



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

CRM-A-1793-2023 (O&M)

Date of decision: 7th August, 2025

State of Haryana

... Applicant/appellant

Versus

Sombir

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
HON'BLE MR. JUSTICE H. S. GREWAL**

Present: Mr. Yuvraj Shandilya, Asst. Advocate General, Haryana
for the applicant/appellant.

MANJARI NEHRU KAUL, J.

1. This criminal appeal has been preferred by the State of Haryana challenging the judgement dated 10.04.2023 passed by the Court of learned Additional District & Sessions Judge, Sonipat, whereby the respondent-accused, Sombir, has been acquitted of the offences punishable under Sections 304-B and 498-A of the IPC, but convicted under Section 306 IPC for abetment of suicide of his wife, Nandini.

2. Learned State counsel contends that the learned trial Court failed to properly appreciate the evidence, and that the acquittal under Section 304-B and 498-A IPC has resulted in a miscarriage of justice. The State, therefore, seeks conviction of the respondent under those provisions.

3. Having heard learned counsel for the parties and having perused the evidence and other material on record, we find no merit in the appeal for the reasons to follow.

4. Nandini (hereinafter referred to as 'deceased') was married to respondent-accused Sombir (hereinafter referred to as 'accused') on 10.03.2016. On 30.08.2017, a telephonic message was received at the Police Station that Nandini had been admitted to Government hospital, Sonipat, as a case of poisoning. ASI Bijender Singh, along with other police officials, reached the hospital and collected the medico legal report (Ex.PW5/B) and a sealed vial containing gastric lavage (Ex.PW6/A).

5. Since Nandini had been referred to BPS Medical College Kanpur, her statement could not be recorded due to the odd hour and unavailability of transportation. On 31.08.2017, information was received that she had died during treatment. Consequently, FIR (Ex.PW8/A) was registered on a written complaint made by PW-2 Naveen Kumar, cousin brother of the deceased.

6. In his complaint, it was alleged that soon after marriage, deceased was subjected to cruelty by her husband, accused Sombir, and mother-in-law on account of dowry demands. On 30.08.2017, deceased allegedly consumed a poisonous substance due to persistent harassment. After completion of investigation, charge-sheet was presented against accused under Section 498-A and 304-B IPC. The mother-in-law of the deceased, was not found involved and was not proceeded against.

7. The trial Court framed charges under Sections 498-A and 304-B IPC against accused. He pleaded not guilty and faced trial. The prosecution examined 12 witnesses in support of its case. Key witnesses

included: PW-2 Naveen Kumar (complainant/cousin of deceased), who reiterated allegations of cruelty and dowry demands by the accused. He claimed that the deceased had confided in him about harassment; PW-3 Neet, another cousin of the deceased, supported the version of PW-2 Naveen Kumar with respect to the dowry-related torture. PW-10 Meena, mother of deceased, also deposed regarding cruelty and demands for dowry. PW-4 Dr. Pawan Mittal, who conducted the postmortem, concluded that death was due to zinc-phosphide poisoning. PW-5 Dr. Praveen, who initially examined the deceased and referred her to BPS Khanpur, also confirmed poisoning from gastric lavage. In addition, PW-9 ASI Bijender Singh, Investigating Officer, who recorded the statement of the complainant leading to the registration of the FIR, also testified before the trial Court with respect to all the proceedings carried out by the police after the crime was reported to him.

8. The learned trial Court, after analyzing the entire evidence, concluded that the cause of death was on account of zinc-phosphide poisoning and within 7 years of marriage, however, the case of the prosecution was riddled with material contradictions, inconsistencies, and significant improvements during depositions, particularly in the testimonies of PW-2 Naveen Kumar, PW-3 Neet and PW-10 Meena. The trial Court also emphasized upon there being a complete absence of any prior complaint, FIR, or convening of any panchayat relating to cruelty or dowry harassment prior to the incident; there was no evidence to show that the deceased was subjected to cruelty “soon before her death” in connection with dowry demands – a sine qua non for conviction under Section 304-B IPC.

9. In view of the above, the trial Court found the offence under Section 304-B IPC not proved and the presumption under section 113-B of the Indian evidence Act inapplicable.

10. However, it found that the deceased committed suicide within a short period of about one-and-a-half years of marriage and the circumstances suggested that she had been mentally and emotionally distressed due to ill treatment in her matrimonial home. The accused failed to discharge the burden of explaining the cause or reason behind the suicide. Thus, the trial Court convicted the accused under Section 306 IPC for abetment of suicide.

11. Learned counsel for the appellant-State assailed the acquittal under Sections 498-A and 304-B IPC, arguing that the trial Court erroneously discarded reliable testimonies of key prosecution witnesses, who had supported the allegations of harassment and dowry demands. It was further asserted that the prosecution need only prove its case beyond reasonable doubt – not every conceivable doubt. Learned State counsel also submitted that the presumption under Section 113-B of the Indian Evidence Act ought not to have been invoked, given that deceased died an unnatural death within 7 years of marriage. Hence, as per the learned counsel for the State, there was sufficient evidence to prove that cruelty was meted out to the deceased in connection with dowry, justifying conviction under Sections 498-A – 304-B IPC.

12. To establish an offence under Section 304-B IPC, the following essential ingredients must be satisfied:

- i. the death of a woman must be caused by burns, bodily injury, or occur otherwise than under normal circumstances;

- ii. such death must occur within 7 years of the marriage;
- iii. the woman must have been subjected to cruelty or harassment by her husband or her relatives;
- iv. such cruelty or harassment must be in connection with demand for dowry;
- v. such cruelty or harassment must have taken place “soon before her death”.

13. A conjoint reading of Section 304-B IPC and Section 113-B of the Indian Evidence Act makes it evident that the presumption of dowry death arises only upon proof of all the above ingredients.

14. In the present case, while the first 2 ingredients stand fulfilled (unnatural death, within 7 years of marriage), the prosecution has failed to establish the remaining essential elements:

- the testimonies of PW-2 Naveen Kumar, PW-3 Neet and PW-10 Meena, upon close scrutiny, are inconsistent, vague, and materially improved during trial;
- no evidence was led by the prosecution of any previous complaint, panchayat, or medical legal report substantiating the alleged harassment to the deceased;
- no evidence was led to prove that the deceased was subjected to any cruelty or harassment “soon before her death”;
- crucially, the testimony of PW-2, complainant was contradicted by admissions in his cross-examination : he acknowledged that another sister of his, Anjali, also married

in the same family, continued to live happily with her in-laws and no complaint was ever made prior to the suicide;

- the trial Court rightly found the allegations of dowry demands to be vague, unsubstantiated, and unsupported by any contemporaneous evidence.

15. The learned trial Court after correctly appreciating the law on abetment and instigation, convicted the accused under Section 306 IPC by holding that the suicide by a young married woman within 18 months of marriage, under distressing and unexplained circumstances, coupled with the lack of any credible explanation from the accused, raises a strong inference of abetment as defined under Section 107 IPC.

16. As a sequel to the above, we find no error in the conclusion of the learned trial Court that the prosecution failed to prove the charge under Sections 304-B and 498-A IPC beyond reasonable doubt.

17. Accordingly, the instant appeal, along with the application seeking condonation of delay in filing the appeal, is dismissed. The impugned judgment dated 10.04.2023 passed by the learned trial Court is affirmed.

(MANJARI NEHRU KAUL)
JUDGE

(H. S. GREWAL)
JUDGE

August 7, 2025
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No