

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

(213)

**CRM-27905-2017 in/and
CRM-A-1905-MA-2017
Decided on: April 25, 2018.**

State of Haryana

.... Applicant

Versus

Jagdish and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. S.S. Pannu, DAG, Haryana, for the applicant.

M.M.S. BEDI, J (ORAL)

CRM-27905-2017

The miscellaneous application is allowed.

Delay of 108 days in filing the appeal is condoned.

CRM-A-1905-MA-2017

With the assistance of learned counsel for the applicant, we have gone through the evidence produced by the prosecution.

Counsel for the applicant has drawn our attention to the deposition of complainant Sham Lal and his cross-examination.

State counsel has not been able to satisfy us that there is any evidence on record to establish that soon before the death of Nisha, she was subjected to cruelty and harassment by her father-in-law and mother-in-law.

On re-appreciation of evidence, we do not find any ground to form an opinion different formed by the trial Court.

The lower Court has rightly given the benefit of doubt to the father-in-law and mother-in-law who had been arrayed as accused.

In view of said circumstances, the presumption of dowry death under Section 113-B of the Indian Evidence Act cannot be drawn.

The appeal is dismissed.

(M.M.S. BEDI)
JUDGE

April 25, 2018.
harsha

(GURVINDER SINGH GILL)
JUDGE

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