age. Accused Manjit Singh also started beating Baljit Kaur asking her to bring ₹4 lacs to go abroad. Baljit Kaur committed suicide on 9.6.2001 after having consumed poison.

4. PW2 Gian Singh spoke about the marriage of Baljit Kaur with accused Manjit Singh after the death of his elder brother. He also spoke about the quarrel between accused Manjit Singh and Baljit Kaur on account of taunting that she was older in age. He had accompanied PW1 to the matrimonial house to appease the accused. PW2 also testified that there was a demand of ₹4 lacs made by accused Manjit Singh to go abroad.

5. PW4 Dr.Gurdeep Singh Sethi had given first aid to Baljit Kaur on 9.6.2001, when she was brought to his hospital by her husband accused Manjit Singh. PW3 Dr.Rita Dhammi conducted post mortem examination on the dead body of Baljit Kaur on 10.6.2001. In her opinion, Baljit Kaur had died due to aluminum phosphide poisoning.

6. The accused set up a plea in his statement under Section 313 Cr.P.C. that a false case was foisted on him. There was no harassment regarding demand of dowry. Never had he demanded a sum of ₹4 lacs from the deceased, he has pleaded. On the side of defence, DW1 Narainjit Singh, Branch Manager, Bank of Punjab, Nawanshahr, was examined to mark the

documents Ex.DA to DE, the FDRs standing in the joint name of deceased Baljit Kaur and accused Manjit Singh.

7. The trial Court having adverted to the evidence on record came to the conclusion that no offence under Section 304B IPC was made out, whereas an offence under Section 306 IPC was made out against the appellant.

8. PW1 Mohan Singh, father of the deceased and PW2 Gian Singh, one of the Panchayatdars have spoken in one voice that accused Manjit Singh not only taunted deceased Baljit Kaur after expiry of one year of marriage alleging that deceased Baljit Kaur was older than accused Manjit Singh, but also demanded a sum of ₹4 lacs to go over to foreign country.

9. Of course, PW1 Mohan Singh was the father of the deceased, but the evidence of PW1 is completely corroborated by the evidence of PW2. There was no reason for PW2 Gian Singh who was one of the Panchayatdars to speak ill of accused Manjit Singh. Their testimony would go to establish that accused Manjit Singh had been taunting Baljit Kaur continuously on the ground that she was older to him in age which instigated her to commit suicide.

10. The evidence let-in by accused Manjit Singh through DW1 would go to establish that accused Manjit Singh had FDRs in joint account. It was also not in dispute that accused Manjit Singh had sufficient money in his account. Therefore, in my view, the trial Court has rightly rejected the case of the prosecution that the appellant made a demand of dowry.

11. Learned counsel appearing for the appellant would vehemently

submit that mere taunting would not constitute an offence under Section 306 IPC. *Per contra*, learned Addl.A.G., Punjab would submit that continuous taunting has the potential to instigate the victim to take an ultimate decision to commit suicide.

12. Every taunting may not have the potential to instigate the victim to commit suicide, but taunting on the ground that the victim was older in age and that she also looked very aged, would definitely instigate a married lady to commit suicide. Therefore, the submission made by learned counsel appearing for the appellant that there was no instigation on the part of accused Manjit Singh to commit suicide does not appeal to me.

13. It was submitted by learned counsel appearing for the appellant that appellant Manjit Singh has been taking care of two children, one born to deceased Baljit Kaur through his elder brother Jarnail Singh and another child born to deceased Baljit Kaur through him. Further, the occurrence had taken place about 14 years ago and the appellant faced the ordeal of trial for such a long time. He also brought to the notice of this Court that as per the evidence of PW4 Dr.Gurdeep Singh Sethi, it was only accused Manjit Singh who admitted Baljit Kaur to the hospital for treatment. For all these reasons, it is his submission that at least some leniency may be shown in the matter of sentence.

14. In my considered view, there is a substantial merit in the submission made by learned counsel appearing for the appellant. The occurrence had taken place way-back on 9.6.2001. For about 14 long years, the accused had faced the ordeal of protracted trial. After the demise of Baljit Kaur, appellant Manjit Singh got the onerous responsibility of

bringing up two children. There is also yet another mitigating circumstance which could be gathered from the conduct of the accused Manjit Singh who took efforts to admit Baljit Kaur to the hospital with a view to save her life. For all these reasons, I am of the view that the sentence can be reduced to 3 years R.I. The above view of mine is supported by the decision in **Harmohan Singh vs. State of Haryana, 2011 (2) RCR (Criminal) 419**. It is to be noted that in a similar circumstance, this Court in **Harmohan Singh's case (supra)** was pleased to reduce the sentence to 3 years R.I. for an offence under Section 306 IPC.

15. Therefore, the judgement of conviction passed by the trial Court under Section 306 IPC stands confirmed. However, the sentence of 7 years R.I. imposed by the trial Court is reduced to 3 years R.I. At the same time, fine of ₹2000/- and the default sentence awarded by the trial Court are sustained.

16. With the above reduction in the quantum of sentence, the appeal stands dismissed.

17. Accused-appellant Manjit Singh is on bail. His bail bond stands cancelled. He shall surrender within 15 days from the date of this judgement before the Chief Judicial Magistrate, Hoshiarpur. If he fails to surrender, the learned Chief Judicial Magistrate, Hoshiarpur shall take coercive steps to secure his presence and send him to jail to undergo the remaining part of the sentence.

April 6, 2015
Gulati

(M. JEYAPPAUL)
JUDGE