

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

CRM A-1042-MA of 2017

Date of Decision: August 29, 2017

Resham SinghApplicant

Versus

State of Haryana and another Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present : Mr. Ashish Pal Kaushal, Advocate
as Legal Aid Counsel for the applicant.

T.P.S.MANN, J.

Resham Singh, who is the father of deceased Sunita Rani and, thus, a 'victim', as defined under Section 2(wa) of the Code of Criminal Procedure has applied for grant of leave to appeal against the judgment dated 31.1.2017 passed by Additional Sessions Judge, Sirsa, whereby respondent No.2-Balwinder Singh stands acquitted of the charge under Section 304-B IPC and, in the alternative, under Section 302 IPC.

According to the prosecution, the applicant's daughter was thrown from the roof of chaubara of the house of Rakesh

Kumar constructed in his field by Balwinder Singh accused and his brothers-in-law Pappu and Kulwinder and, thereafter, she was administered poisonous substance and killed. On 5.4.2014 at 6.30 a.m., they dumped the dead body in General Hospital, Sirsa. According to the applicant, his daughter Sunita Rani was murdered by the above named persons as she could not fulfill their demand of dowry. They used to give beatings to her.

This Court has heard learned counsel for the applicant and perused the impugned judgment of acquittal.

On 6.4.2014, the applicant had made statement Ex.P25/Ex.DA to the police that the deceased had consumed some poisonous substance by mistake and nobody was to be blamed. The applicant also admitted his signatures on the said statement. His wife Amro Devi who appeared as PW11 admitted in her cross-examination that he made a statement before the police regarding deceased Sunita Rani consuming some poisonous substance by mistake and nobody was to be blamed.

Rakesh Kumar, Pappu and Kulwinder were suspected to have a hand in the pushing of the deceased from the roof of the chaubara. However, all three of them were found innocent during the investigation. Even the application filed on behalf of the applicant under Section 319 Cr.P.C. was dismissed by the trial Court. Further the allegations contained in the complaint Ex.PA

regarding the involvement of Rakesh Kumar, Kulwinder and Pappu were contrary to the allegations contained in the initial statement Ex.P25 of the applicant. Dr. Daya Ram, Medical Officer, who appeared as PW9 testified that on 4.4.2014 at 2.30 a.m. the deceased was admitted in his hospital with complaint of nausea and vomiting following ingestion of some poison and the patient was brought by her husband Balwinder Singh. She was given treatment but on 5.4.2014 at 4.00 a.m. she expired and record to that effect was Ex.P11. He also stated in his cross-examination that there was no mark of injury on the dead body and, therefore, the allegation of pushing her from the roof of chaubara stands falsified. To the similar effect was the testimony of PW10 Dr. Amit Kamboj.

As regards the allegations levelled by the prosecution that the demand of dowry was not fulfilled and the accused used to give beatings to her soon after the marriage, only vague allegations were levelled. In the complaint Ex.P8, there was no such allegation of demand of dowry. In his cross-examination PW12 Resham Singh admitted that Balwinder Singh and his daughter had been residing separately from the parents of Balwinder Singh and the funeral of his daughter was conducted in village Shahidanwali and 25/26 relatives of his family attended the same but did not make any complaint regarding harassment or

demand of dowry. They had also not convened any Panchayat regarding the demand of dowry. PW11 Amro Devi, mother of the deceased deposed that after the marriage, she heard that her daughter used to be harassed for bringing inadequate dowry besides being given beatings. However, in her cross-examination, she admitted that the accused alongwith her daughter was residing separately from his parents and funeral of her daughter attended by her relatives, but no complaint regarding any dowry was made to the police.

In view of the above, no case is made out for any interference in the impugned judgment of acquittal. The application is without any merit and, therefore, dismissed. Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

August 29, 2017
amit rana

(MAHABIR SINGH SINDHU)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No