



CRM-A-455-2021

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

CRM-A-455-2021

Date of Decision: 25.07.2024

PRITAM SINGH**...Applicant-Appellant****Versus****JASBIR SINGH @ JASSU AND OTHERS****...Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Jagjit Singh, Advocate for
Mr. Gourav Jain, Advocate for the applicant-appellant

Mr. Vikas Bhardwaj, AAG Haryana

HARPREET SINGH BRAR, J. (ORAL)

1. This instant application under Section 378(3) Cr.P.C. is preferred against the judgement of acquittal dated 04.03.2021 passed by learned Sessions Judge, Fatehabad in FIR No. 33 dated 25.02.2018 registered under Sections 306/34 of IPC at Police Station- Sadar Tohana, whereby, respondents no.1 and 2 were acquitted of the charges framed against them.

2. The facts, in brief, are that the FIR (supra) was registered on the basis of the statement made by the applicant on 25.02.2018 before the concerned police, wherein, it was alleged that his sister was married to respondent no.1 about 10/11 years ago. Two children were born out of their wedlock. About 12/13 days prior to the alleged incident, his sister had come to parental home to attend a marriage and during her stay she disclosed before the applicant that respondent no.1 harassed her and also made a demand for a motorcycle from them. Then on 25.02.2018, the father of the applicant received a phone call that his daughter had passed away. Then the applicant along with

other relatives reached the matrimonial home of his sister and saw that the dead



body of his sister was lying on the ground in a room with visible blue scars on her neck. It was alleged that the husband of his sister/respondent no.1 and her mother-in-law/respondent no.2 had murdered her due to non-fulfillment of their dowry demand. Consequently, a trial ensued and the private respondents were ultimately acquitted of the charges framed against them under Sections 306/34 of IPC. Aggrieved, the applicant has approached this Court by way of the present appeal.

3. I have heard the learned counsel for the applicant and carefully perused the record with his able assistance. It transpires that during the entire period of 10 years of her marriage, the deceased or her family had never made any complaint before the concerned authorities prior to the alleged incident regarding beatings or harassment meted out to her by the accused. Further, no medical evidence was placed on record to show that the deceased victim was ever beaten by the accused. The prosecution failed to examine any of the neighbours to corroborate their version. This substantially vitiates the case of the prosecution. It has come to the fore that the deceased had lost 2 young sons and after their death, she had gone into depression. The same factum was corroborated by Jeeto Bai (DW-2) who was an immediate neighbour of the deceased. A perusal of the evidence, in its entirety, shows that guilt of the accused is not established beyond reasonable doubt and they have been rightly acquitted by the learned Court below.

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.

(HARPREET SINGH BRAR)
JUDGE

25.07.2024
Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No