



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-1756-SB-2004
Reserved on: 30.07.2025
Pronounced on:- 13.08.2025

Balwant SinghAppellant

Versus

State of HaryanaRespondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Kapil Aggarwal, Advocate
for the appellant.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.

1. Appellant/convict Balwant Singh s/o Harbans Singh has filed instant appeal against judgment of conviction and order on quantum of sentence dated 09.06.2004 passed by learned Sessions Judge, Ambala, in Sessions Case bearing No. 06 dated 29.08.2001/07.01.2004, titled as “State Vs. Balwant Singh and another” in FIR No. 157 dated 14.07.2001 under Section 304-B/34 of Indian Penal Code, 1860 (for short ‘IPC’) registered at Police Station Mullana, vide which appellant/convict is sentenced as under :-

Name of Convict	Offence	Punishment
Balwant Singh	Under Section 304-B of IPC	Rigorous imprisonment for ten years.

2. As per the facts of case, on 14.07.2001, ASI Mahinder Singh was posted at Police Station Mullana. On that day, he received telephonic message from complainant Kuldip Singh suspecting that his niece Baljit Kaur has been killed by Balwant Singh and Harbans Singh by administering some poisonous



substance to her. He alongwith police officials visited village Khan Ahmadpur, where he recorded statement of Kuldip Singh. Complainant alleged that his brother Surjit Singh is blessed with four daughters. Marriage of eldest daughter Baljit Kaur was solemnized with Balwant Singh according to Sikh rites on 16.02.2000. At the time of marriage, sufficient dowry was given by Surjit Singh. After one year of marriage, Balwant Singh-husband and Harbans Singh-father-in-law started harassing her for bringing less dowry. Balwant Singh told Baljit Kaur that he would keep her only if she brought scooter from her father. The said fact was disclosed by Baljit Kaur to him (complainant)-uncle, her mother and father. They told Baljit Kaur as well as Balwant Singh that since father of Baljit Kaur was employed in Army, so when he returns next time on leave, they would give scooter. On this, Balwant Singh took Baljit Kaur to his house and kept her properly for a month, but then both Balwant Singh and Harbans Singh demanded cash of Rs. 50,000/- on the pretext of starting poultry farm. Baljit Kaur told about this demand to him (complainant) and he told this fact to his brother Surjit Singh who had come on leave to attend marriage of nephew. Then Surjit Singh went to matrimonial home of his daughter and brought his daughter with him to parental home. Baljit Kaur was having a son of 4-5 months. After 3-4 months, Balwant Singh brought Panchayat to the parental house of Baljit Kaur and compromise was effected and Baljit Kaur was taken back to matrimonial home on 10.06.2001. They kept her properly for 15-20 days but again started beating her for their demand of Rs. 50,000/-. On 14.07.2001, at about 02:30 pm, complainant received a telephonic message that his niece was seriously ill. Thereafter, complainant alongwith his brother Inder Singh and cousin



Gopal Singh reached “Do-sarka” chowk village Khan Ahmadpur, where they met 3-4 persons of village Ahmadpur, who told them that Baljit Kaur was brought back to village. Then complainant and other persons went to matrimonial house of Baljit Kaur, where Baljit Kaur was lying dead on a cot in the compound of house. He suspected involvement of Balwant Singh and Harbans Singh in the alleged death of his niece due to demand for more dowry and prayed for legal action against them.

2.1 During the course of investigation, rough site plan was prepared and dead body of Baljit Kaur was sent for postmortem examination. On 19.07.2001, accused Harbans Singh-father-in-law was arrested, whereas, accused Balwant Singh-husband was arrested on 21.07.2001. On the basis of report of Forensic Science Laboratory, Dr. Supriya Gupta opined that death of Baljit Kaur took place due to consumption of aluminium phosphide. Accordingly, report under Section 173 Cr.P.C. was prepared and after completion of necessary formalities, challan was presented in Court under Section 304-B/34 of IPC.

2.2 Accused were supplied complete set of copy of challan report. Since the offence under Section 304-B of IPC was exclusively triable by the Court of Sessions, therefore, learned Judicial Magistrate Ist Class, Ambala Cantt. committed the case to the Court of learned Sessions Judge, Ambala for trial vide commitment order dated 17.08.2001.

3. Finding a prima facie case against accused persons vide order dated 27.09.2001, accused Balwant Singh and Harbans Singh were charge-sheeted under Section 304-B read with Section 34 of IPC, to which they pleaded not guilty and claimed trial.



4. In order to prove the facts of case, prosecution examined SI Phool Singh as PW-1, Ct. Rameshwar Dass as PW-2, HC Shiv Ram as PW-3, HC Babu Ram as PW-4, Gopal Singh as PW-5, Dr. Supriya Gupta as PW-6, Ct. Manohar Lal as PW-7, ASI Mahinder Singh as PW-8, Surjit Singh as PW-9, Kuldeep Singh as PW-10, HC Virender Kumar as PW-11 and UGC Suresh Kumar as PW-12. Thereafter, learned Public Prosecutor for State closed prosecution evidence vide separate statement recorded on 19.03.2004.

5. Statements of accused persons were recorded under Section 313 Cr.P.C. by the trial Court to which they pleaded innocence and false implication. Accused persons opted to lead evidence in defence. However, they did not lead any evidence in defence and closed the same vide separate statements recorded on 08.06.2004.

6. After hearing arguments advanced by learned Public Prosecutor for the State of Haryana and learned counsel representing accused persons, accused Harbans Singh was acquitted of the charge framed against him, whereas, accused Balwant Singh was held guilty and convicted under Section 304-B of IPC vide judgment of conviction and order on quantum of sentence dated 09.06.2004 passed by learned Sessions Judge, Ambala, as referred above. Feeling aggrieved of this judgment of conviction and order on quantum of sentence, appellant Balwant Singh has filed present appeal.

7. Learned counsel for appellant/convict argued that judgment of conviction and order on quantum of sentence dated 09.06.2004 passed by learned Sessions Judge, Ambala qua appellant Balwant Singh is bad in the eyes of law and against the facts on record. Initially, FIR was registered against appellant Balwant Singh and his father Harbans Singh who faced trial.



By passing impugned judgment, Harbans Singh has been acquitted by the trial Court, whereas, on the same set of evidence appellant Balwant Singh has been convicted. Appellant Balwant Singh got married with Baljit Kaur on 16.02.2000 and this unfortunate incident took place on 14.07.2001. Out of this wedlock, they were having a son born in December, 2000. At the time of marriage, there was no demand for dowry. Therefore, there is no question of raising demand after marriage. Prosecution examined witnesses who levelled allegations that appellant had raised demand for a scooter on one occasion and thereafter, cash of Rs. 50,000/- to open a poultry farm. There is no convincing evidence to substantiate the said allegations. During this entire period, neither father of victim nor victim herself filed any complaint before any authority. In fact, there is no evidence on record to show that alleged victim Baljit Kaur was subjected to any kind of harassment on account of any demand. During arguments, learned counsel for appellant Balwant Singh pointed out that earlier appellant was serving in Army and his services were terminated in November, 2000. Therefore, in case Balwant Singh demanded Rs. 50,000/- as financial assistance to start poultry farm that will not fall within the definition of dowry demand. Similarly, alleged demand of Rs.10,000/- in connection with celebration of Lohri festival on the birth of son will also not be covered under the alleged demand for dowry.

7.1 Infact allegations levelled against appellant are without any basis. Testimony of prosecution witnesses cannot be safely relied upon. Surjit Singh PW-9 is father, Kuldeep Singh PW-10 complainant is the uncle and Gopal Singh PW-5 is also cousin of Surjit Singh. There is no independent corroboration to the allegations that appellant harassed his wife Baljit Kaur on



account of demand of dowry soon before the said incident.

7.2 Appellant has taken specific stand in his statement recorded under Section 313 Cr.P.C. that his wife was suffering from depression. Appellant tried to know the reason behind her depression. He never raised any demand for dowry.

7.3 It is pointed out that learned trial Court has given undue emphasis to the letters Ex.P-1 and Ex.P-2 allegedly written by deceased Baljit Kaur to her mother Paramjit Kaur. Prosecution has not led any convincing evidence on record to prove the handwriting of deceased victim on the said letters by comparing it with admitted handwriting of deceased. Therefore, letters Ex.P-1 and Ex.P-2 cannot be read into evidence.

7.4 It is submitted that appellant is the only son of his parents. His father is 80 years of age and does not keep good health. Son of appellant at the time of filing of appeal was about three and a half years of age. There is nobody else in the family. Prosecution has failed to prove the guilt of appellant under Section 304-B of IPC. Therefore, judgment of conviction and order on quantum of sentence dated 09.06.2004 passed by learned Sessions Judge, Ambala may kindly be set aside by accepting present appeal.

8. Learned counsel representing State of Haryana argued that judgment of conviction and order on quantum of sentence dated 09.06.2004 does not require any interference. Prosecution led convincing evidence on record to prove the charge-sheet framed against appellant Balwant Singh who is husband of deceased victim Baljit Kaur. To prove charges, prosecution has examined Kuldeep Singh complainant as PW-10 who was uncle of deceased victim, Surjit Singh father of deceased victim as PW-9 and Gopal Singh uncle



of deceased victim as PW-5, who have fully supported the prosecution case. Baljit Kaur was continuously ill-treated and harassed by appellant/convict time and again for one demand after the other and ultimately she died unnatural death on 14.07.2001. Prosecution has examined all relevant witnesses to prove the guilt of appellant/convict. There is nothing on record to show that Baljit Kaur deceased victim was suffering from depression. She was hale and hearty girl, mother of a small child. Appellant has committed heinous crime. Therefore, he was rightly convicted and sentenced by the trial Court. It is submitted that appeal preferred by appellant/convict deserves dismissal.

9. I have considered the arguments advanced before me and have gone through the trial Court record with the able assistance of learned counsel for appellant and learned counsel representing State of Haryana. Present FIR was registered on the statement of Kuldeep Singh who was uncle of deceased victim Baljit Kaur. Statement of complainant Kuldeep Singh is Ex.PB. On the basis of said statement, FIR No. 157 dated 14.07.2001 under Section 304-B/34 of IPC was registered at Police Station Mullana, which is Ex.PC. Investigation was carried out by ASI Mohinder Singh who is examined as PW-8. Appellant Balwant Singh – husband and Harbans Singh – father-in-law, both were charge-sheeted under Section 304-B/34 of IPC. Harbans Singh – father-in-law was acquitted by the trial Court, whereas, Balwant Singh – husband was convicted under Section 304-B of IPC and was sentenced for rigorous imprisonment for a period of ten years. Therefore, at this stage, this Court is to appreciate the evidence led before the trial Court qua appellant/convict Balwant Singh.



10. On this point, gainful reference can be made to the judgment of **Supreme Court of India** cited in **2013(2) RCR(Criminal) 75**, case titled **“Kashmir Kaur and another Versus State of Punjab”**, where in order to constitute the offence under Section 304-B of IPC, following principles were culled out, which are as under :-

“16. From the above decisions the following principles can be culled out :

- a) To attract the provisions of Section 304B Indian Penal Code the main ingredient of the offence to be established is that soon before the death of the deceased she was subjected to cruelty and harassment in connection with the demand of dowry.
- b) The death of the deceased woman 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.
- d) That the victim was subjected to cruelty or harassment by her husband or any relative of her husband.
- e) Such cruelty or harassment should be for or in connection with demand of dowry.
- f) It should be established that such cruelty and harassment was made soon before her death.
- g) The expression (soon before) is a relative term and it would depend upon circumstances of each case and no straightjacket formula can be laid down as to what would constitute a period of soon before the occurrence.
- h) It would be hazardous to indicate any fixed period and that brings in the importance of a proximity test both for the proof of an offence of dowry death as well as for raising a presumption under Section 113B of the Evidence Act.
- i) Therefore, the expression "soon before" would normally imply that the interval should not be much between the concerned cruelty or harassment and the death in question.



There must be existence of a proximate or life link between the effect of cruelty based on dowry demand and the concerned death. In other words, it should not be remote in point of time and thereby make it a stale one.

j) However, the expression "soon before" should not be given a narrow meaning which would otherwise defeat the very purpose of the provisions of the Act and should not lead to absurd results.

k) Section 304B is an exception to the cardinal principles of criminal jurisprudence that a suspect in the Indian Law is entitled to the protection of Article 20 of the Constitution, as well as, a presumption of innocence in his favour. The concept of deeming fiction is hardly applicable to criminal jurisprudence but in contradistinction to this aspect of criminal law, the legislature applied the concept of deeming fiction to the provisions of Section 304B.

l) Such deeming fiction resulting in a presumption is, however, a rebuttable presumption and the husband and his relatives, can, by leading their defence prove that the ingredients of Section 304B were not satisfied.

m) The specific significance to be attached is to the time of the alleged cruelty and harassment to which the victim was subjected to, the time of her death and whether the alleged demand of dowry was in connection with the marriage. Once the said ingredients were satisfied it will be called dowry death and by deemed fiction of law the husband or the relatives will be deemed to have committed that offence."

11. There are certain facts which are not disputed. Balwant Singh appellant got married with Baljit Kaur on 16.02.2000. She gave birth to a son. She lived in matrimonial home alongwith her husband Balwant Singh and father-in-law Harbans Singh. On 14.07.2001, she died unnatural death. It is the case of prosecution that victim was harassed in matrimonial home on



account of demand of dowry. Whereas, appellant has denied these allegations and when his statement was recorded under Section 313 Cr.P.C. he claimed that his wife was suffering from depression and for this reason, occurrence took place. Prosecution examined Kuldeep Singh complainant PW-10, Surjit Singh father of deceased victim as PW-9 and Gopal Singh uncle of deceased victim as PW-5, who consistently stated that after marriage, Baljit Kaur was harassed in matrimonial home for bringing inadequate dowry. Firstly, there was demand for a scooter regarding which Surjit Singh father of deceased victim who was also serving in Army assured to satisfy this demand when he would come on leave next time. She was kept properly in matrimonial home for some time and then there was demand for cash of Rs. 50,000/- to start poultry farm. Victim disclosed this fact to her uncle Kuldeep Singh PW-10 who told Baljit Kaur that her father Surjit Singh had come to village to attend marriage of nephew. His father Surjit Singh brought back his daughter to parental house. She gave birth to a child and stayed there for about 4-5 months. Thereafter, a Panchayat was convened and she was taken back in matrimonial home on 10.06.2001. She was kept properly for 15-20 days and after about one month and few days, an unfortunate incident took place when victim committed suicide by consuming poison in matrimonial home on 14.07.2001. There is no reason to discard the testimonies of aforesaid witnesses. The appellant has failed to lead any evidence in defence.

11.1 Apart from this, prosecution has also examined ASI Mohinder Singh PW-8 and HC Shiv Ram PW-3, who have proved letters Ex.P-1 and Ex.P-2 taken into police possession vide recovery memo dated 15.07.2001. Said letters were produced by Paramjit Kaur mother of deceased victim. I



have perused said letters written by deceased victim addressed to Paramjit Kaur i.e. her mother written on inland letter card dated 07.01.2001 Ex.P-1 and other letter dated 14.07.2001 Ex.P-2. Last letter was written on the day when she ended her life by consuming poison. Contents of these letters clearly indicate that Baljit Kaur was facing continuous harassment and maltreatment from the hands of her husband Balwant Singh. Said letters were written on inland letter card addressed to Paramjit Kaur, duly received by her by post. Therefore, these letters cannot be brushed aside.

11.2 Stand taken by the appellant/convict that victim was suffering from depression does not hold any ground. There is nothing on record that Baljit Kaur was undergoing any kind of depression nor she was taking any kind of treatment. Infact she had recently given birth to a son and was brought back in the matrimonial home on 10.06.2001. Defence raised by appellant is afterthought.

12. Learned counsel representing appellant raised the issue that marriage of Balwant Singh and Baljit Kaur was a simple marriage. No dowry was demanded. In case there was demand of Rs. 50,000/- seeking financial assistance to open a poultry farm or there was demand of Rs. 10,000/- on Lohri festival, that does not fall within the definition of demand of dowry. I have considered the stand taken by learned counsel for appellant. Investigating Officer ASI Mohinder Singh stepped into the witness box as PW-8. He has proved on record recovery memo Ex.PL and Ex.PM vide which dowry articles were recovered from matrimonial home. From the list of said dowry articles, it cannot be said that it was a simple marriage. Surjit Singh father of Baljit Kaur was serving in Army. He performed marriage of his



daughter with appellant who was also serving in Army at the time of marriage. It has come in cross-examination of prosecution witnesses and it is also conceded by learned counsel for appellant during arguments that Balwant Singh was Court Martialed, as a result, he returned to his village. After reaching home, maltreatment of Baljit Kaur – wife started all the more. Firstly, there was demand for a scooter and then demand for cash amount of Rs. 50,000/- to open a poultry farm. Section 2 of The Dowry Prohibition Act, 1961 runs as under :-

“2. Definition of ‘dowry’.— In this Act, “dowry” means any property or valuable security given or agreed to be given either directly or indirectly—

(a) by one party to a marriage to the other party to the marriage;
or

(b) by the parent of either party to a marriage or by any other person, to either party to the marriage or to any other person, at or before or any time after the marriage in connection with the marriage of the said parties, but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.”

12.1 Father of deceased victim Baljit Kaur was not under any obligation to satisfy said demands. It is not the case that appellant was taking loan or any kind of financial help from the father of deceased victim to meet with financial crises. Conduct of appellant/convict clearly indicates that he was raising one demand after the other as a matter of right, which clearly fits within the definition of dowry provided under Section 2 of The Dowry Prohibition Act, 1961. Therefore, arguments advanced by learned counsel for appellant/convict does not hold any ground.



13. The sequence of events clearly indicates that during short span of married life from 16.02.2000 to 14.07.2001, Baljit Kaur was continuously harassed and maltreated in matrimonial home. Surjit Singh father of deceased victim PW-9 brought his daughter back in parental house where she stayed for 3-4 months and ultimately Panchayat was convened and after compromise she was sent back in matrimonial home on 10.06.2001 i.e. within a gap a slightly more than one month. Unfortunate incident took place on 14.07.2001. It is a case of unnatural death in matrimonial home. Prosecution has examined Dr. Supriya Gupta, Medical Officer as PW-6 who has proved Postmortem Report of Baljit Kaur Ex.PD. On the basis of report of Forensic Science Laboratory Ex.PG, doctor gave her opinion that cause of death in this case was poisoning due to consumption of aluminium phosphide. Evidence led by prosecution clearly indicates that she was continuously harassed and ill-treated in matrimonial home on account of demand of dowry and even after compromise there was no change in the attitude of appellant/convict and finally Baljit Kaur preferred to die in order to end her miseries. Once it is established that Baljit Kaur died unnatural death in matrimonial home within one year and four months of marriage on account of continuous maltreatment on account of demand of dowry, then provisions of Section 113-B of The Indian Evidence Act, 1872 comes into play, which runs as under:-

“113B. 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 has 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.



Explanation.- For the purposes of this section, “dowry death” shall have the same meaning as in section 304B of the Indian Penal Code (45 of 1860).”

13.1 On this point, gainful reference can be made to the judgment of **Supreme Court of India**, case titled “**Surinder Singh Versus State of Haryana**” [Law Finder Doc Id # 498981] 2014(1) RCR(Criminal) 535, where in para No. 13 it was held as under :-

“13. Section 113B of the Indian Evidence Act, 1872 states that 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 has 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. Section 304B of the IPC states that 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. Thus, the words ‘soon before’ appear in Section 113B of the Indian Evidence Act, 1872 and also in Section 304B of the IPC. For the presumptions contemplated under these Sections to spring into action, it is necessary to show that the cruelty or harassment was caused soon before the death. The interpretation of the words ‘soon before’ is, therefore, important. The question is how ‘soon before’? This would obviously depend on facts and circumstances of each case. The cruelty or harassment differs from case to case. It relates to the mindset of people which varies from person to person. Cruelty can be mental or it can be physical. Mental cruelty is also of different shades. It can be



verbal or emotional like insulting or ridiculing or humiliating a woman. It can be giving threats of injury to her or her near and dear ones. It can be depriving her of economic resources or essential amenities of life. It can be putting restraints on her movements. It can be not allowing her to talk to the outside world. The list is illustrative and not exhaustive. Physical cruelty could be actual beating or causing pain and harm to the person of a woman. Every such instance of cruelty and related harassment has a different impact on the mind of a woman. Some instances may be so grave as to have a lasting impact on a woman. Some instances which degrade her dignity may remain etched in her memory for a long time. Therefore, 'soon before' is a relative term. In matters of emotions we cannot have fixed formulae. The time-lag may differ from case to case. This must be kept in mind while examining each case of dowry death."

In the case in hand, prosecution led convincing evidence on record that Baljit Kaur victim was not allowed to live in the matrimonial home peacefully. She remained under constant stress on account of one demand or the other during her short stay of about one year and four months in the matrimonial home, which finally led to her tragic death. Prosecution led credible evidence on file to establish the ingredients of offence under Section 304-B of IPC read with Section 113-B of the Indian Evidence Act, 1872.

Now onus was on appellant to rebut the said presumption. Appellant/convict failed to pin-point anything in the testimonies of Surjit Singh father of deceased victim PW-9, Kuldeep Singh complainant, uncle of deceased victim PW-10 and Gopal Singh PW-5 cousin of Surjit Singh which could lead to conclusion that it was not a case of dowry death. Appellant/convict could not lead any evidence in defence to establish his own version.



14. There is ample evidence on record to show that Baljit Kaur was continuously facing maltreatment in matrimonial home by raising one demand after the another. Even soon before her death, she was ill-treated in the matrimonial home which resulted into her unfortunate unnatural death. Therefore, learned trial Court rightly concluded that guilt of Balwant Singh is duly established under the provisions of Section 304-B of IPC and was rightly convicted thereunder. Considering the gravity of offence, quantum of sentence does not require any interference. With this observation, judgment of conviction and order on quantum of sentence dated 09.06.2004 passed by learned Sessions Judge, Ambala qua appellant/convict Balwant Singh does not require any interference and the same is upheld and appeal preferred by him is, accordingly, dismissed.

15. Sentence of appellant Balwant Singh was suspended by the Coordinate Bench of this Court, now he is directed to surrender before learned Chief Judicial Magistrate, Ambala, within one month from today, failing which learned Chief Judicial Magistrate, Ambala would issue warrants of arrest to secure his presence and send him to jail to undergo remaining sentence. Necessary intimation be sent to the concerned Court for information and compliance.

16. Pending miscellaneous application(s), if any, stand(s) disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

13.08.2025

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No