

2025:PHHC:070371-DB



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

**CRA-D-51-DB-2004 (O&M)
Date of Decision:23.05.2025**

MOHAN SINGH & ANOTHER

... Appellants

Versus

STATE OF PUNJAB

...Respondent

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

Present: Mr. P.P. Chahar, Advocate (Amicus Curiae)
for the appellant.

Mr. Siddhart Attri, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The present appeal has been filed against the judgment of conviction and order of sentence dated 16.12.2003 passed by the Addl. Sessions Judge, Sangrur.

2. The FIR was registered on 06.01.2001, the judgment of conviction and order of sentence passed by the Addl. Sessions Judge, Sangrur is dated 16.12.2003, the appeal was filed on 03.01.2004 and the matter is being taken up for hearing now i.e. after a period of more than 24 years from the date of registration of the FIR.

3. The case against the accused persons was registered upon the statement of Sukhdev Singh S/o Hamir Singh, who got recorded his statement with S.I. Sukhwinder Singh to the effect that Jagjit Kaur, the

daughter of his elder brother Harbans Singh was married to accused-Mohan Singh of village Chathe Sekhwan about two years prior to the occurrence. She was being harassed by her husband Mohan Singh @ Manga, mother-in-law Sukhwinder Kaur and father-in-law Kehar Singh for not bringing dowry. These persons used to demand dowry and on 25.12.2000 also they had raised a similar demand at the time of the bhog ceremony of Gurbax Singh, his grandfather. On 06.01.2001 at about 9 A.M. they received a telephonic message that Jagjit Kaur had strangulated herself. It was his belief that she was done to death by Mohan Singh @ Manga (husband), Sukhwinder Kaur (mother-in-law) and Kehar Singh (father-in-law) for not bringing dowry. Upon this statement, formal FIR under Section 304-B read with Section 34 IPC was recorded. The case was investigated. The investigating officer went to the spot, prepared the site plan, recorded statements of witnesses, sent the dead body for post-mortem and obtained the copy of the PMR. The accused were arrested and on the completion of investigation the challan was presented against the accused Mohan Singh @ Manga and Sukhwinder Kaur. Kehar Singh (father-in-law) was found innocent and placed in column No.2 of the report U/s 173 Cr.P.C.

4. On commitment, finding a prima facie case against accused Mohan Singh and Sukhwinder Kaur U/s 304-B IPC, charges were framed accordingly. The accused persons Mohan Singh and Sukhwinder Kaur pleaded not guilty and claimed trial.

5. During the trial, the prosecution examined PW-1 (Dr. Prabhjot Singh), Civil Hospital, Sangrur, who conducted the postmortem upon the

dead body of Jagjit Kaur, a female, aged about 21 years. He found the following visible injury on the dead body:

1. A depressed ligature mark was present around the whole circumference of neck starting anteriorly in the front of the thyroid cartilage going on the sides of the neck on both sides going upward and backward, bending angle of mandible on both sides and posteriorly just below the hair line. Beneath the ligature was 7 mm ecchymosed base parchment like glistening, abrasions present at base at places.

As per him the cause of death in this case was due to asphyxia, as a result of strangulation, which was ante mortem in nature and was sufficient to cause death in the ordinary course of nature. He proved the post-mortem report, copy of which is Ex.PA.

In cross-examination he clarified that suicidal death by strangulation was not possible.

6. PW-2 Sukhdev Singh the complainant and the paternal uncle of the deceased woman Jagjit Kaur supported the prosecution version. He testified that Jagjit Kaur wife of Mohan Singh, was the daughter of his elder brother Harbans Singh. The marriage between Jagjit Kaur and accused-Mohan Singh had been solemnised about two years before the occurrence. Accused Mohan Singh was the husband of Jagjit Kaur, since deceased and accused-Sukhwinder Kaur was the mother-in-law of the deceased, The marriage between Jagjit Kaur, since deceased and accused Mohan Singh had taken place in a very simple manner without any dowry having been exchanged. Soon after the marriage, however, the accused persons along with Kehar Singh, father of the accused started demanding dowry and started

harassing Jagjit Kaur. On the occasion of the Bhog ceremony of Gurbax Singh (his grandfather), accused Mohan Singh, accused Sukhwinder Kaur and Kehar Singh the father of accused Mohan Singh came to his village. Jagjit Kaur also attended the said Bhog. Even that day, the accused persons and Kehar Singh had insisted for dowry and complained that if they (parents of Jagjit Kaur) were ignorant of the social customs of giving dowry, then they should not have married of their daughter Jagjit Kaur. At that time, he (complainant) and his brothers put off the matter diplomatically and assured the accused persons that they would visit their village for further talks. On 06.01.2001 at about 9 A.M., however, they received a telephonic a message that Jagjit Kaur had been strangled. Thereupon, he accompanied by his brother Harbans Singh, Amrik Singh Chairman and Jagjit Singh, Sarpanch etc. went to the house of the accused and found Jagjit Kaur strangled and hanging from the Balla with a piece of cloth/string around her neck. She was dead. She had been killed by the accused persons. He proved the FIR Ex.PD lodged by him and the inquest report EX.PC attested by him.

PW-3 Sukhwinder Singh the brother of PW-2 Sukhdev Singh, complainant corroborated the statement made by the complainant, Sukhdev Singh.

PW4/Amrik Singh Ex. Sarpanch, who had accompanied the complainant/Sukhwinder Singh and Harbans Singh etc. to the village of the accused persons on receipt of the telephonic message regarding the death of Jagjit Kaur also supported the prosecution case.

PW-5/Bhan Singh did not support the prosecution version during the trial. As per the prosecution, accused-Mohan Singh had made an extra

judicial confession before him, but during the trial he denied the factum of any extra judicial confession having been made before him by the accused. He was declared hostile and was allowed to be cross- examined by the prosecution, but with no result.

PW-6 HC Bhupinder Singh tendered his affidavit Ex.PF and PW-7 Jagmohan Singh tendered his affidavit Ex. PG.

PW-8 (SI Sukhwinder Singh) the investigating officer proved the FIR Ex.PH. He went to the spot alongwith other police officials, prepared a site plan Ex.PJ and inquest report Ex.PC and recorded the statements of witnesses. He sent the dead body of Jagjit Kaur for post-mortem examination and in due course obtained the copy of the PMR. On 07.01.2001 he took into possession the belongings of the deceased namely a pair of Chappels Ex.P-9 and a Shawl Ex.P-10 vide recovery memo Ex.PL.

PW-9/ASI Gurnam Singh is the recovery witness in whose presence a pair of Chappals Ex.P.9 and the Shawl Ex.P10 belonging to the deceased, Jagjit Kaur, had been taken into possession by the investigating officer vide recovery memo Ex.PI. Vide memo Ex.PL a sealed parcel containing the Kamiz, Salwar, Bangles, Silver ring and anklets etc. were taken into possession.

PW-10 Draftsman, Dharminder Singh prepared the scaled site plan Ex.PQ.

7. The statements of the accused persons were recorded U/s. 313 Cr.P.C. wherein they denied the correctness of the prosecution case and claimed that they had been falsely implicated in the case by the police. They also denied having ever demanded any dowry from the deceased or the

complainant party. The accused-Sukhwinder Kaur also pleaded that she alongwith her husband had been residing separately from their son accused Mohan Singh and Mohan Singh often used to beat them.

8. In defence the accused examined DW-1/Paramjit Pal, photographer, who had taken photographs of the dead body at the spot. He stated that the parents of accused-Mohan Singh had been living separately from the accused-Mohan Singh in a different house and the relations between the accused Mohan Singh and his parents were not cordial and accused-Mohan Singh used to beat his parents. DW-2/Balbir Chand stated that accused Mohan Singh and his deceased wife had been living separately from the parents of accused-Mohan Singh as they had strained relations. During his cross-examination he stated that no physical violence ever took place between the accused persons in his presence. He further added that accused-Mohan Singh supported his father and mother financially as he was their only son.

9. Based on the evidence led, accused/appellants came to be convicted and sentenced by the Court of Addl. Sessions Judge, Sangrur vide judgment and order of sentence dated 16.12.2003 as under:-

Offence under Section	Sentence RI/SI	Fine	RI/SI in default of payment of fine
304-B IPC	Imprisonment for life	Nil	Nil

10. It is the aforementioned judgment, which is under challenge, in the present appeal.

11. The learned counsel for the accused/appellants contends that there is no evidence of any dowry demand. There is no mention either in the

FIR or in the deposition of the material PWs as to what article has been specifically demanded by any of the accused. Merely because it was an unnatural death within 7 years cannot lead to the presumption that there was a demand for dowry. In fact, Sukhwinder Kaur, the mother of Mohan Singh was residing separately along with her husband Kehar Singh. He, thus, contends that the impugned judgment ought to be set aside and the appellants be acquitted of the charges framed against them.

12. The learned counsel for the State, on the other hand, contends that the evidence on record establishes beyond doubt that the deceased was done to death and soon before her death she had been harassed for demand of dowry. As the ingredients of Section 304B IPC stand established, there is no merit in the present appeal and the same is liable to be dismissed.

13. We have heard the learned counsel for the parties and gone through the record.

14. Before proceeding further in the matter, it would be apposite to refer to Section 304B IPC and the same is reproduced below:-

“304B. Dowry death.— (1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death.

Explanation.— For the purpose of this sub-section, “dowry” shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961)

Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.”

15. Thus, in order to secure conviction under Section 304-B IPC the prosecution is to prove that:-

(a) the death of a woman was caused by burns or bodily injury or had occurred otherwise than under normal circumstances,

(b) such death should have occurred within 7 years of her marriage,

(c) the deceased was subjected to cruelty or harassment by her husband or by any relative of her husband:

(d) such cruelty or harassment should be for or in connection with the demand of dowry, and

(e) to such cruelty or harassment the deceased should have been subjected soon before her death.

16. If it is proved that a woman was subjected to cruelty or harassment before her death by a person in connection with any demand of dowry the court shall presume that such person had caused the dowry death. Section 113-B of Evidence Act reads as under:-

"S. 113-B. Presumption as to dowry death When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death.”

17. In the instant case, the death of the bride, Jagjit Kaur, took place within seven years from her marriage with accused-Mohan Singh and as per the medical testimony including the post-mortem report Ex.PA, it is a case of unnatural death. This fact is not disputed.

18. What now needs to be examined is whether the deceased was subjected to cruelty or harassment by her husband or relatives for or in connection with the demand of dowry.

19. In support of this aspect of the case, the prosecution examined PW-2/Sukhdev Singh, complainant and PW-3/Sukhwinder Singh, who is the brother of the complainant and these two witnesses are the paternal uncles of the deceased woman. They testified that the marriage between the deceased-Jagjit Kaur and accused-Mohan Singh was a simple affair, as no dowry articles were exchanged at the time of marriage. However, later accused-Mohan Singh, husband and accused Sukhwinder Kaur, mother-in-law were not happy with this marriage sans dowry and they started harassing Jagjit Kaur. As per PW-2/Sukhdev Singh and PW-3/Sukhwinder Singh, the accused persons had expressed their unhappiness against Jagjit Kaur for not bringing any dowry in the marriage. A few days before the occurrence on 25.12.2000 when the accused persons had come to the village of the complainant party in order to attend the Bhog Ceremony of Gurbax Singh, grandfather of PW-2/Sukhdev Singh and Sukhwinder Singh/PW-3 at that time the accused persons had complained and taunted the complainant and the parents of the deceased-Jagjit Kaur as to why they had married off their daughter (Jagjit Kaur) if they were ignorant about the social customs regarding dowry. For the time being the matter had been put off by the complainant party who assured the accused persons that they would soon come to their village to settle the matter. However, before the matter could be settled, Jagjit Kaur was killed.

20. The contention that it cannot be treated to be a case of dowry death, as there was no specific demand of any dowry item and the marriage

was performed by just a Chunni ceremony cannot be accepted. Initially the accused persons accepted the marriage without any dowry. However, later, they regretted the fact that no dowry had been received by them and on account of greed started demanding dowry. It is not a case where insufficient dowry was given at the time of marriage and the accused wanted more dowry, but it is a case where no dowry was given at all at the time of marriage and therefore, the demand of dowry is not expected to be specific. Even otherwise, accused Mohan Singh has not furnished any explanation for the unnatural homicidal death of his wife in the matrimonial house within 2 years of the marriage.

21. The argument raised by the accused that accused-Sukhwinder Kaur had been falsely implicated in the case only because she was the mother of accused-Mohan Singh, although she was living separately from the accused-Mohan Singh in a different house alongwith her husband cannot be accepted. The statement of DW-1/Paramjit Pal was recorded to the effect that he had gone to the house of the accused Mohan Singh to take photographs of the dead body. However, he went on to state that the accused, Sukhwinder Kaur, mother of the accused, Mohan Singh, was living separately from the accused Mohan Singh in a different house alongwith her husband as the parents did not have cordial relations with their son. This over zealous witness then stated that accused-Mohan Singh used to often beat his parents. No ration card or other evidence has been brought on record to show that the accused-Mohan Singh and accused-Sukhwinder Kaur used to reside separately from each other in different houses. Interestingly, DW2-Balbir Singh who deposed that Mohan Singh and his deceased wife used to live

separately from the parents of Mohan Singh due to strained relations admitted in cross-examination that Mohan Singh was the only son of his parents and used to financially support his parents. Thus, this argument of separate residences and estrangement between Mohan Singh thus partly cannot be accepted.

22. The upshot of the aforementioned discussion is that the unnatural death of the deceased took place within 02 years of her marriage with Mohan Singh and 'soon before' her death i.e. 25.12.2000 she along with her family members were subjected to cruelty and harassment at the hands of the accused in connection with demand of dowry. Therefore, the offence stands established beyond reasonable doubt.

23. Therefore, we find no merit in the present appeal. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

(GURVINDER SINGH GILL)
JUDGE

23.05.2025

JITESH

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