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**(2015) 02 P&H CK 0260**

**In the Punjab And Haryana At Chandigarh**

**Case No :** Criminal Appeal Nos. D-835-DBA, S-724-SB of 2002 and Crl. Revn. No. 1524 of 2002

State of Punjab and Others

APPELLANT

Vs

Jagjit Singh and Others

RESPONDENT

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**Date of Decision :** 27-02-2015

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 313  
Penal Code, 1860 (IPC) — Section 304B, 304-B, 406, 498-A

**Citation :** (2015) 02 P&H CK 0260

**Hon'ble Judges :** T.P.S. Mann, J;Shekher Dhawan, J

**Bench :** Division Bench

**Advocate :** Rajesh Bhardwaj, Additional Advocate General, for the Appellant;  
P.S. Ahluwalia, Advocates for the Respondent

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**Judgement**

Dr. Shekher Dhawan, J.

1. Present judgment shall dispose of two separate appeals having been filed by appellants and the revision petition filed by complainant Mohinder Singh against judgment of conviction dated 15.04.2002 and order of sentence of even date.

2. Brief facts relevant for the purpose of decision of present appeals as well as revision petition are that Mohinder Singh got recorded FIR on the basis of his statement Ex. PA that his daughter Ravinder Kaur alias Raju (since deceased) was married to Jagjit Singh-appellant. Iqbal Singh is father and Manjit Kaur is the mother of Jagjit Singh, whereas, Sarabjit Singh and Balwant Singh are brothers of Jagjit Singh. All of them are accused in this case. Sufficient dowry articles were given at the time of marriage. Accused were not satisfied with the dowry articles given at the time of marriage. They used to raise additional demand of dowry i.e. Maruti Car. From the wedlock of Jagjit Singh and Ravinder Kaur, one female child was born.

3. In December, 2000, Ravinder Kaur accompanied by her sister Jagrup Kaur

came to see her parents and informed the complainant that she was being harassed by her in-laws and was fed up with them. She also disclosed that accused persons had threatened her to bring a sum of Rs. 2,00,000/- from her parents for the purchase of car failing which she should not return to the matrimonial home. Complainant got issued a Fixed Deposit receipt of Rs. 30,000/- and handed over the same to his daughter Ravinder Kaur. Complainant also assured Jagjit Singh that he would be visiting Ludhiana after the sale of his crop so as to fulfill the demand of Rs. 2,00,000/- and requested him not to harass his daughter. Despite that accused gave beatings to the deceased and turned her out of her matrimonial home. Ravinder Kaur visited the house of Avtar Singh (son of Manjit Singh who is sister's son of the complainant) and apprised him of all the facts. Avtar Singh took Ravinder Kaur to the house of accused and paid Rs. 2,000/- and requested the accused to treat the deceased nicely.

4. On February 16, 2001 at about 11.30 am, Ravinder Kaur made a telephonic call to the complainant that all the five accused were causing her a lot of harassment and she was feeling depressed. She was given beatings and thereafter turned out of her matrimonial home along with her daughter. Complainant tried to console his daughter and assured that he would be visiting her during the next week and advised her to go back to the matrimonial home. On February 17, 2001, complainant visited the house of Avtar Singh and Avtar Singh told him that Jagjit Singh and Manjit Kaur had approached him on February 16, 2001 in the evening and inquired whether Ravinder Kaur along with her daughter visited his house. Avtar Singh told that they had not visited him nor he had any information about them. Complainant lodged the FIR expressing his apprehension that either the accused had murdered Ravinder Kaur and her daughter or caused her disappearance. Efforts were made to search Ravinder Kaur and her daughter. On February 27, 2001, on receipt of telephonic call from the complainant, Investigating Officer visited Sirhind Canal near village Rampur and recovered one pair of "sandal" and one yellow "shawl" of the deceased and took them into possession vide memo Ex. PB. On February 28, 2001, SI Dogar Ram received information that the dead body of female was floating in Sirhind canal and police party reached there and found two dead bodies i.e. one of Ravinder Kaur and the other of her minor daughter, namely, Mamna. The same were identified by the complainant. Post-mortem examination of the dead bodies was got done and other investigation proceedings were completed. Accused were arrested and after completion of investigation, challan was presented in the Court.

5. All the five accused were charged for commission of offences under Section 304-B, 498-A and 406 IPC to which they pleaded not guilty.

6. Prosecution examined 10 witnesses in all. Accused were examined under Section 313 Cr.P.C. and accused pleaded innocence and false implication. Accused examined 8 witnesses in defence.

7. Learned Trial Judge, after considering the material and evidence available on file held Jagjit Singh and Manjit Kaur @ Gurbachan Kaur guilty for commission of offence under Sections 304-B IPC and sentenced to undergo rigorous imprisonment for eight years each. However, conviction was not recorded under Section 498-A IPC as they were convicted for graver offence. Accused Balwant Singh was convicted for the offences under Section 498-A IPC and sentenced to undergo one year rigorous imprisonment and fine of Rs. 2,000/- whereas, accused Iqbal Singh, Sarabjit Singh and Balwant Singh were acquitted of the charges under Section 304-B IPC. The accused persons were acquitted of offence under Section 406 IPC.

8. Being aggrieved of passing of judgment of conviction and order of sentence, both the Criminal Appeals filed by the appellants while revision filed by the complainant.

9. Mr. P.S. Ahluwalia, learned counsel arguing on the point of innocence of all the accused, mainly took the plea that the prosecution version is improbable. The relations between both the parties were cordial and no complaint was ever made by the complainant before the police or before any Court regarding harassment of Ravinder Kaur. It has come in evidence that whenever parents of Ravinder Kaur used to visit Ludhiana, they would be staying at the house of both the daughters for same duration including at the matrimonial house of Ravinder Kaur. Earlier, there were no allegations that there was any demand of dowry from the appellants' side. Appellants, who were husband and in-laws of Ravinder Kaur were well off and there was no reason or occasion for them to raise demand of more dowry.

10. Learned counsel for the appellants also took the plea that even the prosecution case itself is not believable as alleged conduct of Jagrup Kaur was unnatural as she had allowed her sister Ravinder Kaur to go back, who was weeping bitterly when she visited her house and complained about harassment at the hands of her in-laws. The matter was reported to the police after a long time and after obtaining legal advice as family members of the complainant party consisted of practising lawyers at Ludhiana.

11. While arguing on these points, Mr. Rajesh Bhardwaj, learned Advocate General, Punjab took the plea that all the basic ingredients of offence under Section 304B IPC have been established on the file as death of Ravinder Kaur along with female child of about 2 years had taken place by way of drowning into water. The circumstance leading to such unnatural death was because of harassment for demand of dowry at the hands of the appellants. The trial Court has already applied its mind and rightly held the appellants-accused guilty.

12. Mr. R.S. Bains, learned counsel for the complainant took the plea that the learned trial Judge has taken a lenient view while awarding the sentence after passing the order of conviction.

13. Having considered the rival contentions raised by learned counsel for both

the parties, we are of the considered view that in this case Ravinder Kaur (since deceased) was married to appellant Jagjit Singh on 24.01.1998. A female child was born out of this wedlock. She had complained about harassment and demand of dowry at the hands of her husband Jagjit Singh and his brothers and parents who are appellants before the Court.

14. Complainant Mohinder Singh has come with the plea that appellants were raising demand of car as a dowry. Complainant tried to fulfill the demands as he had handed over Fixed Deposit of Rs. 30,000/- drawn from the Bank of Baroda and handed over the same to the deceased. The death had taken place around 17.02.2001 i.e. just after three years of marriage. At that time, Ravinder Kaur was having her minor child in her lap and was tied with her body. Immediately before the occurrence, Ravinder Kaur had narrated her tale of woes about harassment at the hands of appellants for demand of dowry to her sister. She had also made telephonic call from PCO to her parents narrating the incidence of harassment to her.

15. The evidence available on file is statement of complainant Mohinder Singh (PW-1), who is father of the deceased. He has supported the prosecution case as per his version already detailed in written complaint Ex. PA on the basis of which formal FIR was recorded. PW-1 had also deposed that on 17.02.2001 he along with his brother Ram Singh and his wife had gone to the house of Avtar Singh, who is his sister's son and enquired him about Ravinder Kaur. At that time Avtar Singh had informed the complainant that on 16.02.2001, Jagjit Singh and Manjit Kaur (appellants before the Court) had visited his house and enquired about Ravinder Kaur. Avtar Singh had told them that Ravinder Kaur had not visited him. Thereafter on 27.02.2001, Avtar Singh along with his wife were going towards Rampur side as they were searching for Ravinder Kaur and they found one "shawl" and a pair of shoes of Ravinder Kaur near the canal bridge. Accordingly, he informed the Investigating Officer to visit the spot and said articles were taken into police custody vide memo Ex. PB. The dead bodies of Ravinder Kaur and her daughter were recovered from canal water in presence of PW Sohan Singh. The version of complainant has been duly supported and corroborated by PW-3 Jagrup Kaur, who is real sister of Ravinder Kaur. She deposed that the appellants had been continuously taunting and harassing Ravinder Kaur for demand of dowry and had also raised demand of Maruti Car. Ravinder Kaur had disclosed that fact to her about 5-6 months after marriage and she used to inform her regularly about harassment being given to her. PW-3 also corroborated the version of complainant Mohinder Singh that in December, 2000 Ravinder Kaur had gone to her parental house and disclosed about harassment at the hands of appellants but at that time the family members persuaded Ravinder Kaur to stay at her matrimonial home only and had assured that demand of dowry would be met after harvesting the crop. As per PW-3, Ravinder Kaur had visited her house on 16.02.2001. At that time, Ravinder Kaur was weeping bitterly and disclosed that her husband had hurled abuses on her father on telephone. Ravinder Kaur also told that all the five accused used to beat her.

16. Learned trial Judge also placed reliance upon testimony of PW-4 Gagan Sharma, who is the owner of PCO situated on the Gill Road, Ludhiana. As per PW-4, on 16.02.2001 at about 11.30 A.M. a women along with her small children had visited his PCO and asked him to connect phone No. 05943-55345 and accordingly he connected the same number. She talked about 4-5 minutes and she was weeping at that time. He produced computerized bill for the telephone as Ex. PF. PW-2 Ashok Kumar, PW-5 Surinder Batra, PW-6 Avinash Chandra and PW-10 Sheetal Vashisht were examined to prove the dowry articles produced by the complainant.

17. PW-7 Dr. Jasbir Singh deposed during the trial of the case that on 28.02.2001, he had conducted post mortem examination on the dead body of Ravinder Kaur while he was posted as Medical Officer at Civil Hospital, Ludhiana. As per PW-7, the cause of death was due to asphyxia as a result of drowning, which was sufficient to cause death in the ordinary course. The drowning was ante mortem in nature and probable time between injury and death was immediate and between death and post mortem was about 12 days and proved PMR Ex. PG. As per PW-7, he has also conducted post mortem examination on the dead body of female child and cause of death in the case of female child was also the same and proved the post mortem report Ex. PH.

18. PW-8 ASI Joginder Singh is the Investigating Officer, who had completed the investigation proceedings. PW-9 SI Dogar Ram deposed that two dead bodies were recovered on 28.02.2001. Photographs were taken on the spot after arrangement. The dead bodies were taken for post-mortem examination. Inquest report of the dead bodies were prepared.

19. Against the above discussion, the defence version is plea of denial. However, accused persons took the plea that they have been falsely implicated. Eight witnesses were examined in defence evidence. DW-1 Beant Singh was examined to prove that accused Iqbal Singh had filed a complaint in the office of SSP, Ludhiana and inquiry was conducted and accused Beant Singh and Sarabjit Singh were found to be innocent. DW-2 Ram Chander is the record keeper from Punjab and Sind Bank and deposed that accused Iqbal Singh was working with the same bank as Daftri and retired voluntarily on 29.01.2001. DW-3 Kundan Lal Arora was examined to establish that Jagjit Singh was working with M/s. Seth Industrial Corporation as turner and was earning Rs. 3,000/- per month. DW-4 Gurmel Singh, DSP proved the inquiry report Ex. DH, which he had conducted and findings in the inquiry were that Balwant Singh and Sarabjit Singh were innocent in the case. DW-5 Pishora Singh was examined to prove that Jagrup Kaur PW-3 used to tell deceased Ravinder Kaur that she had been married in a poor family and Ravinder Kaur was feeling small. She was under the impression that she had been married in a poor family. Ravinder Kaur was getting higher education so as to bring herself to the level of her sister Jagrup Kaur.

20. DW-6 Satwant Singh and DW-8 Jagtar Singh had deposed that they were residents of same locality where the appellants were residing and they had not

heard about such incident about the appellants harassing Ravinder Kaur for demand of dowry.

21. As the evidence available on file, there is no dispute on the fact that Ravinder Kaur along with her daughter aged about two years died unnatural death by way of drowning in canal water. The death had taken place within three years of marriage of Ravinder Kaur. The allegations are that Ravinder Kaur was being harassed on account of demand of more dowry soon before death. The said allegations find support and corroboration from testimonies of PW-1 Mohinder Singh and PW-3 Jagrup Kaur, who are the witnesses before whom Ravinder Kaur could explain her tale of woes. The medical evidence by way of post-mortem examination having been done by PW-7 Dr. Jasbir Singh established that Ravinder Kaur and her minor daughter died because of asphyxia and drowning in canal water. The testimonies of PW-1 Mohinder Singh and PW-3 Jagrup Kaur have rightly been believed by the trial Judge that Ravinder Kaur was victim of demand of dowry and harassment at the hands of her husband Jagjit Singh.

22. Apart from support of the prosecution case by way of statement of complainant Mohinder Singh and PW-3 Jagrup Kaur, the testimonies of PW-4 Gagan Sharma, PW-2 Ashok Kumar, PW-5 Surinder Batra, PW-6 Avinash Chandra and PW-10 Sheetal Vashisht do support and corroborate the prosecution case. During investigation, the version of the complainant was found to be correct that Ravinder Kaur was victim of demand of dowry at the hands of the appellants.

23. The learned trial Judge had also rightly come to the conclusion that Jagjit Singh being husband of Ravinder Kaur was under legal obligation to explain the circumstances under which the death of his wife Ravinder Kaur had taken place during short span of three years and the only conclusion which can be drawn from such facts and circumstances is that the deceased was being mal-treated and was victim of cruelty and harassment at the hands of her husband.

24. However, learned trial Judge had wrongly come to the conclusion that Manjit Kaur was going to be the beneficiary of demand of dowry. There was no circumstance, evidence or material available on the file from which it could be established that she had been privy to the maltreatment and harassment of her daughter-in-law. Rather, her case is on the same footing as that of her co-accused Iqbal Singh and Sarabjit Singh, who were acquitted by the trial Court. For similar reasons even the conviction of Balwant Singh under Section 498-A cannot be sustained. At the same time, the conviction of Jagjit Singh under Section 304-B IPC needs to be upheld as he was going to be the main beneficiary of demand of dowry. However, his sentence of imprisonment deserves to be reduced from eight years to seven years.

25. Resultantly, Criminal Appeal No. D-835-DBA of 2002 filed by the State of Punjab and Criminal Revision No. 1524 of 2002 filed by complainant Mohinder Singh are dismissed. Criminal Appeal No. S-724-SB of 2002 filed by Jagjit Singh, Manjit Kaur @ Gurbachan Kaur and Balwant Singh is disposed of by acquitting

Manjit Kaur @ Gurbachan Kaur and Balwant Singh of the charges against them, and while maintaining the conviction of Jagjit Singh under Section 304-B IPC, his sentence of imprisonment of eight years is reduced to rigorous imprisonment for seven years.