

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-2229-MA of 2016

DATE OF DECISION: NOVEMBER 20, 2017

JAI BHAGWAN

...APPLICANT

VERSUS

DEEPAK AND ANOTHER

...RESPONDENT

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

**PRESENT: MR. ARSHDEEP SINGH CHEEMA, ADVOCATE
FOR THE APPLICANT.**

MAHABIR SINGH SINDHU, J.

1. Complainant Jai Bhagwan has filed the present application for grant of leave to file an appeal against the judgment of Addl. Sessions Judge, Gurgaon vide which respondent No.1-Deepak (brother-in-law of deceased Pinki) was acquitted of the charges levelled against him.
2. Brief facts of the case are that deceased Pinki was married to Sachin on 14.2.2014. As per the complainant, sufficient dowry and an i-10 grand car was given in marriage. After few days of marriage, her in-laws started torturing her mentally and physically for bringing lesser dowry. Pinki apprised of the same to her brother and mother. She also apprised them that her in-laws had been taunting her that they could have married their son somewhere else and get a Fortuner car. On receipt of this information, the complaint, his son and other respectables visited the matrimonial home of Pinki, where in the presence of respondent No.1 Deepak, husband-Sachin demanded Fortuner car and his parents, demanded Rs.5 lakhs in cash as a pre-

condition and only then Pinki would find a place in her matrimonial home. It is further alleged that respondent Deepak also threatened that if the demands are not met, the complainant party will face dire consequences, to which the complainant party persuaded Pinki's in-laws and promised them to fulfill their demands. It is further alleged that Pinki again informed the complainant to arrange the dowry, otherwise her in-laws would kill her. On 20.8.2015, the complainant received a telephonic call from Pinki that she was being beaten by her in-laws. Thereafter, on 22.8.2015, the complainant again received a telephonic call from the father-in-law of Pinki that she is unwell and has been taken to General Hospital, Gurgaon. On this, the complainant party rushed to General Hospital, Gurgaon and found Pinki dead. They suspected that respondent Deepak alongwith other accused have forced Pinki to commit suicide by hanging herself due to insufficient dowry.

3. On the basis of the above statement, FIR No.712 dated 22.8.2015 was registered at Police Station Civil Lines, Gurgaon. The respondent and other accused were arrested and sent up for trial for the offence under Sections 304-B and 302 read with Section 34 IPC.

4. The trial Court after examining every aspect of the matter, convicted the husband, father-in-law and mother-in-law of the deceased, whereas, respondent Deepak-brother-in-law was acquitted of the charges levelled against him.

5. The sole argument of learned counsel for the applicant is that the trial Court has failed to appreciate the evidence as deposed by PW1 that respondent-Deepak was present at the time when the other accused demanded dowry in the shape of Fortuner car and ₹5 lakhs in cash, and is thus, equally

liable to be convicted as his co-accused.

6. A perusal of the case file shows that except the allegation in the initial complaint Ex.PA that respondent-Deepak was present at the time when the other accused demanded Fortuner car and ₹5 lakhs in cash, no other evidence is available on record to prove the charges against him. In his complaint, the complaint had stated that when he alongwith his son and other respectables visited the matrimonial house of the deceased, accused Sachin demanded a Fortuner car and accused Anita and Satish made a demand of ₹5 lakhs cash. No cogent evidence was led in order to prove the presence or involvement of respondent-Deepak in the offence. Nothing has been attributed to him except the abovesaid bald allegation. It seems that the prosecution has tried to rope-in all the family members of the accused just to satisfy themselves of the loss they suffered on account of the death of Pinki.

7. Nothing convincing has been revealed by the prosecution in order to prove the charges against respondent-Deepak. The aforesaid chain of events does not, in any way, point the guilt towards respondent-Deepak. This Court is of the view that the trial Court has rightly acquitted the respondent by giving him the benefit of doubt. Therefore, keeping in view the aforesaid circumstances, the application fails and the leave sought for is declined.

(T.P.S. MANN)
JUDGE

(MAHABIR SINGH SINDHU)
JUDGE

November 20, 2017
Gulati

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes