

2025:PHHC:020695-DB



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

CRA-AD-188-2024 (O&M)
Reserved on: 22.01.2025
Date of decision: 11.02.2025

Mohinder SinghAppellant

Versus

State of Punjab and othersRespondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Ms. Bhavna Kapur, Advocate,
for the appellant.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SUDHIR SINGH, J.

The present appeal has been filed against the judgment dated 04.04.2024 passed by the learned Additional Sessions Judge, Kapurthala, whereby accused-respondent Nos.2 to 5 have been acquitted of the charges framed against them under Sections 302 & 34 IPC.

2. Vide order dated 14.08.2024, the Lower Court record was called for. The same was received on 30.09.2024.

3. The prosecution case was that on 07.09.2020, complainant-Mohinder Singh (PW-1) got recorded his statement with SI Raghbir Singh stating therein that he was resident of village Bhadas and was an agriculturist by

profession. He had one son and three daughters. His eldest daughter, namely Swaranjit Kaur, aged 35 years, was earlier married to Jasvir Singh son of Balvir Singh, resident of village Peerowal, Gurdaspur. However, she got a divorce in the year 2014. Thereafter, she was married to Pushpinder Singh-respondent No.2. On 07.09.2020, Mandeep Kaur, another daughter of the complainant, informed him that Swaranjit Kaur had been killed by Pushpinder Singh by pressing her neck. Upon receiving this information, the complainant along with his wife-Gurmeet Kaur visited the house of his daughter Swaranjit Kaur, where he came to know that her in-laws had taken her to NRI Hospital, Begowal. When the complainant and his wife reached the said hospital, they found that the dead body of their daughter was lying in an Alto car and Pushpinder Singh (son-in-law of complainant) was standing nearby along with his parents (Jarnal Singh and Parvesh Kaur). As per complainant, his daughter Swaranjit Kaur had been killed by her husband, father-in-law, mother-in-law and sister-in-law by strangulating her.

4. Based on the aforesaid statement, FIR No. 104 dated 07.09.2020, under Section 302 read with Section 34 IPC, was registered at Police Station, Begowal, District Kapurthala. After investigation, the charge-sheet was submitted, where-after cognizance was taken. Thereafter,

charge under Section 302 read with Section 34 IPC was framed against accused-respondent Nos.2 to 5, to which they pleaded not guilty and claimed to be tried.

5. During trial, the prosecution examined sixteen witnesses, namely, PW1 Mohinder Singh-complainant, PW2 Gurmit Kaur, PW3 Manbaj Singh, PW4 Ajit Singh, PW5 HC Gurbinder Singh, PW6 HC Rajinder Singh, PW7 HC Baljit Kaur, PW8 Dr. Kamaljit Kaur, PW9 ASI Beant Singh, PW10 Sawinderjit Singh, PW-11 Mohit Singh, PW-12 C. Arshdeep Singh, PW-13 SI Raghbir Singh, PW-14 Baljinder Singh Saini, PW-15 DSP Preet Inder Singh and PW-16 Mandeep Kaur. On conclusion of the prosecution evidence, statements of the accused (respondent Nos.2 to 5) were recorded under Section 313 Cr.P.C., wherein entire incriminating evidence was put to them. However, they denied the same and pleaded false implication in the case. In defence, the accused-respondent Nos.2 to 5 examined DW1 Vajinder Parik, DW-2 Satinderpal Singh, DW-3 Manpreet Kaur, DW-4 Dr. Sumesh Kumar Handa, DW-5 Sanjeev Rai and DW-6 R.S. Bawa. After conclusion of the trial, the learned Trial Court acquitted the accused (respondent Nos.2 to 5), as noticed above.

6. The grounds considered by the learned Trial Court for acquitting respondent Nos.2 to 5 are as under:-

- i) As per the prosecution, there were three main/material witnesses of the case, namely PW-1

Mohinder Singh, PW-2 Gurmit Kaur and PW-16 Mandeep Kaur, who were father, mother and sister of the deceased. But, none of them was the eye witness of the occurrence and the case of the prosecution was not based on direct evidence and rather, it was a case of circumstantial evidence.

ii) The deposition made by PW-1 Mohinder Singh pointed towards major improvements in the case than the one pleaded by the prosecution. The evidence was not only inconsistent with the alleged case of the prosecution, but was also not supported from any angle by any witness. PW-1 Mohinder Singh, during his cross-examination, failed to give any satisfactory answer with regard to the improvements made in his statement. Rather, he replied by saying that the police had connived with the accused and had not recorded those facts in his statement. But, he had not moved any application before the higher authorities with regard to the said grievance.

iii) There were contradictions in the statements of material witnesses i.e. PW-1, PW-2 and PW-16. All the three material witnesses, upon whom the prosecution had been relying upon, had given different versions with regard to the cause of death and the manner and circumstances under which the deceased had died.

iv) The prosecution has not been able to succeed in proving that the present accused (respondent Nos. 2 to 5) had caused Asphyxia by way of strangulation. There was no injury mark on any other part of the body of the deceased. PW-8 Dr. Kamaljeet Kaur had not given any definite opinion regarding the cause of death, as she had

stated that the cause of death was Asphyxia due to compression of neck. In her cross-examination, PW-8 deposed that the possibility of sustaining injuries on the person of deceased by hanging with some object could not be ruled out.

v) The defence has led sufficient evidence to establish that the deceased was suffering from epilepsy and had been under continuous treatment of the Doctor. Still further, there is no material evidence on record to indicate that just before her death, the deceased had been subjected to any kind of maltreatment at the hands of any member of the family of accused-Pushpinder Singh.

vi) Even as regards the alleged suicide committed by the deceased, there had been no provocation or abetment by the accused.

vii) It is not a case of homicide but is of suicide on account of ailment of epilepsy of deceased and the accused could not be termed as abettors.

7. The learned counsel for the appellant, while assailing the judgment of acquittal passed by the trial Court, has vehemently argued that the impugned judgment of acquittal suffers from patent illegality, inasmuch as, the learned trial Court, has wrongly interpreted the medical evidence produced on record by the prosecution. She has further argued that there were two bruises on the neck of the deceased with discoloration of the skin of neck between the above stated two bruises, which means that the neck had been pressed with both hands causing compression of

neck leading to asphyxia resulting in the death of the deceased.

8. Learned counsel for the appellant has further argued that the trial Court has ignored the vital fact proved on record that the death of deceased had taken place under suspicious circumstances, which were only within the knowledge of the accused. It is further argued that it was the specific case of the prosecution that the deceased was done to death by strangulation by the accused; that the death took place at the house of accused and being her husband and in-laws, they were to explain the cause and circumstances of such death. It is further argued that PW8-Dr. Kamaljeet Kaur had stated that the cause of death was 'asphyxia', which was sufficient to cause death in the ordinary course of nature. Thus, it is argued that once in the testimony of the Doctor, it had surfaced that cause of death of the deceased was asphyxia, there was no occasion for the trial Court to acquit the accused. It is further argued that the finding of the learned trial Court that there was no eye witness to the occurrence is contrary to the settled law that when there is no eye witness of the occurrence, the accused has to prove the facts as to how the death of the deceased took place, especially when such fact was within the exclusive knowledge of the accused. Reliance is placed upon the judgments of the Hon'ble Apex

Court in Eshwarappa Vs. State of Karnataka, 2015(3) RCR (Criminal) 978; Sudru Vs. State of Chhattisgarh, 2019(4) RCR (Criminal) 154 and Dasin Bai @ Shanti Bai Vs. State of Chhattisgarh, 2015(2) RCR (Crl.) 29.

9. It is still further argued that the factum of death of the deceased is not in dispute and the fact that she had died an unnatural death is also not in dispute. Under these circumstances, the learned trial Court was not justified to grant benefit of doubt to the accused-appellants and rather they ought to have been convicted of the offence and sentenced accordingly.

10. We have heard learned counsel for the appellants and have also gone through the records of the case.

11. In our opinion, the following question requires to be determined in the present appeal:

“Whether the defence has been able to explain the circumstances under which the death of the deceased took place and, thus, the onus under Section 106 of the Evidence Act, stands discharged by them?”

12. As per the prosecution case, complainant Mohinder Singh-PW1 in his statement, on the basis whereof the FIR was registered, stated that his daughter Mandeep Kaur informed him that his daughter Swaranjit Kaur (another daughter of the complainant) had been killed by accused Pushpinder Singh by pressing her neck. It was further stated by him that when he along with his wife

Gurmit Kaur went to the house of his daughter Swaranjit Kaur, he came to know that the accused had already taken her to NRI Hospital, Begowal and when they reached the said hospital, they found the dead body of their daughter lying in an Alto Car and accused Pushpinder Singh was standing near the car. He further stated that he had full belief that his daughter Swaranjit Kaur had been killed by her husband Pushpinder Singh, her in-laws and sister-in-law by pressing her throat. The reason for committing the murder was alleged to be domestic troubles.

13. In the instant case, the cause of death of the deceased is not disputed. The factum of her death taking place at her matrimonial home is also not disputed. Thus, under Section 106 of the Evidence Act, it is the accused, who are to discharge the burden placed upon them by said Section. When any fact is specifically within the knowledge of any person, the burden of proving such fact is upon the said person. The ordinary rule of evidence is that onus to prove the guilt on the part of the accused is on the prosecution but Section 106 of the Evidence Act, is an exception to Section 101 of the Act.

14. Now we are to see whether the prosecution had been able to prove its case against the accused and then whether the accused had been able to discharge the burden of proof as stipulated under Section 106 of the Evidence

Act.

15. In the light of the aforesaid discussion, we are to examine the evidence of prosecution *vis-a-vis* the defence evidence led by the accused.

16. In the instant case, there are three material witnesses i.e. PW1-Mohinder Singh, PW2-Gurmit Kaur and PW16-Mandeep Kaur. The testimony of the aforesaid witnesses is also to be seen in conjunction with that of PW8-Dr. Kamaljeet Kaur. The said evidence has further to be weighed *vis-a-vis* the defence taken by the accused and the evidence led by them.

17. PW1-Mohinder Singh, who is the complainant and father of the deceased, in his testimony before the Court deposed that his daughter Mandeep Kaur (PW-16) told him on phone that accused Pushpinder Singh told her on phone that deceased Swaranjit Kaur had fallen from the second floor and when she (PW16-Mandeep Kaur) reached the house of accused, she found deceased Swaranjit Kaur lying dead on the floor and her hairs were flowing and that all the accused told her openly that they had murdered deceased Swaranjit Kaur. The PW1-Mohinder Singh in his statement under Section 164 Cr.P.C., stated that on 07.09.2020, his daughter Swaranjit Kaur, had committed suicide, but he had got a criminal case registered against his son-in-law Pushpinder Singh and his family, for killing

his daughter on the basis of suspicion. He further stated that he had full belief that his daughter had committed suicide and that his relatives had also got a compromise effected with the accused.

18. The said witness while appearing as PW1 in his testimony, deposed a completely different version. The relevant extracts from his testimony, would read as under:

“On 07.09.2020, I had received a phone call from my daughter Mandeep Kaur, who is married in the same village of the accused, and when I picked up the phone, my daughter Mandeep Kaur disclosed to me that she was told by accused Pushpinder Singh on the phone that Swaranjit Kaur had fallen from the second floor and Mandeep Kaur further told when she reached the house of the accused, she saw that Swaranjit Kaur was lying dead on the floor and her hairs were flowing. She further told me that she saw all the above said four accused present near the dead body of deceased Swaranjit Kaur and accused Pushpinder Singh by saying her openly claimed that they have murdered Swaranjit Kaur and also told her to tell the same to the Langra i.e., me and she further told me that accused Pushpinder Singh picked up the dead body from the second floor and rushed towards the Alto car to put the dead body inside the same. Accused Pushpinder Singh put the dead body in the car and other accused Parvesh Kaur and Parvinder Kaur

also sat inside the car. On seeing this, my daughter Mandeep Kaur also sat inside the said car by exerting force as accused were not allowing her to sit in the car and in this altercation, my daughter Mandeep Kaur threw Parvesh Kaur and Parvinder Kaur out from the car and succeeded to occupy the seat inside the car. In the meanwhile near relative of Mandeep Kaur, from in laws also sat in the car and accused Pushpinder Singh started driving the car. Thereafter, my daughter Mandeep Kaur asked me to reach soon. Thereafter, I alongwith my wife Gurmit Kaur and one Manvaj Singh, my nephew, reached at the village of the accused and on reaching the village. I came to co-villagers of the accused that dead body of my daughter Swaranjit Kaur, was taken to Hospital, by accused Pushpinder Singh. Thereafter, I reached to the NRI Hospital, Begowal and when we reached at the hospital, accused Pushpinder Singh on seeing me ran away after getting down from his car by leaving the car there and other three accused Jarnail Singh, Parvesh Kaur and Parvinder Kaur, who were also following the cars, were there. The police was not registering, the case against the accused as they were in connivance with the accused, did not was not to record the actual version narrated by me to the police official. Thereafter, I approach the higher police official and then the case was registered, with great efforts.

I came to know from the co-villagers gathered near the house of the accused that my daughter was cleaning the floor of her matrimonial house, when accused Pushpinder Singh told her that his parents i.e. accused Jarnail Singh and Parvesh Kaur were waiting for her on the second floor. The accused Pushpinder Singh took my daughter to the second floor, where all the abovesaid four accused attacked upon her and consequently she was murdered by them.

After the murder of my daughter Swaranjit Kaur, the accused persons started effecting compromise with us and also returned Rs.15,00,000/-, which was earlier paid by me to the accused and accused further pressurized us to change the statement given to the police.

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In the house of Pushpinder Singh, his mother-father, and Parwinder Kaur wife of Bhupinder Singh resides. It is wrong to suggest that house of parents of accused Pushpinder Singh is separate from his house. There are two storeys of the house of Pushpinder Singh and there is mounty above those two floors. The house of Jarnail Singh is also double storey and situated nearby. Volunteer, but they reside with accused Pushpinder Singh. Bhupinder Singh, husband of Parwinder Kaur, is having a separate house. Volunteer,

Parwinder Kaur is living with her in laws. Jarnail Singh, Parvesh Kaur and Parwinder Kaur, accused, were living together in the house of Kuljinder Singh Fauji, another son of Jarnail Singh.)”

19. PW2-Gurmit Kaur (mother of the deceased) in her testimony deposed as under:

“On 07.09.2020, I was present in my village Bhadas. It was about 7.00/8.00 am. I received phone call of my daughter Mandeep Kaur, who is also married in the village Maqsoodpur. My daughter Mandeep Kaur told on the phone that my eldest daughter Swaranjit Kaur has been murdered by strangulation by accused Pushpinder Singh. Jarnail Singh, Parvesh Kaur and Parwinder Kaur, and she further told me to reach there at once. She further told me that she had saved herself from the clutches of the accused and after coming out from the house of the accused, she raised hue and cry that her sister had been killed by the above said accused persons. Thereafter, alongwith my husband Mohinder Singh and Manvaj Singh, sat in our car and went to the village Maqsoodpur, to the house of the accused. We had seen that large number of people had gathered outside the house of the accused and enquired about our daughter Swaranjit Kaur, who told us that my daughter had been taken to NRI Hospital.

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In the house of Pushpinder Singh, his parents, our deceased daughter Swaranjit Kaur, and Parwinder Kaur were residing. The house of Pushpinder Singh is probably two storied. The house of Jarnail Singh and Pushpinder Singh is sharing common courtyard. Volunteer, they were living together. The house of Parwinder Kaur is at a distance of two houses from the house of Pushpinder Singh. Volunteer, he used to reside in the house of accused Pushpinder Singh for whole of the day.”

20. PW16-Mandeep Kaur daughter of the complainant in her testimony before the Court deposed in the following manner.

“My house is near to the house of accused Pushpinder Singh and I went by activa scooter immediately to the house of accused Pushpinder Singh and I saw that my sister namely Swaranjit Kaur was lying on the bed in room of the house of the accused Pushpinder Singh. I on seeing the said situation of my sister, at once cried over there and asked the accused Parwinder kaur and accused Parvesh Kaur as to what had happened with my sister Swaranjit Kaur because my sister was not responding at that time. The accused told me that my sister Swaranjit Kaur was sweeping and had fallen down. The accused then dragged my sister from the said room of first floor of the house of the

accused on the ground floor and told me to take her by him to the hospital.”

21. From the aforesaid testimony of the material witnesses of the prosecution, it is apparent that the same are in complete contradictions with each other. The testimony of PW1-Mohinder Singh (complainant) is not only contrary to his statement under Section 164 Cr.P.C., but also against the testimony of his daughter PW16-Mandeep Kaur. It may be noticed that complainant had stated in the FIR that he was told about the manner of occurrence and its taking place by PW16-Mandeep Kaur. However, said Mandeep Kaur in her testimony before the Court had deposed in a totally different manner than the one projected by her father. The trial Court has, thus, rightly found that there being contradictions in the testimony of the material witnesses of the prosecution, the prosecution had failed to prove that the deceased was done to death by the accused.

22. Still further, it was also established on record on the basis of the testimony of the aforesaid witnesses and the other prosecution witnesses that the parents of accused Pushpinder Singh, were having a separate mess and kitchen and they were living separately from them and they were falsely implicated in the case. We find that the said finding does not suffer from any illegality as there is nothing on record to indicate their guilt or participation in the crime.

23. Now, the fact remains that the death of the deceased took place at the house of accused-Pushpinder Singh and in terms of Section 106 Cr.P.C., the burden of proving the circumstances under which such death took place, was upon the said accused.

24. While examining, the said legal aspect of the matter, we are to take into consideration if the prosecution had been able to discharge the initial burden cast upon it under Section 101 of the Evidence Act, to establish that all incriminating circumstances had been against the accused and/or they had committed the crime. Additionally, we are also to consider that the death of the deceased had taken place at the house of accused-Pushpinder Singh and whether the defence has explained the said circumstances.

25. In his statement under Section 313 of Cr.P.C., accused-Pushpinder Singh had taken a plea that his wife had ended her life by hanging from ceiling fan being fed up with her disease. It was further stated by him that his wife had been getting treatment for epilepsy from Handa Hospital, Jalandhar and that he had also visited Rishikesh for the treatment of his wife in this regard. He had further deposed that the family members of the deceased (PW1, PW2 and PW16) had concealed the factum of the epilepsy being suffered by the deceased. It was further stated by him that at the time of the alleged incident, when Swaranjit Kaur,

hanged herself to death and committed suicide, he had called Baba Giri Sarpanch (Harjit Giri) and Satinder Singh, Numberdar and also one Jagdip Singh and with their help, Swaranjit Kaur was brought down from the first floor and taken to the hospital.

26. DW2-Satinderpal Singh, who had been allegedly called by accused-Pushpinder Singh after the happening of the incident, had deposed in his testimony about the compromise between the parties and payment of Rs.15 lakh to the complainant party. Still further, DW3-Manpreet Kaur, aged about 20 years is the daughter of accused-Pushpinder Singh from his previous marriage. She had deposed about the treatment taken by her step mother from the Handa Hospital for the disease of epilepsy and further her step mother confiding in her that she wanted to end her life as she had no desire to live. She had further deposed that her step mother had committed suicide by hanging from ceiling fan. It was further deposed by her that when her step mother had committed suicide, her father had called Mandeep Kaur (sister of the deceased).

27. DW4-Dr. Sumesh Kumar Handa, DM, Neurology, Handa Neuro Hospital, Jalandhar, in his testimony before the Court deposed that the deceased was suffering from epilepsy and she had remained under the treatment of the said Doctor from 2015 to 2020. It was further deposed by

him that the deceased had undergone EEG for monitoring the illness. The said witness had proved the documents Ex.D4 to D23 regarding the treatment of the deceased.

28. PW8-Dr. Kamaljeet Kaur, District Health Officer, Office of Civil Surgeon, Faridkot in her testimony deposed that on 07.09.2020, the dead body of the deceased was received in the mortuary of Civil Hospital, Kapurthala. It was further deposed by her that thereafter the SMO had constituted a Board of Doctors, including the said witness, for conducting the postmortem examination of the body of the deceased and the cause of death was asphyxia due to compression of neck.

29. From the evidence led by the defence, if seen vis-à-vis the evidence led by the prosecution, it would come out that the deceased had died an un-natural death, the cause for which had been ascertained by the doctor as asphyxia. Accused-Pushpinder Singh in his statement under Section 313 Cr.P.C., had deposed that the deceased had committed suicide and the said version was also supported by DW3-Manpreet Kaur. The factum of death taking place in the manner disclosed by the defence, also stands supported by the cause of death as disclosed in the post mortem report.

30. As noticed above, the case set up by the prosecution as regards the murder of the deceased by the accused, suffered from contradictory versions of the

material prosecution witnesses. The cause of death, if examined in the light of the defence evidence, it stands established that the accused had been able to explain the circumstances as stipulated under Section 106 of the Evidence Act. There is no evidence led by the prosecution on record which can be sufficient to repel the version of the defence that the deceased had committed suicide.

31. It may further be noticed that none of the prosecution witnesses, including the material witnesses PW1, PW2 and PW16, had disclosed about the disease i.e. epilepsy being suffered by the deceased. They have, thus, concealed the said fact, for the reasons best known to them.

32. In **Anees Vs. The State Govt. of NCT**, 2024(2) RCR (Crl.) 856, it has been held by the Hon'ble Apex Court that Section 106 of the Evidence Act, provides that when any fact is especially within the knowledge of any person, the burden of proving that fact is upon him and that the word 'especially' means facts that are pre-eminently or exclusively within the knowledge of the accused. It was further held that Section 106 is certainly not intended to relieve the prosecution of the duty cast upon it by Section 101 of the Evidence Act. It was held as under:-

“36. Section 106 of the Evidence Act referred to above provides that when any fact is especially within the knowledge of any person, the burden of proving that fact is upon him. The word "especially" means facts that are pre-eminently or exceptionally

within the knowledge of the accused. The ordinary rule that applies to the criminal trials that the onus lies on the prosecution to prove the guilt of the accused is not in any way modified by the rule of facts embodied in Section 106 of the Evidence Act. Section 106 of the Evidence Act is an exception to Section 101 of the Evidence Act. Section 101 with its illustration (a) lays down the general rule that in a criminal case the burden of proof is on the prosecution and Section 106 is certainly not intended to relieve it of that duty. On the contrary, it is designed to meet certain exceptional cases in which it would be impossible, or at any rate disproportionately difficult, for the prosecution to establish the facts which are, "especially within the knowledge of the accused and which, he can prove without difficulty or inconvenience".

37. In *Shambhu Nath Mehra v. The State of Ajmer*, AIR 1956 SC 404, this Court while considering the word "especially" employed in Section 106 of the Evidence Act speaking through Vivian Bose, J., observed as under:

"11. ... The word "especially" stresses that it means facts that are pre-eminently or exceptionally within his knowledge. If the section were to be interpreted otherwise, it would lead to the very startling conclusion that in a murder case the burden lies on the accused to prove that he did not commit the murder because who could know better than he whether he did or did not.

It is evident that that cannot be the intention & the Privy Council has twice refused to construe this section, as reproduced in certain other Acts outside India, to mean that the burden lies on an accused person to show that he did not commit the crime for which he is tried. These cases are ***Attygalle v. The King, 1936 PC 169 (AIR V 23)***

(A) and *Seneviratne v. R.* 1936-3 All ER 36 AT P. 49 (B)."

38. The aforesaid decision of **Shambhu Nath** (supra) has been referred to and relied upon in Nagendra Sah v. State of Bihar, (2021) 10 SCC 725, wherein this Court observed as under:

"22. Thus, Section 106 of the Evidence Act will apply to those cases where the prosecution has succeeded in establishing the facts from which a reasonable inference can be drawn regarding the existence of certain other facts which are within the special knowledge of the accused. When the accused fails to offer proper explanation about the existence of said other facts, the court can always draw an appropriate inference."

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44. Section 106 of the Evidence Act cannot be invoked to make up the inability of the prosecution to produce evidence of circumstances pointing to the guilt of the accused. This section cannot be used to support a conviction unless the prosecution has discharged the onus by proving all the elements necessary to establish the offence. It does not absolve the prosecution from the duty of proving that a crime was committed even though it is a matter specifically within the knowledge of the accused and it does not throw the burden on the accused to show that no crime was committed. To infer the guilt of the accused from absence of reasonable explanation in a case where the other circumstances are not by themselves enough to call for his explanation is to relieve the prosecution of its legitimate burden. So,

until a prima facie case is established by such evidence, the onus does not shift to the accused.”

33. In Eshwarappa’s case (supra), the prosecution was able to establish the incriminating circumstances against the accused that the accused-husband was having illicit relations and that before the Panchayat, he had undertaken to end such relationship. The said judgment arising out of different factual position, is not applicable to the facts of the present case. In Sudru’s case (supra), it was found that the plea of the defence that the deceased had died due to ailment was falsified by the medical evidence. In Dasin Bai’s case (supra), it was held that the chain of circumstances leading to the death of the deceased was complete. The said judgments are also of no help to the appellant.

34. In view of the above, the question framed above is answered in affirmative. The impugned judgment passed by the learned trial Court, is upheld and the present appeal is hereby dismissed.

(SUDHIR SINGH)
JUDGE

(SUKHVINDER KAUR)
JUDGE

11.02.2025
Ajay Prasher

-	<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
-	<i>Whether reportable:</i>	<i>Yes/No</i>