

**CRA-AS-362-2022 (O&M)****1****215 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****CRA-AS-362-2022 (O&M)  
Date of decision: 22.10.2024****AJAIB SINGH****...PETITIONER****V/S****SUKHDARSHAN SINGH AND OTHERS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present: Mr. D.S. Nigha, Advocate  
for the petitioner.****\*\*\*\*****HARPREET SINGH BRAR J. (ORAL)**

1. Present appeal has been filed against the judgment dated 30.11.2019 passed by learned Additional Sessions Judge, Faridkot (hereinafter to be referred as learned trial Court) whereby respondents No. 1 and 2 have been acquitted of the offences under Section 306 of Indian Penal Code.

2. Brief facts of the case are that Ajaib Singh made statement before the police authorities to the effect that marriage of his elder daughter Taranjit Kaur (deceased) was solemnized with Sukhdarshan Singh-respondent No. 1 in the year 1998 and out of their wedlock one son namely Lovepreet Singh was born. On 05.10.2016, at about 2:30 AM, he received a telephone call from Devinder Singh @ Goldy that on 04.10.2016 at about 11:00 PM, due to ill health, his daughter namely Taranjit Kaur was got admitted in GGS Medical Hospital Faridkot, from where she was referred to DMC Ludhiana and she (Taranjit Kaur) died on the way near village Dagru, District Moga and her dead-body was deposited in the mortuary of Medical Hospital Faridkot and asked him to reach at Faridkot along-with family. Thereafter, he along-with his son Amarjit Singh along-with others, reached at Medical Hospital Faridkot, where dead-body of his daughter Taranjit Kaur was lying in mortuary, where



his son-in-law along-with his father and other relatives met them outside mortuary, who disclosed them about the reason of death of Taranjit Kaur and on inquiry, he came to know that his daughter was suffering from various ailments. On the previous night, she mistakenly took medicine of expiry date, due to which she died. He has no suspicion with regard to death of his daughter Taranjit Kaur. His daughter died naturally death due to consuming wrong medicine of expiry date and there is no lapse of any person, in her death and hence, he does not want any action against any person. Thereafter, during investigation Ajaib Singh (complainant) moved an application before ADGP, Bureau of Investigation, Punjab, Chandigarh, stating therein that about 17-18 years back, he married his daughter-Taranjit Kaur with respondent No. 1. After some time of marriage, his (Sukhdarshan Singh) family separated him from their house. Initially, Sukhdarshan Singh started living in rented accommodation and thereafter, got an amount of Rs.2,75,000/- from him to buy a new house, out of which he returned him Rs.75,000/- and remaining amount of Rs.2,00,000/-, remained due. There-after, he took money from the complainant on one pretext or the other and never returned the said amount. Now, he is addressing life threat for him and his daughter. Finally, a prayer for taking appropriate legal action against his son-in-law and Mohinder Kaur, was made.

3. Having heard the learned counsel for the applicant and after perusing the record of the case with his able assistance, it transpires that learned Court below has concluded that prosecution had failed to prove its case beyond the shadow of reasonable doubt as in order to convict a person under Section 306 of Indian Penal Code, there has to be a clear *mens rea* to commit the offence and it also requires an active act or direct act which led the



deceased to commit suicide seeing no option and this must have been intended to push the deceased into such a position that he/she committed suicide. Learned trial Court has come to the conclusion that there is no evidence available on record to prove the illicit relations of accused Sukhдарshan Singh with Mohinder Kaur, as alleged. Therefore, no overt act on the part of the accused was established, which may result into committing suicide by deceased Taranjit Kaur. Moreover, deceased Taranjit Kaur never filed any complaint against the accused on the ground of harassment. Further, it was opined that during cross-examination, complainant stated that respondent No. 1 was harassing his daughter for dowry after marriage, till her death, whereas, in the next line, he admitted that he had not filed any complaint before the police for harassing his daughter for dowry by Sukhdershan Singh, till date and the complainant failed to satisfy the Court below as to why he remained silent regarding his daughter being harassed at the hands of accused, as alleged. Further, there is a delay of about one year in lodging the FIR(supra) as deceased Taranjit Kaur died on 05.10.2016, whereas the present FIR under Section 306 IPC was registered at Police Station Faridkot on 07.08.2017 i.e. after a delay of about 10 months of the alleged incident and the said delay has not been explained by the prosecution. In view of the above, learned Court below did not find any evidence, which would suggest any act of cruelty, harassment or inducement so as to persistently provoke or compel the deceased to resort to self extinction being left with no alternative.

4. 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

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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** passed 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 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 appeal and hence, same is hereby dismissed.

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

**October 22, 2024**  
*Ajay Goswami*

**(HARPREET SINGH BRAR)**  
**JUDGE**

|      |                           |        |
|------|---------------------------|--------|
| (i)  | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable        | Yes/No |