

In the High Court of Punjab and Haryana at Chandigarh

207

CRR-1777-2006 (O & M)

Date of Decision: September 16, 2019

JASWANT SINGH

.....PETITIONER

VERSUS

STATE OF PB. AND ORS.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Anil K. Chaudhary, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the acquittal of the private respondents in FIR No.83 dated 07.07.2005 for the offences punishable under Sections 201, 304-B and 498-A IPC, registered at Police Station Dirba.

The prosecution case is that on 07.07.2005 SI Rajwinder Singh along with other police officials was present on the cremation ground at village Soolar Gharat in connection with patrolling where Jaswant Singh had recorded his statement to the effect that he is resident of Dhuri and working in A.P.Solvex Factory, Dhuri. He has two sons and four daughters. His elder daughter Seema was married at Patiala and younger Rajinder Kaur @ Rinku was married to Balbir Singh on 06.12.2004 and he has performed the marriage as per his capacity and given several articles in dowry. After two months of marriage, she had come to Dhuri and told him that her husband Balbir Singh and the respondents used to taunt her that she has not brought the scooter in the

marriage. The complainant along with his daughter went to her matrimonial home and tried to plead with them not to maltreat his daughter but they did not stop from doing so. On 06.07.2005, she had informed him that they are continuing to ill-treat her. His son-in-law Balbir Singh (respondent No.3) informed him on 07.07.2005 that his daughter had fallen ill and has been rushed to Sibia Hospital, Sangrur. When he reached the hospital, he was informed that she has been taken to the respondents' native village and he came to know that she had expired. The body had already been cremated without informing him.

In order to prove its case, the prosecution has examined PW-1 Satish Kumar, Photographer; PW-2 Hans Raj Singla, PW-3 Jaswant Singh (complainant), PW-4 Tarsem Singh, PW-5 MHC Ajaib Singh, PW-6 Karnail Singh, PW-7 ASI Jarnail Singh and PW-8 SI Rajwinder Singh.

After closure of the prosecution evidence, accused-private respondents were examined under Section 313 Cr.P.C and pleaded innocence.

In defence, the accused examined DW-1 Dr. Prabhjot Singh Sibia, who deposed that Rajinder Kaur was admitted in his hospital on 06.07.2005 at about 8.50 pm and she had vomited several times. She did not pass urine and expire the next day at 9.00 am. He had also mentioned that as per the investigation carried out at his hospital, Rajinder Kaur was found to be suffering from acute renal failure with peripheral circulatory failure which had proved fatal. He had also proved the bed head ticket as Ex.D8.

The trial Court after considering the evidence on record had convicted the husband of the deceased namely Balbir Singh and acquitted the private respondents on the ground that they are entitled to the benefit of doubt as there is a general tendency to rope in all the close relatives of the accused.

Learned State counsel has filed custody certificates, which indicate that private respondents had been in custody during the course of the trial.

Heard.

Apart from the statement of PW-3 Jaswant Singh, who is the father of the deceased, there does not seem to be any other evidence to suggest the involvement of the private respondents in the commission of the offence. Dr.Prabhjot Singh Sibia (DW-1) in his examination had stated that the deceased had died due to renal failure.

In the obtaining facts and circumstances, I do not find any manifest perversity in the judgment of the trial Court acquitting the private respondents. It is well settled that after the acquittal of the accused, the presumption of innocence of the accused is reinforced. Merely because another view is possible interference with the order of acquittal would be unwarranted.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

September 16, 2019

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No