

2024:PHHC:166134-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-968-2024 (O & M)
Date of decision:12.12.2024

State of Punjab

..... Applicant

V/s

Sukhrajpreet Singh

...Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Kuljeet Singh, Addl.A.G., Punjab,
for the applicant.

JASJIT SINGH BEDI, J.

The present application under Section 378(3) of Cr.P.C. has been filed for grant of leave to appeal against the judgment of acquittal dated 19.07.2023 passed by the Additional Sessions Judge, Gurdaspur.

2. The instant FIR came to be registered on 10.01.2016. The accused came to be acquitted vide judgment dated 19.07.2023. The present application for grant of leave to appeal is dated 27.05.2024. The matter has come up for final hearing now after more than 08 years of the registration of the FIR.

3. The prosecution story in brief is that on 09.01.2016, ASI Sakattar Singh was present in the Police Station, where the MHC gave a

medical chit of Guru Nanak Multi-speciality Hospital, Ghuman qua Satinder Kaur wife of Sukhrajpreet Singh daughter of Ajit Singh resident of Village Dakoha and on that Chit the Doctor had written that she had taken some poisonous substance and was admitted in the hospital. Then ASI Sakattar Singh alongwith other police officials reached at the said hospital and obtained the opinion of the Doctor regarding the fitness of the patient for making her statement, but the Doctor declared her unfit to make her statement. Then the ASI recorded the Rapat in this regard and thereafter a telephone call was received from K.D. Hospital, Amritsar that Satinder Kaur was admitted in the hospital and her statement be recorded. Then ASI Sakattar Singh went there and moved an application before Ms.Navdeep Kaur Gill, the then Magistrate on duty to record the statement of Satinder Kaur and the Magistrate reached at K.D. Hospital and recorded the statement of Satinder Kaur on 09.01.2016 at 11.25 p.m., wherein she stated that her marriage with Sukhrajpreet Singh was performed about one month back. Her husband has stated that he did not wish to live with her. She had asked him to take her back with him but he had refused because of which she consumed Sulphas tablets. Later, as per the prosecution case, her statement was recorded on 10.01.2016 with the allegations that she was married a month earlier. Her husband and mother-in-law used to torture her for dowry and demanded a Verna car. On 08.01.2016 her husband and mother-in-law had given merciless beatings to her. She informed her family on the phone and on 09.01.2016, her family members had brought her back to Village Dakoha and after coming to her village, she made a telephonic call to her

husband and asked him to take her back to her in-law's house, but he told her that she should not keep such a hope. Thereafter, she had taken Sulfas tablets and had taken the said poisonous substance as her husband and mother-in-law had beaten and taunted her for bringing less dowry. On the basis of this statement, the instant FIR under Section 306/511 IPC and 3/4 of Protection of Domestic Violence Act 2005 was recorded against the accused. During investigation, the offence under Section 304-B IPC was added and the offence under Section 306/511 IPC and 3/4 of Protection of Domestic Violence Act 2005 were deleted. Site plan of the place of occurrence was prepared. On 11.01.2016 accused Sukhrajpreet Singh was arrested. However, enquiry against accused Sukhbir Kaur wife of Jawand Singh was kept pending. Statement of witnesses were recorded and after completion of investigation, a challan against the accused was presented in the Court of the Illaqa Magistrate. After presentation of the challan on 16.03.2016, the investigating agency presented a supplementary challan on 14.06.2016 in which it was stated that during the enquiry conducted by DSP Harpal Singh, it was found that the offence under Section 304-B IPC was not made out and the offence under Section 306 IPC was attracted and that further the mother in law of deceased Satinder Kaur namely Sukhbir Kaur was declared innocent. Thereafter, an enquiry was conducted by SP Investigation, Batala namely Jagjit Singh, who also reported that the offence under Section 304-B IPC was not made out against the accused and Sukhbir Kaur widow of Jawand Singh was declared innocent. He also reported that the offence under Section 306 IPC was made out against accused Sukhrajpreet Singh only.

4. Upon presentation of the Challan before the Court of the Illaqa Magistrate, copies of documents appended therewith and relied upon by the prosecution were supplied to the accused. The case was, thereafter, committed by the Court of the then Judicial Magistrate 1st Class, Batala vide order dated 15.11.2016 for trial before the Court of Sessions as the offences were exclusively triable by the said Court. Upon commitment, charges were framed under Section 304-B IPC. Upon the accused pleading not guilty to the charge and opting for trial, the prosecution was called upon to lead evidence in support of the afore-stated charges.

5. In order to prove its case, the prosecution examined PW1 Palwinder Singh, PW2 Dr. Sukhpreet Singh, PW3 Kashmir Singh, PW4 Kirpal Singh, PW5 Dr. Kuldeep Singh Arora, PW6 Jagtar Singh, PW7 ASI Balwinder Singh, PW8 Inspector Ram Singh, PW9 Tarlok Singh, Draftsman, PW10 Dr. Arvind Mahajan, PW11 Ms. Navdeep Kaur Gill and thereafter, the evidence of the prosecution was closed.

6. The statement of the accused was recorded under Section 313 Cr.P.C. wherein he disclosed that their engagement had taken place on 03.03.2014. They had gone shopping for wedding clothes and had purchased gold. He had bought her an Apple Phone from Australia where he worked. The marriage was solemnized on 06.12.2015 as per Sikh customs. No dowry was ever demanded. He had purchased a car before his marriage and therefore, there was no occasion to demand a car or any other article in dowry. They had visited various places including Himachal Pradesh and Rajasthan. When they came back on 08.01.2016, the deceased went to her

parental home as per custom. However, his wife was not willing to go back and she called him on telephone and asked him to take her back. He told her that he wanted to live with her but could not take her back that day. He again called her a couple of times but she did not answer his call. He also called his mother-in-law but she also did not reply. On 10.01.2016, he was informed that she had committed suicide by poisoning. He was innocent and had been falsely implicated. He had not demanded a car in dowry.

7. In defence, the accused examined DW1 Lakhwinder Singh, DW2 Harsimranjit Singh, DW3 Inderjit Singh, DW4 Sukhdeep Singh, DW5 Harwinder Singh, Jr. Assistant and thereafter, closed his defence evidence.

8. Based on the evidence led, the respondent-accused came to be acquitted vide judgment dated 19.07.2023 passed by the Additional Sessions Judge, Gurdaspur.

9. The aforementioned judgment is under challenge before this Court.

10. The learned counsel for the applicant-State contends that the judgment of acquittal has been passed on the basis of conjectures and surmises. Minor contradictions have been given undue weightage. The prosecution witnesses had supported the prosecution case on material particulars and therefore, the case against the accused had been established beyond a reasonable doubt. He, therefore, contends that leave to appeal be granted and impugned judgment dated 19.07.2023 be set aside and the accused be convicted for the offences for which he has been charge-sheeted.

11. We have heard the learned counsel for the appellant-State and examined the record.

12. Section 304-B of the IPC deals with the “Dowry death”.

13. To attract the provisions of Section 304-B IPC the main ingredient of the offence to be established is (a) that soon before the death the deceased was subjected to cruelty and harassment in connection with the demand of dowry, (b) the death of the deceased was caused by any burn or bodily injury or some other circumstance which was not normal, (c) such death occurs within seven years from the date of her marriage.

14. Further, ‘Soon before her death’ means that the interval between cruelty and death should not be much. There must be existence of a proximate and live link between the effect of cruelty based on dowry demand and the concerned death. If the alleged incident of cruelty is remote in time and has become stale enough not to disturb the mental equilibrium of the woman concerned, it would be of no consequence.

15. The main evidence led by the prosecution against the accused is the testimonies of the complainant and other eye witness examined by the prosecution as PW1 and PW3. PW1 Palwinder Singh is the brother of the deceased Satinder Kaur, while PW3 Kashmir Singh is the uncle of the deceased. In his cross-examination, PW1 Palwinder Singh stated that the police met him when they went to get the postmortem of the body of his sister conducted. The time was about 11/12:00 noon on 10.01.2016. The police met him at Civil Hospital, Batala. His statement was recorded at that time at Civil Hospital, Batala. The police also recorded the statement of his

uncle Kashmir Singh only. He admitted that in his statement recorded before the police, he had stated that Rs. 10 Lacs were spent on the food expenses in the marriage. He got recorded his statement before the police that soon after the marriage, mother-in-law of his sister namely Sukhbir Kaur along-with accused Sukhrajpreet Singh started taunting that car and dowry had not been given to them. The attention of the witness was drawn towards his statement Ex. DA, where it was not so recorded. He got recorded in his statement Ex. DA that after ten days of the marriage, when they went to her matrimonial home to bring her back, she disclosed that the accused had been physically and mentally torturing her on the pretext of demand of a car and dowry. The attention of the witness was drawn towards his statement Ex. DA, where it was not so recorded. He got recorded in his statement Ex. DA that on 29.12.2015, he along-with his two uncles namely Kashmir Singh and Kirpal Singh went to the house of accused at village Rayia. The attention of the witness was drawn towards his statement Ex. DA, where it was not so recorded. He did not get recorded in his statement Ex. DA that they counseled them not to harass his sister, but they did not accede to their request. He volunteered that some facts had not been stated by him before the police. He could not say whether he had received a telephone call from his sister that the accused namely Sukhrajpreet Singh and Sukhbir Kaur had beaten her. The attention of the witness was drawn towards his statement Ex. DA, where it was not so recorded. He did not state before the police in his statement Ex. DA that on 09.01.2016 they visited the house of his sister along-with two uncles and aunt namely Sharanjit Kaur along-with his

mother Ranjit Kaur, but it was recorded in Ex. DA that on 09.01.2016 they brought back their sister Satinder Kaur to her house at village Dakoha. He got recorded in his statement Ex. DA that when they went to the matrimonial house of his sister, the accused did not behave with them properly. The attention of the witness was drawn towards his statement Ex. DA, where it was not so recorded. He did not state in Ex. DA that his sister had disclosed to them that she had not taken food the previous night. He got recorded in his statement Ex. DA that Sukhrajpreet Singh stated to his sister that he did not want to keep her with him in the matrimonial home and she should not keep any hope. The attention of the witness was drawn towards his statement Ex. DA, where it was not so recorded. He denied that his sister was never harassed or maltreated with regard to demand of dowry or car by the accused. He did not know if any inquiry was conducted or that Sukhbir Kaur had been declared innocent. He denied that he was well aware of the proceedings of the inquiry officer or that he joined the said inquiry proceedings and suffered statement in the said inquiry proceeding or that he was deliberately feigning ignorance about this fact. He made a statement before the police on 10.01.2016 under Section 161 Cr.P.C. which is Ex.DA. He made another statement during inquiry before the DSP. His signatures were obtained by the DSP only but he did not suffer any statement before him. He did not move any complaint or application against the DSP to any higher Official or before any forum stating that only his signatures had been obtained by the DSP and that his statement was not recorded. He stated this fact for the first time in the Court that only his signatures had been obtained

by the DSP. He denied that he had falsely stated the fact in the Court that only his signatures had been obtained. He had not stated before the inquiry Officer that they had given 50 tolas of gold in the marriage and had spent approximately Rs. 10 Lacs in the marriage. He had not stated in his statement Mark-DX whatever he had stated in his examination-in-chief on 08.01.2016. The settlement of the marriage of his sister Satinder Kaur with accused Sukhrajpreet Singh had taken place two years prior to the offence. He admitted that accused Sukhrajpreet Singh was permanently settled in Australia. He could not say as to what type of business he was carrying on in Australia. He admitted that the father of Sukhrajpreet Singh had died during his childhood. He admitted that the brother of Sukhrajpreet Singh had also died in the accident many years ago and now only Sukhrajpreet Singh and his mother were alive. During those two years, prior to the marriage, the mother of the accused used to visit and perform ritual functions in their house and those of relations, whenever she was invited. The marriage of his sister Satinder Kaur with Sukhrajpreet Singh had taken place on 06.12.2015. The Shagan ceremony had taken place one day earlier to the marriage at Blessing Resort, Rayia. The said function was organized by the accused party and they had paid the entire expenses. He admitted that the accused had purchased a new car before his marriage. He denied that on 27.11.2015, the accused had purchased a new Baleno maruti Car in the name of his mother Sukhbir Kaur from JAYCEE Motors, Amritsar and same was purchased for about Rs.8,60,000/-. The Milini ceremony was not performed in the marriage. He volunteered and stated that the accused party was not

happy with the arrangement of marriage from their side. He had not stated this fact in earlier statements. He denied that he had falsely stated the volunteered portion. He admitted that Milinies were performed only in the marriage with exchange of garlands. He denied that 30 tolas of gold ornaments i.e. bangles, necklace were given to the girl by Sukhrajpreet Singh. He admitted that the Lehnga which was to be worn by the girl was ordered from Ludhiana and the same was arranged by them. He denied that the said Lehnga was booked and the amount was paid by the accused. He volunteered that receipt regarding booking of Lehnga was given by them. The boy and girl had not gone to Ludhiana for selection of clothes. He and his sister had gone to Ludhiana for selection. He could not tell the name of said person from where the said Lehnga was selected. He could not tell even the date when they went to Ludhiana. He admitted that the colour of Lehnga was to be matched with the clothes to be worn by the accused. He could not tell how much advance amount was given. He denied that accused Sukhrajpreet and Satinder Kaur had visited Ludhiana on 31.07.2015 for the selection of Lehnga, or that said Lehnga for the amount of Rs.43,500/- was selected by his sister. He denied that accused Sukhrajpreet Singh had paid Rs.20,000/- as advance to Apple S.E.O. Bridal, studio, Ludhiana and he also paid the remaining amount. He could not tell as to when the accused went abroad after the marriage and when he came back. When the accused left for Australia after marriage, his sister came to their house on 15.12.2015. He could not tell whether the accused left for Australia on 14.12.2015.

Thereafter, his sister came back to her matrimonial house on 27.12.2015.

Volunteered stated that he had left his sister in her in-laws home, but he could not tell the date. He could not tell when the accused came back to India again after marriage. He did not meet the accused when he left his sister in her in-laws house. He along with his mother and uncle Kashmir Singh had left his sister in her in-laws house after marriage. He could not tell if there was any bangles ceremony of the cousin sister of accused, namely, Amanpreet Kaur at Village Dhianpur, or that his sister and the accused had participated in the said ceremony. He could not tell if there were celebration of a birthday party on 22.12.2015 and 24.12.2015 in the house of the accused or that his sister had participated in the said function and photographs were also clicked. He identified his sister in the photographs mark-D2. He could not identify his sister in the photograph mark-D3. He denied that there was a birthday party of Pawandeep Kaur in the house of the accused and on 24.12.2015 of Ramandeep Singh, or that his sister had also participated in the said party, or that photographs were also clicked. He denied that his sister had left for her parental house on 25.12.2015. After marriage his sister had visited their house after 10 days of the marriage and she was accompanied by the mother of the accused. She stayed one day in the parental house. He could not tell if his sister again visited on 25.12.2015 to their house. He could not identify his sister, his grandmother, younger sister and himself in the photograph mark-D4 which was clicked on 28.12.2015 when the accused had gone to their house to pick Satinder Kaur. On 09.01.2016, he accompanied his mother, his aunt Sharanjit Kaur, his uncle Kirpal Singh and uncle Kashmir Singh to pick his sister from the

house of the accused at about 09:00 AM and they reached there near about 09:30 AM and thereafter, at 12:00 Noon they left with their sister. He voluntarily stated that they did not properly host them and they were saying that she be taken from the house immediately, as they did not want to keep her. He admitted that this fact was not mentioned in any of his statements or in his examination-in-chief. He volunteered and stated that he had disclosed this fact to the police officials at the time of registration of the FIR. He could not tell whether they mentioned this fact in the FIR or not. He could not tell the names of the officials to whom he stated this fact. He had read the FIR. He had come to know on reading the FIR that this fact was not recorded. He had not filed any complaint or application before any authority. He could not tell if his sister Satinder Kaur on 09.01.2016 had sent a Whatsapp message to the accused on his mobile phone stating that she did not want to go with them to her parental house at 12:13 PM and 12:17 PM and the same was mark D-5. He could not tell if his deceased sister, Sukhrajpreet Singh, his relative Sukhdeep Singh and his wife Navneet Kaur, who had come from America visited various places i.e. Chandigarh, Shimla and Rajasthan from 31.12.2015 to 07.01.2016 and that they clicked photographs which were mark D6 to D33, which shows that his sister was happy and leading a happy matrimonial life with the accused. He got his sister admitted at Ghoman Hospital at 05:00 PM and remained there for 45 minutes. He could not tell as to whether his sister was able to speak and was conscious when she was admitted at Ghoman Hospital. Since the condition of his sister was critical, she was sent to K.D. Hospital, Amritsar. They reached there at 06:00 PM. He

could not tell as to whether his signatures were obtained at K.D. Hospital or not. He identified his signatures on bed head tickets of K.D. Hospital, Amritsar, at point A, B, C and D. He could not tell at the time of admission in K.D. Hospital whether his sister was unconscious or her BP was unrecordable. He met his sister in the Hospital at 10:00 PM and thereafter, he did not meet his sister. The hospital authorities informed about the death of his sister and they obtained his signature at point A on the bed head ticket regarding the said intimation. He had not given any information to police. The police also came there at about 11:00 PM. Volunteered, as same was called by Doctor concerned. He could not tell for how much time the police remained there. He alongwith his uncle Kashmir Singh, Kirpal Singh, his cousin Lakhwinder Singh remained present there. Kashmir Singh had also visited the room of his sister at 10:00 PM alongwith him. Thereafter, the police met him on the next day at 10:00 AM at K.D. Hospital. He denied that his sister was never harassed, maltreated, nor any dowry demand was made by the accused. He denied that his sister was leading a happy matrimonial life with accused i.e. her husband. He denied that on 09.01.2016 they all visited the house of the accused and took Satinder Kaur along with them, although she was not ready and willing to accompany them to their house. He denied that they had an altercation/heated dispute with Satinder Kaur which was only known to them in their house after she was taken away from the matrimonial house. He could not tell if his sister Satinder Kaur had called her husband, when she was present in her parental house. He denied that Satinder Kaur had requested her husband telephonically that she was not

happy in her parental home and he must come and bring her back to the matrimonial house, or that to which the accused replied that he wanted to live with her and he was busy and could not come to take her, or that he advised Satinder Kaur to tell her family members who had taken her from matrimonial house to leave her back. He denied that Satinder Kaur never made a statement against the accused, or that her statement before the police was fabricated by them with the connivance of the police to make a strong case against accused. He denied that the signatures of Satinder Kaur were fabricated on the ruqa/statement under Section 154 Cr.P.C subsequently after his death. He admitted that his sister died on 03:35 AM on 10.01.2016.

16. A close perusal of the cross-examination of PW1 reveals that there are material contradictions and improvements in this statement recorded in the court in examination-in-chief vis-a-vis his statement recorded by the police. It has come forth that the witness admitted that the accused purchased a new car before the marriage. Further, the Shagan ceremony was performed at Blessing Resort Rayia and the entire function was organized by the accused party. He also admitted that the Milnies were performed only with the exchange of garlands. It is clear that a birthday party was organized in the house of the accused and the deceased attended the birthday party. The witness identified the photograph of his sister Mark D2. In these photographs, the deceased Satinder Kaur is shown to be very happy and calm. Further, it is clear that Satinder Kaur visited various places such as Chandigarh, Shimla and Jaisalmer from 31.12.2015 to 07.01.2016.

to the above said visit of the accused and deceased Satinder Kaur, but the witness could not tell as to if the photographs were clicked during the said period. Thus, it is clear that when the accused came to India, few days before 30.12.2015 and then from 31.12.2015 to 07.01.2016, he was away on tour with his wife Satinder Kaur since deceased. Therefore, there was no occasion for him to maltreat or demand dowry from the deceased. Admittedly, the accused was a permanent resident of Australia and it is not probable that being well established in life being a permanent resident of Australia, he would have on any occasion maltreated or harassed his wife for demand of a car more so, when he himself purchased a car just two days prior to the marriage.

17. Similarly, the statement of PW-3-Kashmir Singh is full of contradictions and improvements viz.-a-viz. his previous statements.

18. Further, it is important to refer to PW8 Inspector Ram Singh. In his cross-examination, he stated that Ruqa Ex. PW8/A was not recorded by him. He received information of this case at about 04:00 PM on 09.01.2016. The information was given to him by Bedi Hospital and ASI Sakattar Singh was sent to the hospital for investigation. He received statement Ex. PW8/A i.e. statement of deceased in the police station on 10.01.2016 at 08:00 AM. He stated that ASI Sakattar Singh had visited the spot and recorded the statement of deceased, but he did not know at what time statement was recorded. He admitted that no time has been mentioned in Ex. PW8/C regarding scribing of the statement of the deceased. He admitted that 0-00

AM has been written in the FIR. He stated that he could not comment

anything on the Ruqa of deceased qua signing it by some other person and not by Satinder Kaur on Ex. PW8/A at point A. He also admitted that on Point B of Ex. PW8/A, the time of recording of Ruqa is not mentioned. He also admitted that the statement of deceased was also recorded by learned JMIC. He also did not verify the list of dowry articles given by Palwinder Singh. He also admitted that opinion of doctor was not obtained prior to recording of Ruqa nor is there any signature of a doctor on the Ruqa. He also admitted that the marriage of the accused with the deceased was a simple marriage and no dowry was exchanged. He admitted that the family of accused was financial sound. He admitted that no evidence surfaced during investigation regarding demand of dowry or treatment of deceased with cruelty by the accused. Clearly, it comes out that the IO of the case has specifically stated that nothing came on record during investigation regarding cruelty meted out to the deceased on account of dowry.

19. The other interesting aspect of this case is that the FIR in this case was registered on the basis of a Ruqa recorded by ASI Sakattar Singh, who recorded the statement of deceased. It is pertinent to mention that as per evidence, Satinder Kaur was admitted in K.D. Hospital at Amritsar, where she died at about 03:35 AM on 10.01.2016. PW5 Dr. Kuldeep Singh Arora, Director K.D. Hospital, Amritsar proved this fact. Before her death, her statement was recorded by PW11 Ms. Navdeep Kaur Gill, JMIC, Amritsar at about 11:25 PM in the hospital on 09.01.2016. Apparently, the Magistrate duly recorded the statement of Satinder Kaur before her death on 09.01.2016 itself and thereafter, she expired at about 03:35 AM on

10.01.2016. It is strange as to how ASI Sakattar Singh got recorded the second statement of Satinder Kaur at about 06:00 AM (Time mentioned on Ex. PW8/B at point B by ASI Sakattar Singh) in the hospital. It appears that the second statement of Satinder Kaur whereby she raised the allegations of dowry against the accused has been recorded by ASI Sakattar Singh fraudulently in order to implicate the accused. A perusal of the statement of the deceased recorded by the Magistrate reveals that she did not raise any allegation in that statement against the accused qua harassment and dowry. She simply stated that her husband told her that he did not want to reside with her. She told him to take her with him, but her husband replied not to keep any hope on him and as such she had taken Sulphas. Thus clearly, there is nothing regarding demand of dowry in the statement given by the deceased to the Magistrate. However, the statement Ex. PW8/A reveals that she raised allegations regarding Verna car etc. and giving beating to her, which is apparently an after thought and a false document prepared to implicate the accused. ASI Sakattar Singh has not been examined. If the Magistrate had recorded the statement of the deceased, then there was no occasion for ASI Sakattar Singh to record the statement of the deceased again and prepare a Ruqa on the basis of the same. The IO of the case also admitted that no time has been mentioned in Ex. PW8/C regarding the recording of the statement of the deceased. He could not comment anything as to the signing of Ruqa of deceased by some another person and not by Satinder Kaur on Ex. PW8/A at point A. He also admitted that time of 00:00

AM has been written in the FIR.

20. In order to establish its case, the prosecution was required to prove that “soon before the death” the deceased was treated with cruelty for demand of dowry. In the present case, the main ingredients of Section 304-B IPC under which the accused has been charged is missing. Further, there are glaring contradictions between the version of the witnesses and their statements recorded by the police. Further, even the ingredients of Section 306 IPC are not made out against the accused as it has not been proved that he abetted Satinder Kaur to commit suicide. There is nothing on record that the accused was treating Satinder Kaur with cruelty before her death on account of demand of dowry or otherwise. Initially the accused went to Australia after marriage and then came back few days before the death of Satinder Kaur to India and during the last week preceding the death of Satinder Kaur, both of them along-with their two relatives were on tour at various places which is clear from the photographs attached with the file by the defence and as such he had no occasion to treat the deceased with cruelty. Thus, neither the ingredients of Section 304-B IPC nor 306 IPC are made out against the accused in this case.

21. As to how an appeal against a judgment of acquittal is to be dealt with, the Hon’ble Supreme Court in ***Kallu @ Masih & Ors. Vs. State of Madhya Pradesh 2006(1) RCR (Criminal) 427*** has held as under:-

“ 8. While deciding an appeal against acquittal, the power of the Appellate Court is no less than the power exercised while hearing appeals against conviction. In both types of appeals, the power exists to review the entire evidence. However, one significant difference is that an order of

acquittal will not be interfered with, by an appellate court, where the judgment of the trial court is based on evidence and the view taken is reasonable and plausible. It will not reverse the decision of the trial court merely because a different view is possible. The appellate court will also bear in mind that there is a presumption of innocence in favour of the accused and the accused is entitled to get the benefit of any doubt. Further if it decides to interfere, it should assign reasons for differing with the decision of the trial court.”

22. In view of the aforementioned discussion and keeping in view the law laid down in ***Kallu @ Masih & Ors. Case (supra)***, we find no reason to interfere with the well reasoned judgment dated 19.07.2023 passed by the Additional Sessions Judge, Gurdaspur, whereby the accused-respondent, namely, Sukhrajpreet Singh has been acquitted. Therefore, the application for seeking grant of leave to appeal stands dismissed, and leave to appeal is declined.

(JASJIT SINGH BEDI)
JUDGE

(SUDHIR SINGH)
JUDGE

December 12, 2024
sukhpreet

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