

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

**CRM-A-1393-MA-2016 (O&M).
Date of Decision: 14.09.2016.**

State of Punjab

....Appellant.

VERSUS

Raj Singh and others

....Respondents.

**CORAM : HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MRS. JUSTICE SNEH PRASHAR**

Present: Mr. R.S. Randhawa, Additional Advocate General, Punjab
for the appellant.

SNEH PRASHAR, J.

CRM-23340-2016

This is an application under Section 5 of the Limitation Act for
condonation of 270 days' delay in filing the appeal.

In view of the averments made in the application, delay of 270
days in filing the appeal is condoned.

C.M. stands disposed of.

CRM-A-1393-MA-2016

This appeal preferred by appellant-State of Punjab is directed
against the judgment dated 30.07.2015 passed by learned Sessions Judge,
Ferozepur, acquitting Raj Singh and others (respondents No.1 to 4) of the
charge under Sections 304-B and 498-A of the Indian Penal Code (for short,
“I.P.C.”).

Complainant-Mohinder Singh had one son and four daughters.

On his complaint to the police, which led to registration of First Information

Report No.25 dated 17.02.2012 under Section 304-B I.P.C., he stated that the marriage of his youngest daughter Parveen Kaur was solemnized with Kuldeep Singh of village Daroga in the year 2009. A daughter was born out of the wedlock, who was aged about one year when the members of Parveen Kaur's in-laws family, namely Raj Singh father-in-law, Surjit Kaur mother-in-law, Kuldeep Singh-husband, Gursohan Singh, Surinder Singh brothers-in-law (Devar) and Bimla Rani sister-in-law (Nanad) started physically assaulting and maltreating her on account of their demand for more dowry. He (complainant) had given sufficient dowry at the time of marriage, but in-laws of his daughter after one year of marriage raised demand for Rs.1 lac, which she intimated to him. Being a poor person, he expressed his inability to fulfill the demand. About 6-7 months prior to the occurrence, Parveen Kaur had been given severe beatings and had been turned out of the matrimonial home but with the intervention of Panchayat, a compromise was effected and she had returned to her in-laws house. However, she continued to be maltreated. On 17.02.2012 at about 12:30 p.m., his (complainant's) nephew Balwinder Singh received a telephonic message that Parveen Kaur had died. He alongwith his relatives came to the matrimonial home of his daughter and saw her dead body lying on a cot. They noticed an injury mark on the neck of the deceased which affirmed their belief that the deceased had been throatelled and killed by the members of her in-laws family and it was not a case of suicide.

During investigation, respondents Raj Singh, Surjit Kaur, Surinder Singh, Gursohan Singh and Bimla Rani were found innocent. Only Kuldeep Singh-husband was arrested and challaned. During the course of trial, on an application under Section 319 of the Code of Criminal Procedure

given by the prosecution, all the five aforesaid persons were summoned as additional accused for facing trial alongwith accused Kuldeep Singh. The respondents and their co-accused Kuldeep Singh were charge-sheeted for commission of offence under Section 304-B I.P.C. and in the alternative under Sections 302 and 498-A I.P.C., to which they pleaded not guilty. Gursohan Singh was declared juvenile.

The prosecution examined its witnesses to substantiate the charges. Statements of the accused under Section 313 Cr.P.C. were also recorded and they too examined four witnesses in their defence. Ultimately, hearing the submissions of both sides, learned trial Court acquitted Raj Singh, Surjit Kaur, Surinder Singh and Bimla Rani vide judgment dated 30.07.2015.

Feeling aggrieved, the appellant-State of Punjab preferred the instant appeal.

The submissions made by Mr. R.S. Randhawa, learned Additional Advocate General for the appellant have been considered.

Learned State counsel argued that the respondents are none else but family members of husband of the deceased. They were all living together and it was specific allegation of the complainant that all members of in-laws family of his deceased daughter had raised demand of Rs.1 lac and as he was unable to fulfill their demand, they had been treating his daughter with cruelty. It was also stated by him that 6-7 months prior to the occurrence, the respondents and husband of the deceased had beaten her and turned her out of the matrimonial home. Learned trial Court further noticed that during her lifetime Parveen Kaur had given applications against her husband and the respondents to the police and the record pertaining to the

proceedings initiated on the basis of the applications had been proved by the accused themselves in their defence which proved that the respondents were hand in gloves with Kuldeep Singh-husband of the deceased in raising demand for additional dowry and in harassing and maltreating the deceased. But the said facts were not taken into consideration by learned trial Court.

Undisputedly, the respondents are members of in-laws family of the deceased. It is also a fact that the deceased died within a period of seven years of her marriage. However, being members of the in-laws family alone could not be an incriminating ground for connecting the respondents to the allegation of demand of dowry or harassment of the deceased on that count. Learned trial Court noticed in Para No.32 of the judgment that during his cross-examination, PW2 Sub Inspector Prem Nath testified that Kuldeep Singh alongwith his wife and a three months' old daughter was residing separate from rest of the family. Though the entire family was living in the same house but Kuldeep Singh, his wife and child were residing in a separate portion. They had a separate ration card and were also having a separate kitchen. It is further noteworthy that there is no specific allegation against any of the respondents in the First Information Report that he/she demanded dowry or harassed the deceased when the demand was not fulfilled. A general allegation of demand of Rs.1 lac had been levelled against the entire family without mentioning the reason for which the respondents (other family members of Kuldeep Singh) could demand Rs.1 lac. As regards, maltreatment of the deceased is concerned, there too no specific overt act was attributed to any of the respondents.

It is commonly seen that a tendency has developed for roping in

all the relations of in-laws of the deceased in the matter of dowry death.

Learned State counsel failed to refer to any application given by the deceased during her lifetime wherein she had levelled any specific allegation against any of the respondents. The allegations throughout were general in nature.

Considering the facts discussed above and there being no specific and categoric allegation against either of the respondents, who are parents-in-law, brothers-in-law and sister-in-law of the deceased, we find that there is no merit in the appeal and therefore, leave to appeal as well as main appeal are hereby dismissed.

(M. Jeyapaul)
Judge

(Sneh Prashar)
Judge

14.09.2016
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Whether speaking/ reasoned : Yes

Whether Reportable : Yes