



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

CRM-A-1222-2023 (O&M)
Date of Decision: 21.04.2025

MANPREET SINGH

.....Appellant

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Saurabh Sharma, Advocate,
 for the appellant.

 Mr. Anant Kataria, DAG, Haryana.

* * * * *

ANUPINDER SINGH GREWAL, J. (Oral)

The appellant, who is the brother of the deceased, has filed the instant appeal against the judgment of the trial Court dated 18.03.2023 whereby respondents No.2 to 4 have been acquitted in FIR No.446 dated 22.10.2018 registered under Sections 304-B/34 IPC at Police Station Indri, Karnal.

2. Learned counsel for the appellant submits that the death of deceased-Charanjit Kaur had taken place within eight months of her marriage. There was cogent evidence in the form of statements of material witnesses i.e., PW-2 and PW-5, who are the father and mother of the deceased, that respondents No.2 to 4 were harassing and ill-treating the deceased in connection with demand of dowry immediately prior to her



death, which the trial Court has overlooked.

3. Heard.

4. The prosecution case was initiated on the basis of the complaint of Surjit Singh (hereinafter referred to as the complainant), who is father of the deceased. In his complaint, he stated that his daughter who was about 28 years of age had solemnized her marriage with one Manish Kumar (hereinafter referred to as respondent No.2) on 05.02.2018. After two months of her marriage, the respondents, who are her husband, father-in-law and mother-in-law had started harassing her in connection with demand for dowry. Around four months before her death, respondent No.2 (husband) had telephonically called the complainant and asked him to take back the dowry articles as the same were of 'inferior quality'. He had also stated that when his daughter asked for money for her day-to-day expenses, her mother-in-law (respondent No.3) used to ask her to bring the same from her parental home. Respondent No.2 and his parents also used to taunt his daughter by saying that they had been let down in the society, as her parents had only given a motorcycle as dowry instead of a car. After few days, they sent back his daughter to her parental home and again raised the demand for a car as dowry. His daughter apprised him about the conduct of her husband and in-laws. Thereafter, when respondent No.2 had come to his house to take back the deceased but the complainant told his son-in-law that he did not have the money to purchase a car and requested him to keep his daughter 'decently' in the matrimonial home. After resolving the differences between his son-in-law and daughter, he sent her to her matrimonial home. On 22.10.2018 at



about 7.00 AM, his daughter telephonically called at her parental home and asked them to take her back, as she was very upset. On the same day at around 11.00 AM, one Rulda Ram (maternal uncle/mama of respondent No.2) telephonically informed the complainant that his daughter had consumed poison. The complainant reached the hospital and found that his daughter had expired due to ingestion of some poisonous substance. He asserted that his daughter had taken the extreme step to end her life, due to the harassment faced by her at the hands of respondents No.2 to 4 on account of their dowry demands. Considering the above stated facts, an FIR was registered against the respondents No.2 to 4.

5. After completing the investigation, challan was filed before the trial Court. The charge under Section 304-B IPC read with Section 34 IPC and in the alternative under Section 306 IPC was framed against the respondents. The cause of death as per the medical evidence was suicide by ingestion of aluminium phosphide. The prosecution had examined 11 witnesses to support the case of prosecution, which included material witnesses-Dr. Ashish Verma as PW-1, complainant-father of deceased Surjit as PW-2, Amarjit Singh, uncle of deceased as PW-3 and Jasbir Kaur, mother of deceased as PW-5. The remaining witnesses are the official witnesses. After examining all the witnesses, the prosecution evidence was closed on 04.03.2023.

6. The respondents in their statements recorded under Section 313 CrPC had denied the allegations and they had examined four witnesses in their defence. The evidence of the defence was closed on 18.03.2023.



7. The trial Court after appreciation of the evidence on record had acquitted the respondents of the charges levelled against them on the ground that the evidence on record was doubtful and unreliable and inadequate to convict the respondents for either dowry death or abatement to suicide in the alternative.

8. Learned counsel for the appellant has submitted that there was cogent evidence in the form of statements of the parents of the deceased i.e., PW-2 and PW-5 warranting the conviction of the respondents. However, a careful perusal of the statements of both the witnesses does not indicate that they had been able to substantiate the prosecution case against the respondents. Although they had stated that the respondents were harassing the deceased and had raised repeated demands for dowry due to which their daughter had committed suicide, however, in their depositions before the trial Court they had stated that their daughter was suffering from dengue about 15 days prior to her death and that the respondents No.2 to 4 had taken her to a private hospital for treatment.

9. Moreover, the complainant, who was examined as PW-2, in his deposition before the trial Court had admitted that at the time of marriage of his daughter, they had not provided any phone to the deceased, rather a touch screen phone was gifted to her by her in-laws, which was being used by her and whenever she visited her parental house she brought the same touch-screen phone with her. He also stated that respondent No.2 and his daughter stayed at their home on 2-3 occasions but his daughter had never made any complaint to the police regarding the alleged harassment being



faced by her at the hands of respondents No.2 to 4 and no panchayat meeting had ever been convened in this regard.

10. Furthermore, DW1 Ankit Bansal, who was a partner in a business firm, being run under the name and style of 'Bansal Abhusan Bhandar', had deposed that respondent No.2 had brought his wife-the deceased to his shop many times between April and June, 2018 and had purchased some jewellery articles for her. Photocopies of the bills had also been produced as Ex.D1 to Ex.D3.

11. The testimony of DW-1 assumes significance as the prosecution has failed to provide any details about the date, or month in which the respondents had raised demands for dowry or produce any witnesses in connection with the demand for dowry. There is neither any suicide note by the deceased nor any statement in the form of dying declaration by the deceased to fortify the allegations that the deceased was being harassed in connection with demand for dowry. It is also pertinent to note here that PW-5 Jasbir Kaur, the mother of the deceased in her cross-examination had specifically stated that the respondent No.2 himself taken her daughter to the hospital on the day she died as she had already been suffering from dengue from past 15 days and needed regular checkup/follow up.

12. In view of the above, we are of the considered view that there are several infirmities in the prosecution evidence and the prosecution has not been able to prove its case beyond reasonable doubt, to warrant the conviction of the respondents. The impugned judgment acquitting the respondents does not call for any interference in appeal.



13. It is trite that interference in an appeal against acquittal would be warranted where the judgment is perverse or manifestly illegal. By the judgment of acquittal, the presumption of innocence of the accused is reinforced. Even if, another view is possible from appreciation of evidence, the appellate Court should refrain from interfering in an order of acquittal. Reference may be made to the judgment of the Supreme Court in **Chandrappa & Ors vs State Of Karnataka**, 2007 (4) SCC 415. The relevant extract of the judgment is reproduced as under:

“xxx xxx the following general principles regarding powers of appellate Court while dealing with an appeal against an order of acquittal emerge;

(1) to (3) xxx xxxx xxx

(4) An appellate Court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court.

(5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court.

xxx xxx”

(emphasis supplied)



14. Consequently, we do not find any manifest illegality in the judgment of the trial Court acquitting the respondents and the instant appeal stands dismissed accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

21.04.2025
sandeep

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No