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

**Crl.Appeal No.S-1453-SB-2003**
**Date of decision : 18.2.2015**

**Baldev Singh and others** **.....Appellant(s)**

**Versus**

**State of Punjab** **....Respondent(s)**

**CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH**

1. **Whether reporters of local newspapers may be allowed to see judgment? Yes**
2. **To be referred to reporters or not? Yes**
3. **Whether the judgment should be reported in the Digest? Yes**

Present: Mr. D.S. Pheruman, Advocate, counsel for the appellants.

Mr. Deepak Garg, AAG, Punjab.

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**DARSHAN SINGH, J.**

1. The present appeal has been preferred against the judgment of conviction dated 30.7.2003 vide which the appellants were held guilty and convicted for the offence punishable under Section 304-B of the Indian Penal Code (hereinafter referred to as 'the IPC') and the order on the quantum of sentence of the even date vide which all the four appellants were sentenced to undergo rigourous imprisonment for a period of 7 years and to pay a fine of Rs.1,000/- each. In default of payment of fine, they were further ordered to undergo imprisonment for a period of six months each.

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2. The brief facts of the prosecution case are that PW-7 Kulwinder Singh, the father of deceased Amandeep Kaur, made the statement on 14.6.2000 before Sub Inspector Malhar Singh, SHO P.S. Valtoha alleging that he had two daughters. His younger daughter Amandeep Kaur, aged about 20 years, was married with appellant-Baldev Singh about 7 months prior to the occurrence. That he had given the dowry as per his status at the time of marriage but her husband Baldev Singh, her father-in-law Hari Singh, her mother-in-law Palwinder Kaur and her sister-in-law (Nanad) Manjit Kaur were not satisfied and they started taunting and torturing her on account of the inadequate dowry brought by her. That about one month earlier appellant-Baldev Singh and his parents had turned out Amandeep Kaur from the matrimonial house after giving severe beatings. Amandeep Kaur reached her parental house and told them the entire story of her harassment at the hands of her in-laws. She narrated that her in-laws were forcing her to bring Maruti car from her parents. He assured his daughter to give the Maruti car after the wheat crop was reaped. After about 5-6 days at the asking of PW-6 Palwinder Singh, Sarpanch of their village, he (complainant) sent his daughter in the house of her in-laws along with her husband Baldev Singh and his father-in-law Hari Singh when they had come to their house. That on 14.6.2000 at about 5 P.M, the complainant along with his brother Angrej Singh (PW-8) had gone to the house of the in-laws of his daughter in order to meet her. When they reached in the Behak of her in-laws, they saw Amandeep Kaur lying on a cot and she told them that on that day, her mother-in-law appellant-

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Palwinder Kaur, sister-in-law appellant-Manjit Kaur, father-in-law appellant-Hari Singh (now deceased) and her husband appellant-Baldev Singh had given her beatings and she was having acute pain in her body. That her husband Baldev Singh had administered something to her in a glass of water as a result of that her condition was further deteriorated and she became unconscious while talking and she died before his eyes. The complainant alleged that her daughter has been killed by the appellants for not fulfilling the demand of dowry. The statement of complainant Kulwinder Singh Ex.PL was recorded by the Investigating Officer PW-9 SI Malhar Singh on the basis of which the formal FIR Ex.PL/1 was registered and investigation was started.

3. The Investigating Officer inspected the place of occurrence. The dead body was found lying in the courtyard of the house on a cot. He prepared the inquest report Ex.PB and injury statement Ex.PM. The dead body was handed over to Head Constable Kulwant Singh along with the request Ex.PA for getting the postmortem examination conducted. The Investigating Officer also prepared the rough site plan Ex.PO of the place of occurrence. On 15.6.2000, appellant-Palwinder Kaur, the mother-in-law of the deceased, was arrested. The parcel containing the clothes of the deceased after postmortem examination were taken into possession vide memo Ex.PQ. Accused-appellant Baldev Singh was also arrested on 16.6.2000. The remaining accused Hari Singh and Manjit Kaur were declared innocent in the investigation and were kept in column No.2 of the report under Section 173 Cr.P.C. On

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completion of the formalities of investigation, the report under Section 173 Cr.P.C was presented in the Court.

4. On the basis of an application moved by the learned Public Prosecutor under Section 319 Cr.P.C, appellant-Hari Singh and Manjit Kaur were also summoned to face the trial vide order dated 21.12.2000 passed by the then learned Sessions Judge, Amritsar.

5. All the accused appellants were charge-sheeted for the offence punishable under Section 302 IPC and in the alternative for the offence under Section 304-B IPC to which the appellants pleaded not guilty and claimed trial.

6. In order to substantiate its case, the prosecution examined as many as 9 witnesses.

7. After the closure of the prosecution evidence, all the appellants were examined under Section 313 Cr.P.C wherein they denied the allegations of the prosecution and pleaded false implication. Appellant-Baldev Singh, the husband of the deceased pleaded as under:

> *"Myself or my family members did not demand any dowry from the deceased or her parents, nor did we taunt, torture or harass the deceased on that score. We did not turn out deceased, nor did we make a demand for a Maruti car. In fact, the deceased was suffering from epilepsy since prior to his marriage, though the fits used to occur after very long periods. On the day of occurrence myself and other family members had gone to*

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> *the fields to plant paddy saplings and the deceased was present alone at our house. While climbing the stairs, she suffered an attack of epilepsy and fell on the ground with her face downward and she died there and then. It was only on our return that we found her lying dead in the courtyard near the stairs. We duly informed about this to her parents. However, later on, they falsely implicated me and my family members in this case. We all are innocent."*

8. Similar plea has been raised by the other appellants.

9. None of the accused led any defence evidence.

10. On appreciating the evidence on record and the contentions raised by the learned counsel for the parties, the learned trial Court held guilty and convicted the appellants for the offence punishable under Section 304-B IPC. However, the learned trial Court held that the charge punishable under Section 302 IPC was not established. The appellants were awarded the sentence as mentioned in the upper part of the judgment.

11. Aggrieved with the aforesaid judgment of conviction and order of sentence, the present appeal has been preferred.

12. Appellant No.3 Hari Singh, the father-in-law of the deceased, had died during the pendency of the present appeal, so, appeal qua him was abated vide order dated 10.3.2014.

13. I have heard Shri D.S. Pheruman, Advocate, learned counsel for the appellants and Shri Deepak Garg, learned Assistant Advocate General for the State of Punjab and have meticulously

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gone through the record.

14. Initiating the arguments, Sh. D.S. Pheruman, Advocate, learned counsel for the appellants contended that the story of the prosecution stands falsified from the scientific evidence. He contended that as per the prosecution version, PW-7 Kulwinder Singh (complainant) and his brother Angrej Singh had gone to the matrimonial house of the deceased. At that time she was alive and had alleged that some poisonous substance was administered to the deceased by her husband Baldev Singh. In the report of the Chemical Examiner, no poison has been found which shows that the deceased and her parents can go to any extent to level the false allegations against the appellants. Thus, her oral dying declaration alleged to have been made in the presence of PW-7 Kulwinder Singh and PW-8 Angrej Singh cannot be relied upon. There is also no evidence on record to establish that she was fit to make any such statement. As per statement of PW-2 Dr. Gurmanjit Rai, the deceased had died immediately after receiving the injuries. So, the possibility of any oral dying declaration stands ruled out.

15. He further contended that all the injuries on the person of the deceased were simple in nature. The doctor has admitted that these types of injuries are possible as a result of fall. He contended that in fact the deceased was suffering from epilepsy. She had a fall from the stairs and suffered the injuries. The death of deceased Amandeep Kaur cannot be attributed to any of the appellants. As per the medical evidence, the deceased has not died on account of the injuries rather she has suffered the death as a result of smothering.

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He contended that such smothering can be possible if a person having suffered fit of epilepsy falls with his/her face down to the earth.

16. He further contended that the husband of the deceased as well as all his family members have been implicated. Appellants Hari Singh and Manjit Kaur were found innocent during investigation and were summoned under Section 319 Cr.P.C even without recording any evidence. He contended that the implication of the entire family members shows the intention of the complainant to harass the entire family of the in-laws of the deceased. There are no specific allegations against any of the accused regarding the demand of dowry. The complainant has admitted that the deceased and her husband has been visiting his house. They used to stay there for 1 or 2 days. Thus, the version of the prosecution that the deceased was turned out of the matrimonial home and she had to stay for two months at the house of her parents stands belied. He further contended that none of the prosecution witnesses have stated at what point of time the demand of Maruti car was raised. He also contended that how the other family members can be the beneficiary of such a demand but all the members of the family have been implicated.

17. He further contended that at the time of occurrence appellant-Manjit Kaur was hardly 18 years of age. She was unmarried. She could not have any role in such family matters but even she has not been spared which shows the falsity of the prosecution version. Thus, he pleaded that the appellants have been

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wrongly convicted by the learned trial Court.

18. On the other hand, learned State counsel contended that all the ingredients of Section 304-B IPC are fully established. The occurrence has taken place within 7 months of the date of marriage of the deceased. As per the medical evidence, she has died otherwise than under normal circumstances. He further contended that from the statements of PW-6 Palwinder Singh, PW-7 Kulwinder Singh and PW-8 Angrej Singh, it is also established that deceased was harassed and treated with cruelty soon before her death in connection with the demand of Maruti car. He contended that all the appellants have harassed and tortured the deceased. The deceased has even made the oral dying declaration in the presence of complainant PW-7 Kulwinder Singh and PW-8 Angrej Singh. The ocular evidence is also corroborated from the medical evidence. The cause of death was found smothering as a result of injury Nos.6 and 7 on the person of the deceased. The plea raised by the appellants that she has died as a result of fall after suffering the epilepsy fit is not supported from any evidence. No evidence has been adduced by the appellants to establish that the deceased was having any history of epilepsy. Thus, he pleaded that there is no infirmity in the conviction of the appellants recorded by the learned trial Court.

19. I have duly considered the aforesaid contentions.

20. Accused appellants were charge-sheeted for the offence punishable under Section 302 IPC and in the alternative for the offence punishable under Section 304-B IPC. The learned trial Court

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had acquitted the appellants for the offence punishable under Section 302 IPC while not relying upon the alleged oral dying declaration of the deceased made by her in the presence of her father complainant-Kulwinder Singh and her uncle Angrej Singh on the ground that it was not established that the deceased was in her sound state of mind to make the dying declaration. The report of the Chemical Examiner belies the prosecution version that some poison/intoxicant was administered to her by her husband as in the report of the Chemical Examiner Ex.PD, no poison was detected in the viscera of the deceased. The learned trial Court also observed that the simple statement of Kulwinder Singh and Angrej Singh cannot bring home the serious charge under Section 302 IPC against the appellants. These findings of the learned trial Court have gone unchallenged from the side of the prosecution i.e the State of Punjab as well as the complainant as neither the respondent-State of Punjab nor complainant Kulwinder Singh had filed any appeal or revision against the impugned judgment. The appellants have been held guilty and convicted for the alternative charge under Section 304-B IPC. So, in the present appeal against conviction we are to see the legality of the conviction of the appellants recorded by the learned trial Court under Section 304-B IPC.

21. In order to bring home the guilt for the offence punishable under Section 304-B IPC, the prosecution has to prove that :-

> *"(i) Death of woman was caused by burns or bodily injury or had occurred otherwise than under normal circumstances.*

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*(ii) Such death should have occurred within 7 years of her marriage.*

*(iii) The deceased was subjected to cruelty or harassment by her husband or by any relative of her husband.*

*(iv) Such cruelty or harassment should be for or in connection with demand of dowry.*

*(v) To such cruelty or harassment the deceased should have been subjected to soon before her death."*

22. In order to establish that deceased Amandeep Kaur has died otherwise than under normal circumstances, the prosecution has adduced oral as well as the medical evidence. In their statements under Section 313 Cr.P.C, the accused have pleaded that deceased Amandeep Kaur was suffering from epilepsy prior to her marriage. On the date of occurrence, the accused had gone to the fields to plant the paddy saplings and deceased alone was present at the house. However, when she was climbing the stairs, she suffered the fit of epilepsy and had fallen on the ground with her face downwards as a result of which she died there and then. When they returned from the fields they found her lying dead in the courtyard near the stairs but this plea raised by the accused appellants with respect to the cause of death of Amandeep Kaur is not supported from any evidence. The appellants have not led any evidence to establish that the deceased was suffering from epilepsy at any point of time prior to or after her marriage. If the deceased had met with

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death in the manner alleged by the accused they would have at least called any doctor or would have taken her to the doctor for medical aid but it is not the case of the appellants that they made any such effort when they returned to the home and found the deceased lying in that condition. If they had taken the deceased to any doctor he could have observed the symptoms of epilepsy fit, if any. So, there is no material on record to show as to how the appellants came to the conclusion that the deceased had suffered the attack of the epilepsy while she was climbing the stairs as a result of which she had fallen on the ground with her face downwards, particularly when as per the defence plea none of them was present in the house to witness the incident in the manner alleged by them. The answer given by PW-2 Dr. Gurmanjit Rai in the cross-examination that he cannot give any opinion on the fact that if a person after suffering epilepsy fit falls face downwards and there is no one to assist him he would die because of blockage of air passage, is of no help to the appellants. When there is absolutely no evidence to establish that the deceased was suffering from epilepsy at any point of time, the defence plea raised by the appellants has no foundation and does not inspire any confidence.

23. PW-1 Dr. Ashish Gupta has conducted the postmortem examination on the dead body of deceased Amandeep Kaur and found the following injuries on her person:

> *"1. Reddish contusion 2 cm x 3 cm on left eye anterior aspect, 8 cms above upper part of left patila.*

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*2. Reddish contusion 14 cms x 2cm on right leg calf region.*

*3. An abrasion 4 cm x 1 cm on right back lumber region.*

*4. An abrasion 1 cm x 0.2 cm on left ring finger dorsal aspect.*

*5. An abrasion 0.5 x 0.25 cm on right middle finger dorsal aspect.*

*6. Upper left incisor was loose and base of tooth was swollen and reddish.*

*7. A lacerated wound 0.5 x 0.5 cm present on inner aspect of lower lip, left side. The wound was corresponding to injury No.6.*

*8. An abrasion 1 cm x 0.5 cm on right parietal region of scalp, surrounding areas was diffusely swollen. Sub cutaneous haemorrhage present. No bony injury was seen on dissection."*

24. The cause of death of deceased Amandeep Kaur was not declared by this witness and after receipt of report of the Chemical Examiner Ex.PD, he referred the matter to the Professor and Head, Department of Forensic Medicine, Govt. Medical College, Amritsar vide memo Ex.PE for his expert opinion with respect to the cause of death. Dr. Gurmanjit Rai, Lecturer, Forensic Medicine Department, Govt. Medical College, Amritsar, has appeared as PW-2. Vide his letter Ex.PG, he declared that cause of death in this case was

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asphyxia as a result of ante mortem smothering due to injury Nos.6 and 7. The opinion given by PW-2 Dr. Gurmanjit Rai with respect to the cause of death of Amandeep Kaur has not been assailed in the cross-examination. He has only been cross-examined with respect to the other injuries i.e. injury Nos.3, 4, 5 and 8 as to whether those injuries could be possible in case a person had suffered epilepsy attack and fallen on the ground.

25. As per the Concise Export English Dictionary, smother means to suffocate by covering the nose and mouth. Injury Nos.6 and 7 were present inside the mouth of the deceased. So, no fault could be found with the opinion of PW-2 Dr. Gurmanjit Rai that deceased has died due to asphyxia as a result of ante mortem smothering due to injury Nos.6 and 7.

26. As per the statements of PW-7 Kulwinder Singh and PW-8 Angrej Singh, deceased Amandeep Kaur was lying on the cot in the courtyard of the Behak of the appellants and was having injuries. This version has gone unchallenged in the cross-examination. No suggestion has been put to them that she was not lying on the cot but was lying on the floor near the stairs in the courtyard of the house. It is not the case of the accused appellants that when they spotted the deceased lying on the floor near the stairs in injured condition, they shifted her on the cot. So, there is no material to conclude that deceased Amandeep Kaur had died due to fall as a result of epilepsy fit, rather from the medical evidence, it is established that she was having injuries on her person and the cause of her death was asphyxia as a result of ante mortem

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smothering due to injury Nos.6 and 7. Thus, it is established that she has died otherwise than under normal circumstances.

27. It is also not disputed that the marriage of deceased Amandeep Kaur had taken place with accused appellant Baldev Singh in November, 1999. This fact is supported from the statements of PW-6 Palwinder Singh and PW-7 Kulwinder Singh, complainant, the father of the deceased. So, it is also established that the death of Amandeep Kaur had occurred within 7 years of her marriage.

28. The prosecution is further required to establish that the deceased was subjected to cruelty or harassment by the appellants in connection with the demand of dowry soon before her death. In the instant case, the allegations regarding cruelty or harassment of the deceased in connection with the demand of dowry have been levelled against all the four appellants. Appellant-Baldev Singh is the husband of the deceased, appellant-Palwinder Kaur is the mother-in-law of the deceased, appellant-Hari Singh was the father-in-law of the deceased (who has died during the pendency of the appeal and the appeal qua him stands abated vide order dated 10.3.2014), appellant-Manjit Kaur was the unmarried sister-in-law (Nanad) of deceased Amandeep Kaur. Thus, besides the husband of the deceased, his mother, father and unmarried sister have also been implicated in this case. It is alleged that the deceased was subjected to cruelty or harassment on account of the demand of the Maruti car.

29. In order to establish the allegations regarding cruelty or harassment against the relatives of the husband, specific acts of

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cruelty and harassment played by them are required to be proved beyond reasonable doubt. They cannot be hauled up guilty merely on the basis of conjectures and surmises in the shape of the allegations of the general nature.

30. The Hon'ble Apex Court in case **Kans Raj versus State of Punjab and others, 2000(2) R.C.R. (Criminal) 695** has laid down as under:

> *"For the fault of the husband, the in-laws or the other relations cannot, in all cases, be held to be involved in the demand of dowry. In cases where such accusations are made, the overt acts attributed to persons other than husband are required to be proved beyond reasonable doubt. By mere conjectures and implications such relations cannot be held guilty for the offence relating to dowry deaths. A tendency has, however, developed for roping in all relations of the in-laws of the deceased wives in the matters of dowry deaths which, if not discouraged, is likely to affect the case of the prosecution even against the real culprits. In their over enthusiasm and anxiety to seek conviction for maximum people, the parents of the deceased have been found to be making efforts for involving other relations which ultimately weaken the case of the prosecution even against the real accused as appears to have happened in the instant case."*

31. Again in case **Amar Singh versus State of Rajasthan 2010 (4) R.C.R (Criminal) 53,** the allegations were against the husband, his mother and brother that they demanded the scooter, harassed and teased the bride. The death of the bride has taken as a result of the burn injuries. The conviction of the mother and

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brother was set aside by the High Court. The said findings of the High Court were upheld by the Hon'ble Apex Court by observing that there was no evidence as to what was the exact act and conduct of the mother and brother by which the deceased felt tortured. However, the conviction of the husband was upheld. In a latest judgment titled as "**Suresh Kumar versus State of Haryana and others", 2014 (4) R.C.R (Criminal) 992**, the husband, his mother and younger brother were sent for trial. The trial Court convicted all the accused. On appeal, the High Court upheld the conviction of the husband and acquitted his mother and brother. Findings of the High Court were upheld by the Hon'ble Apex Court by observing that the case of the husband was distinguishable from his mother and brother. The same ratio of law has been laid down by this Court in cases **Joginder Singh and others versus The State of Haryana, 2008 (4) R.C.R (Criminal) 575 and Hazoor Singh and others versus State of Punjab, 2011 (1) R.C.R (Criminal) 349.** In view of the aforesaid ratio of law on appreciation of evidence, we have to see as to whether in the instant case the prosecution has been able to establish the specific act and conduct of appellants Palwinder Kaur and Manjit Kaur with respect to the harassment of the deceased in connection with the demand of dowry as their case has no parity with appellant-Baldev Singh, who happens to be the husband of the deceased.

32. PW-6 Palwinder Singh is the Sarpanch of parental village of the deceased. He deposed that he was informed by the father of the deceased 2-4 months after the marriage that the relations

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between Baldev Singh and the deceased were strained. About one month before the death of Amandeep Kaur, accused Hari Singh and Baldev Singh had come to the village Buchar Kalan as there was a dispute between the accused and the deceased on the demand of car. The matter was taken up before the Panchayat in which he participated. They had suggested Kulwinder Singh, complainant, that if the matter could be patched up by giving a car, he should give the same to the accused. Accused Hari Singh and Baldev Singh were also present in that gathering. Kulwinder Singh assured that he will give a car to the accused after the sale of wheat crop. So, from the statement of this witness, it comes out that the relations between appellant-Baldev Singh and his wife were strained due to dispute of the demand of car. It was appellant-Baldev Singh and his father Hari Singh (since deceased) who had participated in the Panchayat to resolve this dispute and complainant-Kulwinder Singh had assured that he will give the car to the accused after sale of wheat crop. So, PW-6 Palwinder Singh has not levelled any allegation against appellant-Palwinder Kaur and Manjit Kaur.

33. PW-7 Kulwinder Singh is the father of the deceased. He deposed that just after 2 months of the marriage of his daughter, all the accused present in the Court, started taunting, coercing, maltreating and even beating her saying that she has not brought adequate dowry. This was told to them by their daughter on her visit to their house just after 1 month of the marriage that she was being maltreated by her husband, his father, mother and his sister jointly for having not brought adequate dowry and the accused persons

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were demanding a Maruti car. He further deposed that he told his daughter that he will fulfill the demand by giving the Maruti car after selling the wheat crop. He further deposed that after 2 months, her daughter was turned out of the matrimonial home. Hari Singh and Baldev Singh had come to their house and they had promised them that they will provide Maruti car to them as being demanded by them after selling the wheat crop and they told them that on that undertaking, they should leave their daughter in their house. He further deposed that on the date of occurrence when they reached the matrimonial house of the deceased, she told that she was severely beaten by her husband, his father, mother and his sister Manjit Kaur for having brought inadequate dowry. Thus, in the statement of PW-7 Kulwinder Singh also, there are no specific allegations against appellants Palwinder Kaur and Manjit Kaur. The allegations levelled against them by this witness is also of the general nature. He has specifically mentioned that appellants Baldev Singh and Hari Singh had come to his house and he had assured to give the car after selling the wheat crop as demanded by them and on that undertaking, his daughter was taken to the matrimonial house. So, the specific allegations in the statement of PW-7 Kulwinder Singh, complainant, the father of the deceased, are only against appellant-Baldev Singh and his father Hari Singh (since deceased).

34. PW-8 Angrej Singh, the uncle of the deceased, had also deposed that he and his wife Amarjit Kaur had gone to meet Amandeep Kaur in her in-laws house. There she had told about the

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torture meted out to her at the hands of accused persons on the ground that she had brought inadequate dowry. She was turned out of the house by her in-laws after about 1 ½ month of the marriage and she came to the house of her parents. After about 5-7 days Baldev Singh and Hari Singh had come to the house of his brother. The Sarpanch of the village was also called by them and it was decided that they will give Maruti car after selling the wheat crop. Thereafter, this witness has deposed that on the date of occurrence, when he and his brother went to the house of the accused, deceased Amandeep Kaur had told that she was severely beaten by her husband, his father, mother and his sister, so in the statement of this witness also, no specific allegation has been levelled against appellants Palwinder Kaur and Manjit Kaur, the mother-in-law and sister-in-law respectively of the deceased. He has also deposed that it was appellant-Baldev Singh and his father Hari Singh (since deceased) who had come to their house and it was settled that Maruti car shall be given after the sale of the wheat crop. Thus, there is no specific allegation against appellants Palwinder Kaur and Manjit Kaur showing their overt act or conduct with respect to the cruelty or harassment of the deceased in connection with the demand of dowry. It also cannot be stated that they will be the beneficiary of demand of the Maruti car. This fact is not disputed that accused appellant Manjit Kaur was hardly 20 years of age at the time of the occurrence. It is not expected that such a junior member of the family will indulge in these affairs of the family.

35. As already mentioned, the case of appellant-Baldev Singh

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being the husband of deceased Amandeep Kaur is entirely on different footing. There are categoric allegations that the deceased was harassed and tortured for the demand of a Maruti car and for bringing inadequate dowry. Appellant-Baldev Singh along with his father Hari Singh had even gone to the parental house of the deceased and the matter regarding demand of the car was discussed in the presence of PW-6 Palwinder Singh, Sarpanch of the parental village of the deceased and they were assured that the Maruti car shall be given after the sale of the wheat crop which shows that the appellant was adamant for the demand of the Maruti car. Only on the assurance being given by PW-7 Kulwinder Singh, father of the deceased, that Maruti car shall be given after the sale of the wheat crop, the deceased was rehabilitated in the matrimonial home. Some days thereafter, the occurrence has taken place. So, it is established that the deceased was subjected to cruelty or harassment by appellant-Baldev Singh in connection with the demand of dowry i.e a Maruti car, soon before her death. Thus, all essential ingredients of the offence punishable under Section 304-B IPC are established against appellant-Baldev Singh. However, the prosecution has not been able to establish that appellants Palwinder Kaur and Manjit Kaur, the mother-in-law and sister-in-law respectively of the deceased, also subjected her to cruelty or harassment in connection with the demand of dowry soon before her death. So, their conviction recorded by the learned trial Court for the offence punishable under Section 304-B IPC is not sustainable in the eyes of law.

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36. Thus, keeping in view my aforesaid discussion, the present appeal qua appellants Palwinder Kaur @ Balwinder Kaur and Manjit Kaur is hereby allowed. Their conviction and sentence as recorded by the learned trial Court is hereby set aside and they stand acquitted of the charges. However, the appeal qua appellant-Baldev Singh, the husband of the deceased, has no merits and the same is hereby dismissed. His conviction and sentence as awarded by the learned trial Court is hereby maintained and affirmed. The accused appellant-Baldev Singh is on bail. His bail bonds stand cancelled. He shall surrender within 15 days from the date of this judgment before the learned Chief Judicial Magistrate, Amritsar, who shall send him to jail to undergo the remaining part of his sentence. If, he fails to surrender, the learned Chief Judicial Magistrate, Amritsar, shall take coercive steps to secure his presence and send him to jail to undergo the remaining part of the sentence.

**February 18, 2015** **( DARSHAN SINGH )**
ps **JUDGE**

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