

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-A-1449-MA-2018 (O&M)
Date of order: 11.03.2024

Satnam Singh

.....Applicant(s)

Vs.

State of Punjab & Another

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vinod Pundir, Advocate for
Mr. Satbir Rathore, Advocate
for the applicant.

Mr. SS Chahal, AAG Punjab.

Nidhi Gupta, J.

Present application under Section 378(3) Cr.P.C. is filed seeking leave to file appeal against the judgment of acquittal dated 17.05.2018 passed by learned Additional Sessions Judge, Hoshiarpur, whereby the accused/respondent No.2 herein has been acquitted in case FIR No.49 dated 26.03.2012 registered under Section 306 IPC at Police Station Model Town, Hoshiarpur.

2. Learned counsel for the applicant inter alia submits that the applicant is the complainant/father of the victim. His daughter Jaspreet Kaur, aged 23 years was married on 10.06.2011 with Avtar Singh/respondent No.2. On 26.03.2012, he received telephone call from Charanjit Kaur, mother-in-law of his daughter, that Jaspreet Kaur had consumed some poisonous substance and they were taking her to Civil Hospital. Upon receiving this information complainant/applicant along with

his son Harpreet Singh, nephew Manjit Singh reached Civil Hospital at about 5 p.m. where they came to know that his daughter had since died.

3. Ld. Counsel submits that the daughter of the applicant was tortured and harassed by his son-in-law, mother-in-law, father-in-law and one Baljit Kaur relative of in-laws' family and they were not allowing his daughter to come to her parents' house. It is stated that respondent No.2 and his family also used to harass and torture the deceased for dowry. His daughter had told him this many a times on telephone. It is submitted that thus, the in-laws' family had given poison or killed the daughter of the applicant by strangulation or she had consumed some poison when compelled to do so by them.

4. Learned counsel further submits that death of daughter of the applicant has occurred within 10 months of marriage. The prosecution had led sufficient evidence to prove that respondent No.2/accused had tortured and harassed the deceased and therefore, respondent No.2 ought to have been charged and convicted under Section 302 IPC and not just under Section 306 IPC. Learned counsel relies upon judgment of Hon'ble Supreme Court in **"State of West Bengal Vs. Orilal Jaiswal"** Law Finder doc ID # 42654, wherein it has been held as under:-

"D. Indian Penal Code, Sections 306 and 498A - Cruelty to bride who committed suicide – Deceased making complaint about her mal-treatment only to her mother – Conduct of deceased is most natural – A newly wed woman is not expected to make her misfortunes public – Absence of complaint to other family members cannot raise doubt about prosecution case."

5. No other argument is made on behalf of the applicant.

6. I have heard learned counsel for the applicant and perused the case file in detail.

7. Upon statement of applicant Ruqa was prepared and sent to the police station for registration of case. Case was registered under Section 306 IPC and investigation commenced. Postmortem of the dead body was conducted. Various parcels were sent to the Chemical Examiner for report. Site plan of the place of occurrence was prepared. Accused was arrested. Statements of witnesses were recorded. After receiving of Chemical Examiner report of Government of Punjab and after doctor has given report regarding cause of death, investigation was completed and challan was presented. Charge was framed under Section 306 IPC. The prosecution in order to prove its case examined the complainant/applicant as PW-2 and other 8 prosecution witnesses.

8. The main plank of the argument on part of the applicant is that it is not believable that daughter of the applicant committed suicide within 10 months of the marriage without there being any reason; and the reason is the harassment and torture caused to the deceased by respondent No.2 and his family. On a Court query as to whether any complaint was previously filed by the applicant-side to the police or any other authority regarding the alleged dowry demands made by the respondent No.2/accused, learned counsel for the petitioner admits that no such complaint was filed by them.

9. On the contrary, in the complaint (produced as Ex.PA before the learned trial Court) on the basis of which FIR was registered, no allegation of demand of dowry and cruelty has been made by the applicant

against the accused. As such, the applicant has improved upon his earlier version.

10. It has further come on record that as per the PMR, the cause of death of the deceased was due to overdose of Lorazepam. Even no injury was found on the person of the deceased. Perusal of the record of the case shows that the victim/deceased was admittedly, suffering from psychiatric problems. For this, the applicant had taken her for treatment to Dr. JS Sandhu, Psychiatrist, Sandhu Hospital, Nawanshahr, who had prescribed some sleeping pills to her. It has been admitted by the applicant in his cross-examination that he had got the deceased admitted in the Sandhu Nursing Home, Nawanshahr for treatment from Dr. JS Sandhu as indoor patient from 01.08.2011 to 07.08.2011. The applicant has further admitted that the deceased was diagnosed to be suffering from Acute Polymorphic Psychiatric Disorder. These facts are also evident from testimony of DW2-Dr. JS Sandhu, who has stated that the deceased came to him for follow-up treatment twice thereafter.

11. In this regard, the relevant findings of learned trial Court are as under:-

“13. As regard other evidence, PW-4 Dr. Jaswinder Singh, medical officer, Civil Hospital, Hoshiarpur, who was member of the team, who conducted postmortem on the body of Jaspreet Kaur and later on by seeing Chemical Examiner report he has given cause of death as due to overdose of 'Lorazepam'. In cross-examination, he has also opined that overdose of this medicine if taken can be fatal. He has also admitted that in Chemical Examiner report Lorazepam' was detected in the viscera and this salt is found in sleeping pills. So, version of complainant is further falsified by this medical evidence as

nothing has come on record that death has been caused by strangulation or by consuming poison.

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19.....Dr. J.S. Sandhu was earlier cited as a prosecution witness, but, prosecution has not examined him. He has been examined in defence as DW-2, who proved and certified that Jaspreet Kaur was admitted in his hospital as indoor patient from 01.08.2011 to 07.08.2011 and he treated her as she was suffering from acute polymorphic psychiatric disorder. He categorically stated that no injury was seen or noted on the person of Jaspreet Kaur. He has also stated that he joined enquiry by SP (D) Jagmohan Singh. Even he has explained that symptom of polymorphic disorder in the patient i.e. Jaspreet Kaur was there. He stated that he prescribed medicines at home, which was containing salt known as Lorazepam. He also stood test of cross-examination, in which he stated that this fact has been established that excess dose of medicines as stated by him in his examination-in-chief can be fatal to any person. He further stated in cross-examination that patient came for follow-up for about two times, but later on did not turn up. However, she was discharged in satisfactory condition. So version of complainant Satnam Singh is also falsified who stated that accused and other family members of accused gave beatings to Jaspreet Kaur and he has taken away his daughter and got treatment for his such beatings from Dr. J.S. Sandhu. Complainant has also stated that accused party did not allow his daughter Jaspreet Kaur to visit them, but his version by Dr. J.S. Sandhu itself shows that she remained admitted during her marriage life from 1.8.11 to 7.8.11 as indoor patient in Sandhu Hospital, Nawanshahr and thereafter visited that hospital twice for follow-up treatment."

12. Learned counsel for the applicant is unable to dispute the above-said findings of the learned Court below. Applicant can also not derive any benefit from the relied upon judgment in case of **Orilal Jaiswal (supra)**, as the same is distinguishable on facts, as also the legal proposition propounded therein.

13. From the above discussion, it is clear that it cannot be said with any certainty whether the deceased had taken overdose of sleeping pills accidentally or because she wanted to commit suicide; more so as the allegations that the accused had subjected the deceased to any kind of cruelty or demand of dowry, were not proven on record.

14. In view of the above, I find no ground is made out to interfere with the impugned order. The present application is accordingly, **dismissed.**

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

11.03.2024
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No