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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-828-DBA-2004
Date of Reserve:23.05.2024
Date of Pronouncement:28.05.2024

State of Punjab ...Appellant

Vs.

Jarnail Singh and Anr. ...Respondents

(ii) CRA-S-1207-SB-2003 (O&M)

Jarnail Singh ...Appellant

Vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice Gurvinder Singh Gill
Hon’ble Mr. Justice N.S.Shekhawat

Present: Mr. I.P.S Sabharwal, DAG, Punjab.

Mr. Rajesh Kapila, Advocate with
Ms. Himani Kapila, Advocate
for the appellant in CRA-S-1207-SB-2003 and
for the respondent in CRA-D-828-DBA-2004.

N.S.Shekhawat J.

1. This order shall dispose off two criminal appeals i.e.

CRA-D-828-DBA-2004 titled as “State of Punjab Vs. Jarnail Singh and Anr” and CRA-S-1207-SB-2003 (O&M) titled as “Jarnail Singh Vs. State of Punjab”.

2. By way of criminal appeal No. CRA-D-828-DBA-2004, State of Punjab challenged the acquittal of respondents under Section 304-B of IPC by the Trial Court, whereas by way of CRA-S-1207-SB-2003 (O&M), Jarnail Singh, appellant has challenged the impugned judgment of conviction and order



of sentence dated 03.06.2003, passed by the Court of Sessions Judge, Gurdaspur, whereby the Trial Court has convicted Jarnail Singh, for the offence punishable under Section 498-A of IPC and has been sentenced to undergo Rigorous Imprisonment for two and half years with fine of Rs.1000/-, along with default stipulation.

3. In fact, Jarnail Singh and Nirmala wife of Suram Singh, were charged by the Trial Court for committing the offence punishable under Section 304-B of IPC and vide the impugned judgment of conviction and order of sentence dated 03.06.2003, both Jarnail Singh and Nirmala were acquitted of the charge under Section 304-B of IPC, whereas, Jarnail Singh, accused was convicted under Section 498-A of IPC and was sentenced as indicated above.

4. During the pendency of the appeals before this Court, Nirmala- respondent No.2 has expired and the appeal qua her stands abated.

5. The FIR Ex.PG/1 was registered in the present case on the basis of the statement made by Gulzar Singh son of Punjab Singh, which was recorded by the Sakattar Singh, SHO, Police Station, Kahnuwan on 10.10.2000. The FIR in the present case was read as under:-

Statement of Gulzar Singh son of Punjab Singh, resident of Village Kotli Raulan, aged about 55 years, Police Station Kahnuwan:-

“ Stated that I am resident of above stated address and I am an Agriculturist. My daughter Pooja alias Urmila Devi, aged about 24 years, was married with Jarnail Singh son of Suram Singh, caste Rajput, resident of village Chib, Police Station Kahnuwan about 3 years back. I had given dowry at the time of the marriage of my daughter, according to my financial capacity. About two years back from today, my son-in-law had gone to Muscat to do labour job and for the last about 1^{1/2} month he is at



his Village Chib. After the marriage my son-in-law remained at his home for 5/6 months and during that time, my son-in-law Jarnail Singh and his mother Nirmala started taunting my daughter for not bringing sufficient dowry and started harassing her and started making demand of a scooter. Four five months after the marriage of my daughter Urmila @ Pooja told me about this fact. On this I after taking Sowarn Singh Sarpanch with me went to the house of my son-in-laws at village Chib and requested Jarnail Singh and his mother Nirmala Devi that, I am a poor man, I cannot fulfill the demand of a scooter, you should live peacefully at your house. Shortly after that my son-in-law left for Muscat but Nirmala Devi continued taunting my daughter. About 1 ^{1/2} month back my son-in-law Jarnail Singh had returned form Muscat. He and his mother Nirmala, as earlier, continued forcing my daughter to bring scooter. My daughter along with her husband Jarnail Singh come to me on 8.10.2000 and told me that, my husband and my mother-in-law are forcing me to bring a scooter and I am very much disturbed. I told my daughter and son-in-law, it is beyond my reach to give a scooter, I am a poor man and I cannot give a scooter, you should adjust yourself with the means at your house. Yesterday on 9.10.2000, my daughter and son-in-law went back to their village. Today, at about 4 p.m, we came to know from the reliable sources that the condition of my daughter Urmila @ Pooja is very serious. On this I sent my son Surjit Singh to Village Chib to know about my daughter Urmila. On his return, he told us that Urmila @ Pooja had died, her mother-in-law and her husband says that Urmila had died due to consuming poison. I am of the firm opinion that husband and mother-in-law of my daughter Urmila @ Pooja have either administered her some poison and have killed her or have compelled her to consume poison to kill herself. After leaving my son Surjit Singh near the dead body of my daughter Urmila @ Pooja, I alongwith Sarpanch of my village



have come to the police station to lodge the report. Action be taken against the accused. Statement heard it is correct. Attested by Sd-Sakkatar Singh, SHO Police Station Kahnuwan.”

6. After the registration of the FIR, the inquest report Ex.PC was prepared by Sakattar Singh, SI/SHO on 11.10.2000 and on the same day, the post mortem examination on the dead body of Urmila @ Pooja was got conducted from the doctors of Civil Hospital, Gurdaspur. After completion of the investigation, the final report under Section 304-B of IPC was presented against Jarnail Singh, husband and Nirmala, mother-in-law of Urmila @ Pooja.

7. After the presentation of the final report, the accused namely Jarnail Singh and Nirmala were charge-sheeted for commission of the offence punishable under Section 304-B of IPC by the Court of Sessions Judge, Gurdaspur. Both the accused pleaded not guilty to the said charge and claimed trial.

8. To bring home the guilt of the respondents, the prosecution examined Dr. Gurkhal Singh, Medical Officer, Civil Hospital, Gurdaspur as PW-1, who had conducted the post mortem examination on the dead body of Urmila @ Pooja on 11.10.2000. He stated that as per the police information, the death had taken place at about 09/10 P.M on 10.10.2000. In his deposition, he stated as under:-

It was dead body of young female, aged about 25 years, thinninly, average built, eyes mouth closed, wearing reddish cola coloured kamij, salwar, dupatta and striped multi coloured underwear, red bangles 12 on each side. Postmortem staining was present on back. Rigor mortise was present. Lips, ears were syanosed. Thorax walls ribs and cartilages were normal. In the right lung, right

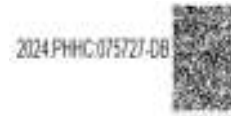


upper lobe revealed caseation focus about 2 X 2 cms. It was sent for chemical examination. Left lung was also sent for chemical examination. Heart was normal and blood was sent for chemical examination. In the abdomen, stomach was full containing some liquid thick food. It was sent for chemical examination along with contents. Small intestines and their contents were sent for chemical examination. Large intestines along with their contents were sent for chemical examination liver, spleen, kidneys were congested and were sent for chemical examination. Urinary bladder was full and urine was sent for chemical examination. Organs of generation were normal and uterus was empty. Following things were handed over to the police:-

- 1. Re-constituted dead-body along with its assets.*
- 2. Carbon copy of the MLR,*
- 3. Cloth covered wooden box bearing 15 seals, containing viscera and fluid removed from the dead-body, Jar-1 contained both lungs, Jar-2, spleen, liver and kidneys, Jar-3, large and small intestines and Jar-4, stomach and contents, vial-1 contained blood, vial-2 urine and vial-3, sample of preservative.*
- 4. Envelop bearing 5 seals addressed to the Chemical examiner, Govt. Punjab, Patiala containing police papers 1 to 7 in number signed by me, carbon copy of PMR alongwith forwarding letter and attested seal on piece of cloth.*

In my opinion, the cause of death in this case was subject to Chemical Examiner Patiala, Time that elapsed between death and post-mortem was 12 to 18 hours. I have brought the original postmortem report. Ex.PA is the Carbon copy of the same. It was prepared in the same process in which the original was prepared. This postmortem was conducted on the police request Ex.PB which was accompanied by inquest report Ex.PC.

After the receipt of the Chemical Examiner Report Ex.PD, he gave his final



opinion regarding cause of death. As per him the cause of death, was due to aliminium phosphide, a pestidice, which was sufficient to cause death in ordinary course of nature and proved his opinion as Ex. PE. Still further, the prosecution examined Sh. Janak Singh Dhanjal, Draftsman, who had prepared the scaled site plan Ex.PF in the present case. The prosecution further examined Gulzar Singh, complainant as PW-3, who reiterated the allegations levelled by him in the present case. In his cross-examination, he stated that he did not remember the date and month, when Jarnail Singh had gone to Muscat after his marriage, but he had gone after 05/06 months of the marriage. At the time of marriage, Jarnail Singh, accused was working at Ludhiana and after marriage, his daughter remained with Jarnail Singh at Ludhiana. He admitted that before leaving for Muscat, Jarnail Singh and his daughter Urmila were in Village Chib. He admitted that Jarnail Singh, accused had been sending money from Muscat at his address, but that draft used to be in the name of Jarnail Singh himself and he used to deposit the same in his bank account. He stated that the receipt Ex.D-1 and D-2 were regarding the deposit of the drafts of Rs.40,000/- and Rs.30,000/- in the account of Jarnail Singh. He further stated that even prior to 08.10.2000, Jarnail Singh had come to meet them, after return from Muscat and it was about 15 days prior to 08.10.2000. Surjit Singh son of Gulzar Singh, brother of Urmila @ Pooja appeared as PW-4 and had supported the statement of Gulzar Singh, PW-3. In his cross-examination, he admitted that Jarnail Singh was working at Ludhiana at the time of marriage with his sister. His sister also started residing with him at Ludhiana, after the marriage. He also admitted that Jarnail Singh, had sent an amount of Rs.2000/- on one occasion and Rs.1000/-



on other occasion in his name from Muscat. He admitted that those amounts were deposited by him in his account and were drawn by him. But those amounts re-deposited by him in the account of his sister. The said amounts were sent by the accused to defray the expenses of his sister, which they were bearing in the absence of the accused. His sister had been mainly residing in the house of her in-laws, when her husband was at Muscat, but she used to demand expenses from them. His sister had never complaint that her husband had ever physically assaulted her. He admitted that his sister had given birth to a son. He further admitted that cremation of his sister was performed at their house. Some of the dowry articles were returned to them after the death of his sister. The statements of C. Raj Pal, PW-5 and C. Hardip Singh, PW-6 were formal in nature. Sakattar Singh, SI/SHO, Police Station City, Gurdaspur appeared as PW-7, who had conducted the investigation in the present case. He had also presented the challan against the accused after completion of the investigation. In his cross-examination, he admitted that the statement of the complainant was completed at 10:10 PM on 10.10.2000. He admitted that in Ex.PB, he had not named the accused and Ex.PB was drafted after the completion of the inquest report. He denied the suggesion that till the drafting of Ex.PB, complainant had named anybody. He further admitted that in the body of Ex.PB, it was nowhere mentioned that who poisoned her or why she took poison. He had not mentioned the time and starting of inquest report and the time of completion of the report. He further stated that during the investigation, no solid proof was found about sending of the money by Jarnail Singh, accused from Muscat to his in-laws, but he had heard about it from the villagers of the village of the

accused. He further admitted that Jarnail Singh was employed in a factory at Ludhiana before going to Muscat.

9. After the completion of the prosecution evidence, the statement of Jarnail Singh, respondent was recorded under Section 313 Cr.P.C and he stated that at the time of his marriage, he was working in a factory at Ludhiana. After marriage, he took his wife from there. He went abroad and he sent his wife to his parent's house. He sent more than Rs.2 lacs to his in-laws and only about Rs.80,000/- were deposited in his account. When he demanded rest of his amount from his father-in-law, he refused to give him. His wife requested again and again to her father to return the money, but he refused to return. On this, his wife took some poisonous at the house of her father, from where he took her to a hospital and she died. With these plea, he claimed that he was innocent.

10. In his defence, the accused examined Sh. Rajinder Singh son of Raghbir Singh as DW-1. He stated that about 1^{3/4} years back, he was going from his Village to Kahnuwan on his Maruti Van and when he reached near Village Kotli Raulan, Jarnail Singh, accused met him there and signalled him to stop his van. He stopped and Jarnail Singh told him that his wife was in the Village Kotli Raulan and she was not well and he had to take her to hospital at Qadian for treatment. He took Urmila @ Pooja and Jarnail Singh in his van to Bhatia Hospital at Qadian. On his enquiry, Urmila @ Pooja told him that she had taken poisonous substance as her husband, who was settled in Muscat, used to send money to her and her father and on his return, from Muscat, he had asked to return the amount. However, her father had already spent the same and due to this, she had felt ashamed. In his cross-examination, he stated that his village



was at a distance of about 04 kilometres from Village Kotli Raulan, to which the complainant already belongs. Village Chib of Jarnail Singh was at a distance of half kilometre from his village. He came to know about the death of wife of Jarnail Singh, on the next day. He never met the police nor his statement was recorded by the police. The accused further examined Harbhajan Singh as DW-2, who had brought the original record of account No. NRE 28212, which was in the name of Jarnail Singh, accused. He stated that Ex. D-3 was the copy of the cheque, which was issued to Jarnail Singh. This cheque was given to Surjit Singh (amounting to Rs.1000/-), which was presented to their bank and cleared on 16.02.1999. Similarly, another cheque of Rs.2000/- was given to Surjit Singh and Kiran Bala and the cheque was cleared and the amount was given. Another cheque of Rs.2000/- was got encashed by them. Even a cheque of Rs.1000/- was issued to Gulzar Singh and the amount was withdrawn by the Gulzar Singh. An amount of Rs.30,000/- and Rs.40,000/- were deposited in the account of Gulzar Singh. The accused further examined DW-3, Mulakh Raj who was the resident of Village Chib. He further stated that Jarnail Singh was married about 05 years ago and had been living at Ludhiana, whereas, his father was living in the Village. After 5/6 months of his marriage, he went abroad and wife of Jarnail Singh used to live at her parental house and at that time, she used to come to Village Chib. Jarnail Singh, after returning from abroad, used to remain at his in-laws house and also once or twice, he used to visit Village Chib. Father of Jarnail Singh, had a grouse that he used to sent money to his in-laws from abroad and further stayed with his in-laws in their house, after his return. Wife of Jarnail Singh had died in Village Kotli, but he was not present in



the Village. The accused also examined Gurmukh Singh, Ahlmad of the Court of Sh. Satpal, the then JMIC, Gurdapur, who had proved certain official record of the Court.

11. While assailing the impugned judgment, learned State counsel submitted that the statements of PW-3 Gulzar Singh and PW-4 Surjit Singh, have not been appreciated by the Trial Court. In fact, the prosecution had led sufficient evidendce to show that the death of Urmila @ Pooja had taken place within 07 years of marriage. Even, the death had taken place otherwise then under normal circumstances and there was sufficient evidence to show that soon before her death, she was subjected to cruelty and harrasment by her husband and his relatives in connection with demand of dowry. Consequently, it was a case of “dowry death”. Even the Trial Court had taken into consideration the minor disprepancies, which had been noticed in the statements of various prosecution witnesses. Apart from that, there was sufficient evidence on record to show that Urmila @ Pooja was subjected to harassment by respondent No.1 and his mother Nirmala. Thus, the respondent No.1 was liable to convicted under Section 304-B of IPC as well.

12. On the other hand, learned counsel appearing on behalf of respondent No.1 had submitted that he was wrongly convicted under Section 498-A of IPC in the present case. In fact, the Trial Court had correctly dis-believed the testimonies of PW-3 Gulzar Singh and PW-4 Surjit Singh and the defence had proved that no dowry was ever demanded by respondent No.1 nor he subjected Urmila @ Pooja to any kind of cruelty in connection with demand of dowry. Thus, respondent No.1 was also liable to be acquitted of the



charge in the present case.

13. We have heard learned counsel for the parties at length and have perused the Trial Court record in the present case.

14. In the present case, the entire prosecution case is based on the testimonies of PW-3, Gulzar Singh and PW-4, Surjit Singh. PW-3, Gulzar Singh stated that his daughter Urmila @ Pooja was married with respondent No.1 about 03 years prior to the occurrence. He further stated that after about 5/6 months of the marriage, the respondent No.1 had left for Muscat. He further admitted that at the time of marriage of Jarnail Singh, respondent No.1 was working at Ludhiana and after the marriage, his daughter had remained with respondent No.1 at Ludhiana. He admitted that before leaving for Muscat, the accused and his daughter were in Village Chib. He further admitted that Jarnail Singh, accused had been sending money from Muscat at his address, but the bank draft used in the name of respondent No.1 himself and he used to deposit the drafts in his account. He stated that on 06.10.2000, his daughter Urmila @ Pooja and her husband Jarnail Singh, respondent No.1 had come to meet them and his daughter had again told him that her husband was still pressing for scooter to be given and his daughter and respondent No.1 had left in the evening. Whereas, as per PW-4, Surjit Singh, Jarnail Singh and his sister Urmila @ Pooja had come to their house on 08.10.2000 and they returned on 09.10.2000. On 09.10.2000, he left for Jammu at 04:00 AM and had returned at about 12 noon on 10.10.2000. He was told by his parents that respondent No.1 was again pressing that a scooter must be given to him. From a cumulative reading of both the statements, it is apparent that in an anxiety to establish the



ingredients of “soon before her death”, both the witnesses have presented their own false versions. In fact, as per PW-3, Gulzar Singh, Urmila @ Pooja, deceased and respondent No.1 had come to meet them on 06.10.2000 and they left in the evening on the same day. Whereas, as per PW-4, Urmila @ Pooja and respondent No.1 came to their house on 08.10.2000 and they returned on 09.10.2000 after staying at their house. Apart from that, the Trial Court was perfectly justified in holding that the complainant party belonged to a poor strata and had no financial means to fulfil the demand of dowry. Moreso, the respondent No.1 had stayed in Muscat, where he had earned lot of money, which is apparent from the huge amounts sent by him to the family of her in-laws. Thus, it is improbable that a scooter was demanded by him and he had subjected his wife to cruelty in connection with the said demand. Moreover, in the present case, in the initial version, there was a reference of Swaran Singh, Sarpanch as an independent witness, however, he was not examined to support the plea of dowry harrasment by the respondent No.1 and his family members. Still further, it is also apparent that Jarnail Singh, respondent No.1 was working at Ludihiana after the marriage and his wife was also liviing with him. He sent more than 02 lacs to his in-laws, but only an amount of Rs.80,000/- was deposited in his account. Thus, the version of the defence appears to be more probable and the statements of PW-3, Gulzar Singh and PW-4, Surjit Singh, have been correctly discarded by the Trial court. Still further, Trial Court had correctly placed reliance on the statement of DW-2, Harbhajan Singh, Record keeper of SBI, Gurdaspur. While proving the receipts Ex.D7 and D-8, he proved that the said amount was deposited in the account of respondent No.1.



However, DW-2, further proved that cheque No.374901 was given to Surjit Singh and which was withdrawn by him. Another cheque Ex.D-4 was given to Surjit Singh and Kiran Bala, amounting to Rs.2000/-, which was withdrawn by them. Another cheque Ex.D-5 for a sum of Rs.2000/- was given to Surjit Singh and Kiran Bala and the same was withdrawn by Surjit Singh. Similarly, another cheque Ex.D-6 was issued to Gulzar Singh, PW-3 amounting to Rs.1000/- and the said amount was withdrawn by Gulzar Singh. This clearly shows that the accused had been sending money directly at the house of his in-laws at Village Kotli Raula, instead of sending money at his own address at Village, Chib. Still further, the distance between Village Kotli Raulan and Chib is about 7/8 kilometres and this further shows that in absence of respondent No.1, Urmila @ Pooja was mostly staying in the house of her parents, instead of the house of respondent No.1. Apart from that, the Trial Court has correctly placed reliance on the admission of Surjit Singh, PW-4, where he stated that his sister had never complained that her husband had ever physically assaulted her. Thus, from the defence evidence, it was apparent that the prosecution could not lead sufficient evidence to show that Urmila @ Pooja was harassed by respondent No.1 or was maltreated by respondent No.1 on account of non-fulfilment of demand of dowry by her family and the prosecution could not establish harassment of Urmila @ Pooja on account of demand of dowry soon before her death.

15. Apart from that, in the present case, the respondent No.1 has been convicted for the commission of the offence under Section 498-A of IPC. Before proceeding any further, it would be appropriate to reproduce the observations made by Hon'ble Supreme Court in the matter of **Bhaskar Lal Sharma Vs. Monica,**



RCR, Criminal 866, where the Hon'ble Supreme Court held as under"-

47. The scope of the aforementioned provision came up for consideration in some of the decisions of this Court. We may notice a few.

In *Noorjahan v. State rep. by D.S.P*, [(2008)11 SCC 55], this Court held:

"16. Consequences of cruelty which are likely to drive a woman to commit suicide or to cause grave injury or danger to life, limb or health, whether mental or physical of the woman is required to be established in order to bring home the application of Section 498-A. Cruelty has been defined in the Explanation for the purpose of Section 498-A. Substantive Section 498-A IPC and presumptive Section 113-B of the Evidence Act have been inserted in the respective statutes by the Criminal Law (Second Amendment) Act, 1983. It is to be noted that Sections 304-B and 498-A IPC cannot be held to be mutually inclusive. These provisions deal with two distinct offences. It is true that cruelty is a common essential to both the sections and that has to be proved.

The Explanation to Section 498-A gives the meaning of "cruelty":

17. The object for which Section 498-A IPC was introduced is amply reflected in the Statement of Objects and Reasons while enacting the Criminal Law (Amendment) Act, 1983 (46 of 1983). As clearly stated therein the increase in the number of dowry deaths is a matter of serious concern. The extent of the evil has been commented upon by the Joint Committee of the Houses to examine the work of the Dowry Prohibition Act, 1961. In some cases, cruelty of the husband and the relatives of the husband which culminate in suicide by or murder of the helpless woman concerned, constitute only a small fraction involving such cruelty. Therefore, it was proposed to amend IPC, the Code of Criminal Procedure, 1973 and the Evidence Act suitably to deal effectively not only with cases of dowry deaths but also cases of cruelty to married women by the



husband, in-laws and relatives. The avowed object is to combat the menace of dowry death and cruelty.

48.XXXX XXXX XXXX

49. In Sushil Kumar Sharma v. Union of India & Ors., 2005(3) RCR(Criminal) 745: 2005(2) Apex Criminal 682: [(2005)6 SCC 281], this Court held:

“10.The object for which Section 498-A IPC was introduced is amply reflected in " the Statement of Objects and Reasons while enacting the Criminal Law (Second Amendment) Act 46 of 1983. As clearly stated therein the increase in the number of dowry deaths is a matter of serious concern. The extent of the evil has been commented upon by the Joint Committee of the Houses to examine the work of the Dowry Prohibition Act, 1961. In some cases, cruelty of the husband and the relatives of the husband which culminate in suicide by or murder of the helpless woman concerned, constitute only a small fraction involving such cruelty. Therefore, it was proposed to amend IPC, the Code of Criminal Procedure, 1973 (in short "CrPC") and the Evidence Act suitably to deal effectively not only with cases of dowry deaths but also cases of cruelty to married women by the husband, in-laws and relatives. The avowed object is to combat the menace of dowry death and cruelty.

19.The object of the provision is prevention of the dowry menace. But as has been rightly contended by the petitioner many instances have come to light where the complaints are not bona fide and have been filed with oblique motive. In such cases acquittal of the accused does not in all cases wipe out the ignominy suffered during and prior to trial. Sometimes adverse media coverage adds to the misery. The question, therefore, is what remedial measures can be taken to prevent abuse of the well-intentioned provision. Merely because the provision is constitutional and intra vires, does not give



a licence to unscrupulous persons to wreak personal vendetta or unleash harassment. It may, therefore, become necessary for the legislature to find out ways how the makers of frivolous complaints or allegations can be appropriately dealt with. Till then the courts have to take care of the situation within the existing framework. As noted above the object is to strike at the roots of dowry menace. But by misuse of the provision a new legal terrorism can be unleashed. The provision is intended to be used as a shield and not as an assassin's weapon. If the cry of "wolf" is made too often as a prank, assistance and protection may not be available when the actual "wolf" appears. There is no question of the investigating agency and courts casually dealing with the allegations. They cannot follow any straitjacket formula in the matters relating to dowry tortures, deaths and cruelty. It cannot be lost sight of that the ultimate objective of every legal system is to arrive at the truth, punish the guilty and protect the innocent. There is no scope for any preconceived notion or view. It is strenuously argued by the petitioner that the investigating agencies and the courts start with the presumptions that the accused persons are guilty and that the complainant is speaking the truth. This is too wide and generalised a statement. Certain statutory presumptions are drawn which again are rebuttable. It is to be noted that the role of the investigating agencies and the courts is that of a watchdog and not of a bloodhound. It should be their effort to see that an innocent person is not made to suffer on account of unfounded, baseless and malicious allegations. It is equally undisputable that in many cases no direct evidence is available and the courts have to act on circumstantial evidence. While dealing with such cases, the law laid down relating to circumstantial evidence has to be kept in view."

16. In the present case, the Trial Court had correctly observed that PW-3, Gulzar Singh and PW-4, Surjit Singh were unreliable witnesses and



their statements could not establish that Urmila @ Pooja was harassed, soon before her death, on account of demand of dowry. However, even prior thereto, there was no evidence at all to show that Urmila @ Pooja was ever maltreated by respondent No.1 or his other family members as it is apparent from the above discussion. Urmila @ Pooja was staying with her parents at Village Kotli Raulan, instead of Village Chib of respondent No.1. Even during his stay at Muscat, the respondent No.1 had been continuously sending money to her and her other family members. It is apparent that even in his absence, various amounts were withdrawn not only by her, but by her father Gulzar Singh, PW-3 and her brother surjit Singh, PW-4 as well. Even PW-4, admitted that Urmila @ Pooja was never physically tortured by respondent No.1. Apart from that, even there was no evidence in the present case that the respondent No. 1 ever treated Urmila @ Pooja with cruelty in any manner, during her life time. Thus, the respondent No.1 was wrongly convicted by the Trial Court under Section 498A of IPC and he is ordered to be acquitted of the charge of 498-A of IPC as well.

17. In view of the above, discussion, CRA-D-828-DBA-2004 titled as **“State of Punjab Vs. Jarnail Singh and Anr”** is ordered to be dismissed, whereas, the criminal appeal No. CRA-S-1207-SB-2003 (O&M) titled as **“Jarnail Singh Vs. State of Punjab”** succeeds and the impugned judgment of conviction and order of sentence dated 03.06.2003, passed by the Court of Sessions Judge, Gurdaspur is set aside and the appellant in the said appeal is ordered to be acquitted of the charge.



17. All pending application(s), if any, are also disposed off, accordingly.

(GURVINDER SINGH GILL)
JUDGE

(N.S.SHEKHAWAT)
JUDGE

28.05.2024
hitesh

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