

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

CRM-A-158-MA-2017 (O&M)
Date of decision: 16.01.2020

Sanjay Kumar Applicant-appellant

Versus

Pardeep & anr. Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Navmohit Singh, Advocate
for the applicant-appellant.

Manjari Nehru Kaul, J.(Oral)

Instant application has been filed under Section 378(3) Cr.PC for leave to appeal against the order dated 17.09.2016 passed by Addl. Sessions Judge-cum-Special Court, Karnal vide which the accused-respondent was acquitted in FIR No.255 dated 25.07.2015 for the offence under Section 306 IPC registered at Police Station Madhuban, Karnal.

Case of the prosecution was that on 25.07.2015 at about 10.00 am, on receipt of information by ASI Ram Niwas that Pooja (deceased) wife of Pardeep had committed suicide, the investigating officer reached Amrit Dhara Hospital and collected the medical ruqqa of deceased Pooja. Complainant-Sanjay, brother of the deceased recorded his statement before the investigating officer wherein he stated that the marriage of his deceased sister Pooja had been solemnized with the respondent-accused in the year 2006 and the couple were blessed with two children. It was alleged by the complainant that for the last about 7 years, the family of the respondent-accused had been subjecting his deceased sister to harassment as a result of

which Pooja would often visit her parental home to get some respite from the mental stress that she was going through. It was also alleged that deceased Pooja had disclosed to the complainant that her husband was having extra marital relations with his sister-in-law Pinki and whenever she would object to the aforesaid relations, she would be subjected to physical assault by her husband and her parents-in-law. It was thus, in these circumstances, Pooja had been driven to end her life. The complainant besides blaming her husband, also blamed her brother-in-law Sunil, mother-in-law Sheela and sister-in-law Pinki for abetting the suicide of his sister. On the basis of the aforesaid statement, the FIR in question was registered under Sections 306 and 406 IPC. However, during investigation, offence punishable under Section 406 IPC was deleted and offence punishable under Section 34 IPC added. During investigation of the case, complainant gave an affidavit dated 10.08.2015 to the investigating agency that it was on the basis of some misconception he had got emotional and blamed Sushil @ Sunil, Pinki and Sheela in his initial statement and subsequently on enquiry, he realised that the aforesaid persons were in fact innocent. The investigating agency failed to collect any incriminating evidence against the aforesaid suspects and as such offence punishable under Section 34 IPC was deleted subsequently.

The Court below charge-sheeted only respondent-accused. Respondent-accused Pardeep was charge-sheeted for commission of offence under Section 306 IPC to which he pleaded not guilty and claimed trial.

In support of its case, prosecution examined as many as 6 witnesses including the complainant, who stepped into the witness box as PW-1.

All the incriminating evidence appearing against the respondent-accused was put to him under Section 313 Cr.PC to which he pleaded his innocence and false implication.

On an analysis of the evidence and other material on record, the trial Court held that the prosecution had miserably failed to prove its charges against the accused and as such he was acquitted of the offence charged with.

I have heard learned counsel for the applicant-appellant and perused the impugned judgment and other material available on record.

The complainant-Sanjay in his statement Ex.P-1 had levelled allegations against the respondent-accused Pardeep and his family for snatching away the jewellery of his deceased sister and subjecting her to harassment. Since the said allegations of harassment could not be proved during the investigation, the offence punishable under Section 406 IPC was deleted. During their deposition as PW-1 and PW-2, the complainant - Sanjay and the nephew of the deceased - Deepak Chauhan respectively did not level any allegations against the respondent-accused qua dowry demand. Qua the allegation of an extra marital affair between the respondent-accused and his sister-in-law Pinki being the reason behind the suicide of deceased Pooja, it was not supported by any cogent much less convincing evidence from which an inference could be drawn that this could have been one of the reasons for the deceased to end her life. It is indeed very strange that on one hand in his statement and testimony in the Court, the complainant alleged that his deceased sister used to visit his house off and on to get some respite from the mental stress and harassment which she had been subjected to but in the same breath he admitted during his testimony in the Court that they had not been on

visiting terms for the last three years with the deceased. Hence, it is very strange as to how could the complainant come to know about the alleged extra marital affair between the accused and his sister-in-law. Moreover, once the complainant himself gave an affidavit Ex.D-1 wherein he deposed that it was in the heat of moment and on account of the emotions running high, he had levelled allegations against the brother-in-law Sushil @ Sunil, sister-in-law Pinki and the mother-in-law Sheela of the deceased, the deceased ending her life on account of the harassment etc. at the hands of the respondent stands totally shattered and demolished.

As a sequel to the above, the judgments passed by the Courts below are well reasoned ones and do not warrant any interference. Accordingly, the present application stands dismissed.

Since the main application has been dismissed, no order is required to be passed on the application for condonation of delay and same stands disposed of.

16.01.2020
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No