

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**228****CRA-AS-334-2022 (O&M)****Date of order: 18.08.2023****Dilbag Singh****.....Appellant(s)****Vs.****State of Haryana & Others****.....Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Sauhard Singh, Advocate
for the appellant.

Nidhi Gupta, J.

Challenge in the present appeal is to judgment/order dated 25.07.2022 passed by learned Additional Sessions Judge, Sonipat in case titled as "State Vs. Vicky & Others" wherein respondents No.2 to 4 herein have been acquitted in case FIR No.132 dated 03.04.2019 under Sections 306, 201 read with Section 34 IPC registered at Police Station Ganaur, Sonipat.

2. Learned counsel for the appellant submits that the appellant before this Court is the father of the deceased. The deceased was married to the respondent No.2 herein on 21.03.2005. One son was born out of their wedlock who is currently in the custody of respondent No.2. Learned counsel submits that the respondent No.2 is in the Army and whenever he would come home during vacations he, as well as respondents No.3 and 4 who are the parents-in-law of the deceased, would harass the deceased for dowry and humiliate her and used to physically and mentally torture her as a result of which the deceased committed suicide on 02.04.2019 by hanging herself due to the harassment and beatings given by

the accused persons for dowry. Learned counsel states that respondent No.2 had come home on vacation on 31.03.2019 and tortured the deceased to such an extent that she committed suicide on 02.04.2019 i.e. just two days after the return of respondent No.2. It is submitted that despite the fact that the prosecution led cogent evidence, the accused have been acquitted and prays that the impugned judgment of acquittal be set aside.

3. I have heard learned counsel for the appellant.

4. Perusal of the impugned judgment reveals that the learned Additional District and Sessions Judge, Sonipat after considering all the aspects of the matter in great detail, has given a well-reasoned and fair judgment in the facts and circumstances of the case. Relevant findings of the learned Court below are reproduced hereinbelow:-

“14. ...the whole case of the prosecution rests upon the testimonies of PW4 Naresh (brother of deceased), PW8 complainant Dilbag (father of deceased), PW9 Sonu Kumar (cousin brother of deceased), PW10 Smt. Nirmala (mother of deceased) and PW15 Ravi (son of deceased) but testimonies of aforesaid witnesses are not trustworthy, credible and reliable as their testimonies do not inspire confidence. However, PW4, PW8, PW9 and PW10, who are close relative of deceased have deposed that from the very beginning of marriage of Ms. Pinki with Vicky (accused), accused Vicky and her family members including Randhir (father-in-law) and Santosh (mother-in-law) used to harass Pinki for bringing less dowry and they kept on torturing her on the demand of dowry and they tried to make understand the accused persons and persuaded them not to torture Pinki on the demand of dowry and in this regard, many panchayats were convened but accused persons did not mend their ways and kept on harassing Pinki on account of demand

of dowry but in support of their aforesaid version, the prosecution did not lead any cogent and credible evidence in shape of examining any witness, who allegedly participated in the Panchayat or in the shape of any documentary evidence in the shape of any report, which was ever allegedly made by them in the police station or before any higher authorities with regard to atrocities meted out to Ms. Pinki by her-in-laws on account of demand of dowry at any point of time. Further neither any neighbour of the accused persons has been examined by the prosecution in support of its version. Admittedly, the marriage of Ms. Pinki was solemnized with Vicky (accused) on 29.03.2005 and Ms. Pinki allegedly took extreme step of ending her life by committing suicide on 02.04.2019 after about 14 years of her marriage. It is not plausible and reasonable that a woman and her family members would kept tolerating atrocities meted out to her by her-in-laws without taking any recourse step for such a long time. Moreover, PW15 Ravi, who is real son of deceased deposed that his father and his grandparents never harassed, tortured his mother any point of time. They were having cordial relation with each other. His mother and father were living happily. On the day of incident, his father was not at home. He was on duty at Jodhpur. 15. The testimonies of other remaining witnesses examined by the prosecution are not helpful to bring home the guilt of the accused as the material witnesses have failed to connect the accused with the alleged offences. Prosecution has failed to lead any cogent, credible and reliable evidence connecting the accused with the alleged offence.”(Emphasis added)

5. From the above facts, it is clear that not a single complaint was made on behalf of the deceased or her parental family during the 14 years of her marriage to the respondent No.2. Even the real

son of the deceased has testified to the fact that his father and paternal grandparents did not harass the deceased for dowry. To my mind if there was a smidgen of truth, in the allegations by the appellant, the son of the deceased would not have supported the accused. Lastly, admittedly, the respondent husband was not at home at the time of incident. Learned counsel for the appellant is unable to dispute the above said findings and place anything on record before this Court to controvert the said findings. Accordingly, in view of the above undisputed findings, I find no ground is made out to interfere with the impugned judgment of the learned Additional District and Sessions Judge, Sonipat. Accordingly, present appeal stands **dismissed**.

6. Pending application(s) if any also stand(s) disposed of.

18.08.2023
Sunena

(Nidhi Gupta)
Judge

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