



CRA-S-3851-SB-2014(O&M)

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

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CRA-S-3851-SB-2014(O&M)

Decided on: 21.08.2025

Gurmeet Singh

.....Appellant

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Arvind Thakur, Advocate for the applicant-appellant.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J.

CRM-28992-2014

i) Present application has been filed under Section 5 of Limitation Act read with Section 482 Cr.P.C., seeking condonation of delay of 174 days in filing the accompanying appeal.

ii) Notice of the application.

iii) Mr. Neeraj Madaan, Sr. DAG, Punjab, appears on behalf of respondent-State.

iv) For the reasons enumerated in the application, same is allowed and delay of 174 days in filing the accompanying appeal is hereby condoned.

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1. Vide judgment dated 04.12.2023, learned Additional Sessions Judge, Pathankot (hereinafter referred to as the *learned trial Court*), acquitted the accused persons, namely: i) Naresh Kumar, ii) Kaushalya Devi, and iii) Usha, in the proceedings arising out of FIR No.



148, dated 25.09.2009, registered under Sections 306/34 of the Indian Penal Code, at Police Station Sujampur, Pathankot.

Aggrieved by the said judgment of acquittal, complainant has preferred the present appeal before this Court.

2. The case of the prosecution, as put forth by appellant-Gurmeet Singh (hereinafter referred to as the *complainant*), is that he lodged an FIR stating that he is the father of three sons and one daughter. His younger son-Kamaljit Singh, was married to accused-Usha on 27.03.2009. After 18 to 20 days of the marriage, he came to know that his daughter-in-law Usha was not permitting his son Kamaljit Singh to share the matrimonial bed at night. As a result of this conduct, Kamaljit Singh became mentally distressed and confided the complainant and his younger brother-Sandeep Singh, regarding the situation. Thereafter, complainant discussed the matter with his wife-Manjit Kaur, who in turn shared the information with their daughter-Pooja Devi. Both Manjit Kaur and Pooja Devi attempted to counsel accused-Usha, advising her to fulfil her marital obligations. However, in response, accused-Usha allegedly declared that she would continue to behave in the same manner, as the marriage had been solemnized against her will.

As a consequence of the aforementioned issues, the relationship between Kamaljit Singh (since deceased) and his wife/accused-Usha, became strained over a period of approximately two months. During this time, accused-Usha left the matrimonial home and returned to her parental house, where she remained for about 15 to 20 days.



Subsequently, when Kamaljit Singh went to his in-laws' house to bring his wife back, he was to met with resistance. His brother-in-law/Naresh Kumar, mother-in-law/Kaushalya Devi, and wife-Usha, allegedly quarrelled with him and categorically refused to send Usha back to her matrimonial home.

Feeling disturbed, Kamaljit Singh came back to his home and stopped taking interest in any work. On 24.09.2009, all the family members were sleeping in their rooms after taking meal and Kamaljit had gone to his own room to sleep. It is on the next morning i.e. 25.09.2009 at about 7.00 a.m., complainant's family found that Kamaljit Singh has hanged himself by rope with ceiling fan and is already dead.

3. It was on the basis of the above-stated allegations and circumstances that an FIR under Sections 306 and 34 of the Indian Penal Code was registered at the instance of the complainant against the accused persons, namely, Usha, Naresh Kumar, and Kaushalya Devi (respondents No. 2 to 4). Upon completion of the investigation, police submitted the challan (final report) before the learned trial Court. Charges were accordingly framed against the accused under the relevant provisions of law.

In support of its case, the prosecution examined a total of 11 witnesses, who are as follows

- “i) Gurmeet Singh PW1;*
- ii) Sandeep Singh PW2;*
- iii) PHC Ram Pal PW3;*
- iv) PHC Ram Murti PW4;*
- v) Dr. Raj Kumar PW5;*



- vi) *Sl Gurbachan Singh (now retired) PW6;*
- vii) *Tarlok Singh PW7;*
- viii) *Puran Singh PW8;*
- ix) *MHC Dalbir Singh PW9;*
- x) *ASI Deepak Kumar PW 10;and*
- xi) *Bachan Singh PW11.*

4. After completion of the prosecution evidence, statements of the accused persons were recorded under Section 313 of the Code of Criminal Procedure, wherein the entire incriminating evidence brought on record by the prosecution was put to them. The accused denied the allegations and pleaded false implication. For reference, the statement of the accused under Section 313 Cr.P.C. is reproduced hereunder

“ The suicide note has been fabricated by the complainant party in order to falsely implicate us. The deceased was having cordial relations with his wife, as such, he has not committed suicide. They have not threatened the deceased. The prosecution witnesses have made material improvements in the court regarding visiting of their house and issuing of threats which is totally false and after thought. No complaint or panchayat was ever convened as there was no marital discord. The said alleged writing of the suicide note is not of the deceased nor he wrote any suicide note, but the same is fabricated by the prosecution subsequently. In fact Kamaljit Singh was unemployed and has no independent source of income. He was dependent on his brother both prosecution witnesses. That the parents and brother of Kamaljit Singh turned out Usha from her matrimonial house unless and until she fulfilled their demand of car and other dowry articles and they had been pressurizing her to bring gifts from her parental house as her brother has been blessed with a son and on their refusal



my (accused Naresh Kumar sister's in-laws did not participate in the function regarding the birth of my son. That Kamaljit Singh was intimate and emotionally attached to his wife Usha and were having very good marital relations and leading a happily married life and he was upset on seeing the maltreatment being meted to his wife Usha since he was dependent upon his parents and could not raise voice against them and eventually committed suicide. That Usha was turned out from the matrimonial home a little ahead 10.06.2009 and Kamaljit Singh committed suicide after three months in the house of his parents i.e. prosecution witnesses. The accused were falsely implicated for the reasons that the complainant apprehended that they will claim share in the property and to avoid this eventuality; they were falsely implicated. The deceased was never abetted to commit suicide by us”

5. In defence, complainant examined one witness, namely Mukhtiar Singh, who was marked as DW-1.

6. The statements of the material witnesses, Gurmeet Singh (PW-1) and Sandeep Singh (PW-2), who are none other than the father and brother, respectively, of deceased Kamaljit Singh, have been summarized in paragraph No. 27 of the impugned judgment. For ease of reference, the same is reproduced herein below:

“i) The deceased Kamaljit Singh was married to accused Usha on 27.3.2009.

ii) After one week of marriage, the deceased disclosed it to these witnesses that his wife did not allow him to share bed with her at night and the deceased was advised by Gurmit Singh PW1 to give time to accused to adjust herself at matrimonial home.



iii) After 18-20 days, the deceased again apprised Gurmit Singh PW1 about similar conduct of accused Usha and further apprised him about proclamation of accused Usha that her marriage was solemnized with deceased without her consent and against her wishes. On this premise, she did not allow the deceased to touch her body and to fulfill her marital obligation.

iv) The parents of accused Usha were apprised about her such behaviour by the family of deceased, but they turned against them.

v) Gurmit Singh PWI also apprised his wife Manjit Kaur about such fact, as disclosed to him by the deceased. The accused was subjected to medical examination by lady doctor.

vi) Sandeep Singh PW2 added that his. mother inquired the matter from accused Usha and the accused replied of having pain and thus, she could not had intercourse with deceased. The accused Usha also apprised his mother that her marriage was solemnized against her consent and wishes.

vii) Due to such conduct of accused Usha, the deceased Kamaljit Singh was very perturbed.

viii) On 10.6.2009, the parents of accused Usha took her on the premise that they had been blessed with grandson and they promised to send her back soon. But the accused Usha did not return till 10th July.

ix) According to Gurmit Singh PWI, the deceased Kamaljit Singh accompanied by his brother Sandeep Singh PW2 visited the house of accused on 12th, 15th and 22nd July, but they did not send accused Usha with them, rather they threatened them.

x) Whereas, Sandeep Singh PW2 deposed that on 12.7.2009, he accompanied his deceased brother to the



house of accused, but they did not send her back. They again visited on 15.7.2009, but the accused abused them and did not send back accused Usha with them.

xi) The deceased was worried and disturbed by such conduct of accused Usha and her family.

xii) On 20.9.2009, the accused Naresh Kumar and his father Milkhi Ram came to their house and they had altercation with Manjit Kaur (wife of PW1 and mother of PW2). Manjit Kaur informed Gurmit Singh PW1 on telephone, who was present at his shop. Gurmit Singh and Sandeep Singh PW2 came back to home and found that accused Naresh Kumar and Milkhi Ram were quarrelling with Manjit Kaur. Sandeep Singh PW2 added that Sarpanch was also present there at that time.

xiii) Both witnesses described another incident of 24.9.2009. Gurmit Singh PW1 deposed that the accused Naresh Kumar came to their shop and inquired from them about deceased Kamaljit Singh, who was not present at shop. Then the accused Naresh Kumar went to their house in angry mood, but Kamaljit Singh was also not found present in the house.

xiv) Sandeep Singh PW2 has deposed that on 24.9.2009, the accused Naresh Kumar came to their shop and threatened him to see them all. Then the accused Naresh Kumar went to house but could not find the deceased there and the accused threatened his mother.

xv) Sandeep Singh PW2 further deposed that the deceased Kamaljit Singh returned to home on 24.9.2009 and he was apprised by his mother about act and conduct of accused Naresh Kumar.



xvi) On 24.9.2009. all the family members took their meals and went to their rooms. The deceased Kamaljit Singh came to his room.

xvii) In the next morning, the dead body of Kamaljit Singh was found by these witnesses hanging by rope with ceiling fan of his room.”

7. To examine the issue of abetment, learned trial Court conducted a detailed analysis of the genesis of the discord between the two families and also scrutinized the suicide note allegedly executed by the deceased- Kamaljit Singh.

Learned trial Court first observed that both material witnesses, namely the father (PW-1) and the brother (PW-2) of the deceased, had made material improvements in their versions during the trial. Specifically, from their evidence, it emerged that certain incidents occurred on 20.09.2009 and 24.09.2009, but these facts were not mentioned at the time of lodging the FIR. No explanation was provided for the omission of these facts from the FIR.

Learned trial Court further noticed that the version presented by these witnesses before the Court appeared improbable. In other words, learned trial Court held that the depositions of PW-1 and PW-2, as reproduced above, do not find mention in the FIR and it is thus evident that the genesis of the incident was not disclosed to the Investigating Officer. Rather, the material facts were apparently deposed for the first time during trial as an improved version, thereby undermining the credibility of the prosecution's case.



8. The second ground for acquittal, as observed by the learned trial Court, relates to the suicide note allegedly executed by the deceased Kamaljit Singh. Learned trial Court found that the prosecution failed to prove the factual assertions contained in the suicide note. According to the expert handwriting report, the signatures marked Q1 to Q3 on the suicide note (Exhibit P-1) were identified as those of the deceased, based on comparison with the specimen writing.

However, remaining contents of the suicide note, which primarily consisted of allegations against the accused and were written in pencil, were not proven to have been authored by the deceased. Moreover, learned trial Court observed that Exhibit P-1 was essentially a **New Year Greeting Card**, and the incriminating allegations written on it could not be conclusively linked to the deceased.

These observations significantly undermined the evidentiary value of the suicide note in establishing the prosecution's case. Relevant paragraphs are reproduced herebelow:

“37. At this outset, it is relevant to describe the suicide note Ex.P1 and it is part of "New Year Greeting card" and the following words have been printed on it "Best Wishes to a bright and prosperous New Year" in center portion.

- i) There were three questioned signatures with pencil of deceased Kamaljit Singh as Q1 (towards left top corner), Q2 (in the center towards right side in between printed material "Best Wishes prosperous." and Q3 at bottom on right side.*
- ii) In the top margin of Ex.P1 the following words were written with pencil “ मेरी मौत का जिम्मेवार उषा”*
- iii) In the right margin below "उषा", the following words have been written "USHA Wife or Naresh FCI Brother of Usha"*



iv) Similarly on left margin below word "मेरी", the following words have been written "No.) 3 USHA MOTHER".

v) Apart from this in lower margin the word "Kamal" has been written in between signature Q3 and words "Brother of Usha"

38. The notebook and bank record of deceased Kamaljit Singh were obtained during investigation as specimen and were sent along with suicide note Ex.P1 to Forensic Science Laboratory, Punjab, Chandigarh. The following report Ex.PZ received therefrom; as reproduced below:

"The person who wrote the red enclosed standard signatures stamped and marked A1 to A5 also wrote the red enclosed questioned signatures similarly stamped and marked Q1 to Q3."

39. In other words, the expert report was obtained for signatures Q1 to Q3 as appearing over suicide note Ex.P1 and no step has been taken to get the remaining writing over suicide note Ex.P1 compared with specimen writing of deceased. Nor any valid reason has been assigned for the same. In these circumstances, it is difficult to hold that the pencil writings appearing over suicide note on four margins, as detailed above in para 38, were of same persons, who wrote signatures Q1 to Q3 over there. Nor there is any evidence to prove that such pencil writing was done simultaneously when the signatures Q1 to Q3 were written on suicide note Ex. P1 or such pencil writing was done afterwards. In other words, it cannot be said that the pencil writing over suicide note Ex.P1 was written by deceased Kamaljit Singh or not.

40. Thus, the suicide note Ex.P1 is also not conclusive proof of instigation or abetment of deceased Kamaljit Singh by present accused to commit suicide.

vi)FINAL CONCLUSION

41. In view of discussion made above, the prosecution has miserably failed to prove its charges against the accused. The accused are given benefit of doubt and are acquitted from the charges levelled against them."



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9. It has been observed that prosecution has improved its version before the Court and has thus failed to produce the necessary evidence to substantiate the charges against the accused. Further, the document relied upon by the prosecution i.e. **suicide note** (Exhibit P-1) containing allegations against the accused, remains completely unproved, thereby further weakening the prosecution's case.

In view of the reasoning assigned by the learned trial Court in its judgment, this Court finds the same to be well-founded and not unrealistic. There is no compelling ground or material on record to warrant reversal of the findings recorded by the learned trial Court.

Moreover, it is settled law that while dealing with the appeal against the judgment of acquittal, realising that both the views are possible for deciding the appeal; one, favouring the already acquitted accused by learned trial Court shall prevail.

Hence, there being no extraordinary material available on record to take the view of conviction, present appeal is hereby dismissed.

(SANJAY VASHISTH)
JUDGE

August 21, 2025
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**