

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-A-534-2019 (O&M)
Date of Decision: April 19, 2024

SATPAL SINGH
...Applicant/Appellant
Versus
STATE OF PUNJAB AND ANOTHER
...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET T SINGH BRAR

Present: Mr. Amardeep Singh Mann, Advocate
for the applicant-appellant.
Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR, J. (ORAL)

CRM-7861-2019

This is an application under Section 5 of the Limitation Act seeking
condonation of delay of 32 days in filing the accompanying application/appeal.

For the reasons mentioned in the application seeking condonation
of delay, the same is allowed and the delay of 32 days stands condoned.

CRM-A-534-2019

1. This instant application under Section 378(3) CrPC is preferred
against the judgment of acquittal dated 11.10.2018 passed by learned
Additional Sessions Judge, Mansa in the case No. SC/108/2016 arising out of
FIR No.70 dated 29.06.2016 registered under Section 306 of IPC at Police
Station-Boha District Mansa.
2. The facts, in brief, are that on 29.06.2016, the applicant-
complainant made a statement to the concerned police wherein it was alleged
that the marriage of his sister Jasvir Kaur @ Jasprit Kaur was solemnized with

respondent no.2 in the year 2006 and out of this wedlock, two sons were born. It was further alleged that respondent no.2 used to suspect the character of Jasvir Kaur and used to beat her for the same. In December, 2015, respondent no.2 beat Jasvir Kaur but the matter was compromised with the intervention of the relatives. Then, on 26.06.2016, Jasvir Kaur came to her paternal house and informed the applicant that she was fed up with the ill-treatment meted out to her by respondent no.2. But the applicant consoled his sister and sent her back to her matrimonial house by assuring her that he would visit her in a few days. But on 29.06.2016, the applicant received a phone call from Hakam Singh Panch by which he was informed that his sister had committed suicide. When the applicant reached the matrimonial house of the deceased sister, he saw her dead body lying there and one rope was hanging from the roof and he was informed that his sister died by hanging. On the basis of the said statement, the FIR (supra) was registered. Ultimately, respondent no.2 was acquitted of the charges framed against him in the present case by the learned trial Court. Aggrieved by the same, the applicant has approached this Court by way of the present petition.

3. Having heard the learned counsel for the parties and after perusing the record with their able assistance, this Court is of the opinion that the present petition is devoid of any merit. It transpires that during the 10 years of marriage, no complaint was filed with the concerned police or any civil authority by either the deceased Jasvir Kaur or her family members including the applicant regarding the alleged beatings given to her by respondent no.2. It has been admitted by the applicant in his cross-examination before the learned trial Court that no intimation of the alleged beatings was ever given to the local Gram *Panchayat* and that her sister was never admitted to any hospital for the

same. Further, the prosecution witnesses examined as PW1-Applicant, PW2, PW4 never saw respondent no.2 maltreating the deceased sister of the applicant and allegations levelled by them are merely hearsay. Furthermore, the contention of respondent no.2-accused that he never maltreated the deceased has been corroborated by PW-11 Hakam Singh Panch in his cross-examination. Hakam Singh further deposed in his cross-examination that on the day of the alleged incident, respondent no.2 was away to another village for agricultural work and that respondent no.2 and the deceased had cordial relations and were residing happily. Even the son of the deceased examined as DW4 has specifically stated that his mother was upset about the state of her parental house. Also, no signs of injury qua the alleged beatings were present on the body of the deceased as is clear from the postmortem report. Further, the prosecution failed to adduce even a single piece of evidence to establish that respondent no.2 used to doubt the character of his deceased wife. All the aforesaid considered in totality are sufficient for this Court to affirm the judgment under challenge in the present petition.

4. Furthermore, the power of the Appellate Court to unsettle the order of acquittal on the basis of re-appreciation of the evidence is subject to the settled law that where two views are possible and out of the two, one points towards the innocence of the accused, the view which favours the accused should prevail over the other pointing towards his guilt. Furthermore, the trial Court has the additional advantage of closely observing the prosecution witnesses and their demeanour, while deciding about the reliability of the version of prosecution witnesses. **(See H.D. Sundara and others Vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023; Kali Ram v. State of H.P., 1973 (2) SCC 808 and Chandrappa and others v.**

State of Karnataka, (2007) 4 SCC 415). A Division bench of this Court in the judgment passed in **State of Haryana Vs. Ankit** and others CRM-A No.3 of 2022 decided on 06.07.2023 has held that presumption of innocence further gets entrenched on the acquittal of accused by the trial Court.

5. In view of the facts and circumstances of the case, this Court finds that learned counsel for the applicant-appellant has failed to point out any perversity or illegality in findings recorded by the learned trial Court which warrants interference by this Court. As such, there is no merit in the present application and hence, the leave to appeal is denied.

19.04.2024
manisha

(HARPREET SINGH BRAR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>