

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-1232-MA of 2016 (O&M)

DATE OF DECISION: APRIL 5, 2017

BALJIT SINGH

...APPLICANT

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI.**

PRESENT: MR. V.K.SANDHIR, ADVOCATE FOR THE APPLICANT.

M. JEYAPPAUL, J.

CRM-21094-2016

1. There is a delay of 468 days in filing the application praying for special leave to prefer an appeal.

2. It has been convincingly contended by the applicant who is the complainant in this case that he was under the impression that an appeal will be preferred by the State against the acquittal of accused Harmeet Kaur. Despite the follow up made by the applicant, the State has not preferred any appeal. The delay has occasioned on account thereof. Therefore, the applicant has come forward with the present application.

3. We are of the considered view that the above reason assigned by the applicant is quite satisfactory. Therefore, the delay is condoned and the application is allowed.

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4. Aggrieved by the acquittal of Harmeet Kaur who was charged under Section 304-B IPC, complainant Baljit Singh has filed the present application under Section 378(4) Cr.P.C. seeking special leave to prefer an appeal.

5. It is the case of the prosecution that the marriage of Mandeep Kaur daughter of the complainant and Gurpal Singh took place on 27.1.2013 according to Sikh rites and rituals. Complainant gave sufficient dowry according to his status. He having spent a sum of ₹2,50,000/- to celebrate the marriage, gifted jewellery to Gurpal Singh and his family members. He also gave one Hero Honda motorcycle, refrigerator, almirah, cooler and washing machine to his daughter in the shape of istridhan. After one month of the marriage, the behaviour of Gurpal Singh and his family members underwent a drastic change. Gurpal Singh and his family members harassed and compelled his daughter to bring more dowry. Gurpal Singh, his mother Narinder Kaur, his father Manjit Singh and his brother's wife Harmeet Kaur demanded a sum of ₹1 lakh from Mandeep Kaur. The complainant, in order to settle his daughter in her matrimonial home, gave the amount in two instalments. In spite of that, their behaviour towards his daughter became more cruel and they kept on beating her. His daughter had been pregnant for 2½ months. He received a call on 28.9.2013 at about 10.00 a.m. from Narinder Kaur who informed him that his daughter was ill.

6. The complainant arrived at the matrimonial house of the daughter alongwith his elder brother Ajit Singh and his father Shingara

Singh. Though the accused did not inform him of the hospital where Mandeep Kaur was admitted, the complainant came to know from the neighbours that Mandeep Kaur had been killed by her in-laws and her dead body had been disposed of by them.

7. The trial Court having found that the charge under Section 304-B IPC was made out against accused Gurpal Singh, Manjit Singh and Narinder Kaur, husband, father-in-law and mother-in-law, respectively of Mandeep Kaur, they were convicted thereunder. But the trial Court having found that the charge under Section 304-B IPC was not made out against accused Harmeet Kaur, chose to acquit her.

8. We heard the elaborate submissions made by learned counsel for the applicant.

9. The trial Court has thoroughly gone into the entire materials produced before it and came to the conclusion that there was nothing on file to come to a conclusion that accused Harmeet Kaur actively interfered in the family life of the deceased. She being the brother's wife of Gurpal Singh would have no occasion, in the normal course, to interfere in the matrimonial life of deceased with her husband. It is quite unbelievable that the brother's wife of Gurpal Singh also demanded a car and cash to be used for Gurpal Singh. The trial Court in the above circumstances came to the right conclusion that accused Harmeet Kaur has been roped in by the complainant with a view to implicate the entire family members of Gurpal Singh. We are of the considered view that the trial Court has rightly held

that charge under Section 304-B was not made out as against Harmeet Kaur.

10. Therefore, the special leave sought for is declined and consequently, the application filed under Section 378(4) Cr.P.C. is dismissed.

(M. JEYAPPAUL)
JUDGE

April 5, 2017
Gulati

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether Reportable	:	No
Whether Speaking/Reasoned	:	Yes