

2025:PHHC:147135-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. NO.101

CRA-D-643-DBA-2004 (O&M)
RESERVED ON:17.10.2025
DATE OF DECISION:28.10.2025

STATE OF PUNJAB

...APPELLANT

VERSUS

JAGTINDER SINGH AND ANOTHER

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. H.S. Deol, Senior DAG, Punjab.

Mr. Rajeshwar Singh Thakur, Advocate
for the respondents.

N.S. SHEKHAWAT, J.

1. By way of the instant appeal, the State of Punjab has challenged the impugned judgment dated 17th December, 2003 passed by the Court of Sh. Ajay Kumar, Sessions Judge, Gurdaspur, whereby the trial Court had acquitted the respondents of the charges under Sections 302/ 304-B IPC.

2. The prosecution in the present case was launched initially on the basis of the statement (Exhibit PF) of Ajit Singh, complainant and the same has been reproduced as below:-

"I am a resident of village Dhira Jattan. I am employed as class IV employee in canal department as Malikpur. I have three children. Eldest among them is my daughter Kuljit Kaur, who is aged about 26 years, younger to her is Baljinder Singh and younger to him is Jagdip

Kaur. My daughter Kuljit Kaur had passed B.A.B.P.Ed last year. About 4½ months back, my daughter Kuljit Kaur was married to Jagtinder Singh alias Pappu son of Ajit Singh, caste Jat, resident of Khanpur Chowk, Pathankot, according to religious rites and customs. At the time of her marriage, I had given dowry more than my financial capacity and just after their marriage, my son-in-law Jagtinder Singh and his sister Narinder Kaur started demanding more dowry from my daughter. About two months back my daughter Kuljit Kaur told us on telephone that, my husband Jagtinder Singh and my 'Nanand' (husband's sister) Narinder Kaur are demanding a motor cycle 'Hero Honda' and other dowry articles and daily taunt me, you should arrange motor cycle and other dowry articles from them. Next day, I alongwith mediator Kashmir Singh resident of Peeran Abadi Ladho Chanck (New colony) went to the in-laws' house of my daughter at village Khanpur. I and Kashmir Singh mediator tried our best to make Jagtinder Singh and his sister Narinder Kaur to understand that I am a poor man, I cannot give more dowry, but they did not pay attention to our request and remained struck to their demand of motor cycle. When they did not pay any attention to our request then I and Kashmir Singh brought our daughter to our house. Then after 15 days I and Kashmir Singh after taking with us Kuljit Kaur went to her In-laws' house at Khanpur and requested our son-in-law and his sister Narinder Kaur that I am a poor man, I will arrange for a motor cycle and will give it to you, and after requesting them left my daughter in her in laws' house. About 4/5 days back, my son-in-law came to our house at village Dhira and told us that, I have executed an agreement for the purchase of a plot near Khanpur Chowk, you should give me Rs. One Lac for its purchase. I again said to him I am a poor person, I can not give so much amount, but will help you as per my capacity. Today, I alongwith Balbir Singh son of Chaju Ram caste Mehra, resident of village Dhira Jattan went to see my daughter Kuljit Kaur and reached in her-in-laws house at Khanpur Chowk, Pathankot, at about 8' o, clock. When I alongwith Balbir Singh went up stairs, the door of the room was closed and I heard the shrieks. When I opened

the door and entered in the room, at that time Narinder Kaur had caught hold both the legs of my daughter Kuljit Kaur and my son-in-law Jagtinder Singh had put a rope on her neck, on the bed, and was pulling it in the backward direction and on seeing us entering in the room, they after opening the inner door of the room ran away through the door of the adjoining room. I touched my daughter Kuljit Kaur and found her dead. My son-in-law Jagtinder Singh and his sister Narinder Kaur with their common intention have killed my daughter by putting a rope on her neck and by pressing her neck with it. After leaving Balbir Singh to guard the deed body, I was going to lodge the report that you have met me. Action be taken against the above said accused.

Attested.

*Sd/- Varinder Singh, SI SHO
P.S. Sadar Pathankot, 12.2.2001. ”*

Ajit Singh aforesaid

Sd/- In English

3. After recording of the statement (Exhibit PF) by SI Varinder Singh, PW-10, the FIR (Exhibit PF/2) was recorded by the police. Thereafter, the Investigating Officer, along with other police officials, reached the spot and also prepared the inquest report (Exhibit PE) and the dead body was sent for post-mortem examination by the doctors of the Civil Hospital, Pathankot. The post-mortem was conducted by Dr. Bhupinder Singh Kanwar along with two other doctors and the post-mortem report (Exhibit PC) was prepared. After post-mortem examination, the investigation was conducted by the police and the statements of various witnesses, acquainted with the facts of the case, were also recorded and the final report of investigation was presented before the Area Magistrate. Since the case was exclusively triable by the Court of Sessions, it was committed and after taking into consideration the challan and the accompanying documents, charge under Section 304-B IPC was ordered to be framed against both the respondents. In alternative, charge under Section 302 read

with Section 34 IPC was also framed against both the respondents, to which they pleaded not guilty and claimed trial.

4. In support of its case, the prosecution relied upon 10 witnesses, whereas the defence also examined two witnesses in the present case.

5. The prosecution examined HC Kuldip Kumar as PW-1 and C. Salwinder Singh as PW-2, whose testimonies were formal in nature. The prosecution further examined Dr. Bhupinder Singh Kanwar as PW-3, who was part of the Board of Doctors, which had conducted the post-mortem on the dead body of Kuljit Kaur and as per him, the following injuries were found on the body of deceased:-

“Ligature mark was noticed in the neck. It was oblique and bluish-brown in colour, approximately half inch in width. High up in the neck, between chin and larynx running upwards and backwards, to the nape of neck, except for 4 cms in the back of neck on right side and 2 cms on the left side in continuation. Base was pale and parchment like and hard. On dissection, ecchymosis was present on the edge of ligature mark. Subcutaneous tissue was white hard and glistening under the mark. On the right side, cartoid sheath was torn and blood was present around it. Face was pale in colour. Eyes mildly congested. No mark of dribbling of saliva from the angle of mouth was noticed. No other external injury was noticed on the body. Pleurea and lung congested. Larynx congested and petechial haemorrhage was present. Viscera was sent for chemical analysis. Bladder was normal. Uterus was pregnant with 10 to 12 weeks pregnancy. All other organs were normal but congested.

In our opinion, the cause of death in this case was due to injury no. 1 i.e. on ligature the neck, leading to vasovagal shock and death in the ordinary coursed of nature. This injury was ante mortem in nature.”

6. He further identified his signatures on the post-mortem report (Exhibit PC) and also submitted that he had duly signed the inquest report (Exhibit PE). In his cross-examination, he stated that he had started the post-mortem examination immediately on receipt of the necessary papers.

7. The prosecution further examined PW-4 Narinder Singh Dhillon, who claimed that his house had adjoined the house of Jagtinder Singh, respondent No. 1. Both the respondents used to demand dowry from the deceased and as such there used to be a dispute between the two. Kuljit Kaur, the deceased, used to say that her father was poor and was not in a position to give more dowry as he had already given the dowry at the time of wedding as per his financial status. On 12th February, 2001 at about 8:15 a.m., he had heard the cries of Ajit Singh from the house of the accused, shouting that his daughter had been killed by the accused due to demand of dowry and he rushed to the spot and saw the dead body of Kuljit Kaur lying on the bed. He had not seen any rope on the bed near the body. His statement was recorded by the police on 26th February, 2001, i.e. about 14 days after the occurrence. In his cross-examination, he admitted that his village falls in District Hoshiarpur. He owned agricultural land and cultivated it in village Nainowal. He was also a registered voter of that village. He further admitted that he had not seen the police officials doing any writing work in the house of the accused. He had returned his house after ten minutes. The prosecution further examined Rajesh Kumar, Draftsman as PW-6, who had prepared the scaled site plan (Exhibit PG). The statements of PW-7 Kashmir Singh and PW-8 Gulzar Singh, Constable, were formal in nature. The prosecution further examined Balbir Singh as PW-9. The prosecution also examined the

complainant, Ajit Singh, as PW5, who reiterated the avements made in the FIR and fully supported the prosecution case. He admitted that there is only one staircase leading to the first floor of the house. He pleaded ignorance if Narender Pal Kaur, respondent No.2 was married in Village Talwandi Lal Singh. He admitted that Jagtinder Singh, respondent No.1, belongs to Village Sohian, District Amritsar and owned landed property there. He further admitted that Kuljit Kaur, deceased, was BA.B.P.Ed, whereas respondent No.1, her husband, told his qualification as 10+2 passed. He heard the shrieks of his daughter while going upstairs; however, they did not chase both the respondents, as they were taking care of their daughter at that juncture.

8. The prosecution further examined Balbir Singh as PW-9, who had gone along with Ajit Singh, PW-5. He also supported the case of the prosecution. He stated that on seeing them, both the respondents/accused had run away from the spot along with the rope. When they saw the body of Kuljit Kaur, she was already dead. There were some broken pieces of bangles on the bed and the bed-sheet was folded from one side. In his cross-examination, he admitted that respondent No.1 was aged about 40/45 years of age and he had performed a second marriage with Kuljit Kaur (since deceased), aged about 23/24 years.

9. The prosecution further examined Varinder Singh Inspector/SHO as PW-10, who conducted the investigation in the present case. He had prepared the final report and the challan was presented by SI/SHO Kuldeep Singh. In his cross-examination, he admitted that there was no mention about the piece of rope and broken pieces of bangles lying on the bed near the dead body. There was no mention in the inquest report about

taking into possession the rope and the bangles. He admitted that the statement of Balbir Singh was not part of the inquest report, but was lying separately in the file. He did not draw the plan of the size of the dead body in column No.24 of the inquest report. He further admitted that he had not shown the presence of the accused in the rough site plan.

10. After the prosecution evidence concluded, the statements of the accused/respondents, were recorded. It was pleaded in defence that on the date of occurrence, respondent No.1 was present in his village in District Amritsar, where he used to cultivate his land. The deceased was BA.B.P.Ed, whereas respondent No.1 was only matriculate, and it was his second marriage. The deceased was not happy with her marriage as she was kept in dark by her parents at the time of marriage and she was intended to marry someone else. The deceased tried to commit suicide twice in her parents' house and only 3/4 days ago, she was sent in the house where his ailing sister was residing. He never demanded any money nor harassed her. Even respondent No.2 had raised the following defence in her statement under Section 313 CrPC:-

“After the death of my husband and two young sons I started living at my parent's house in Amritsar District. I am heart patient and had heart attack and for this purpose I was getting treatment at Pathankot where deceased was living. Deceased was living in the first floor whereas I was staying in the ground floor. In the morning at about 8.30 A.M. I went to the room of the deceased that she has not woken up so far and I saw her hanging with the fan hook. I informed father of the deceased as well as the police of P.S. Sadar Pathankot. The mother of the deceased informed on telephone to me that the father of deceased has gone to his duty and man has been sent to bring him. In the meanwhile police also reached in the room where deceased was hanging herself dead. On chair beneath the fan hook

was also present there which was taken into possession by the police. Police Thanedar himself cut the rope and got down the dead body from the hook of the fan. Parents of the deceased later on to save themselves concocted this case. Deceased was not happy with the marriage of my brother who was only matriculate whereas deceased was B.P.Ed and so she wants to marry some where else and her parents forcibly married her with my brother whose first wife had also died. On this deceased tried two times to commit suicide at the house of her parents and only 3/4 days prior father of the deceased left her at Pathankot where she hanged herself.”

11. In their defence, the respondents examined DW-1 Jasbir Singh, co-villager of the respondents, who stated that the relations between respondent No.1 and his wife were strained, as the deceased was highly qualified, whereas respondent No.1 was not educated and was unemployed. Her father had wrongly told her that respondent No.1 was highly qualified and was a government employee. She was not able to reconcile the said fact and had refused to go to her in-laws' house. Ultimately, she committed suicide. The defence also examined DW2, Dr. H.S. Dhillon, Medical Officer, Civil Hospital, Gurdaspur, who stated that he had gone through the post-mortem report, Exhibit PC of Kuljit Kaur (since deceased). The time between the death and the postmortem was more than 12 hours and less than 24 hours. The type of ligature mark on the neck of the deceased in the post-mortem report was consistent with hanging, because this type of ligature mark, its upward obliquity and the sparing of ligature mark on the nape of the neck, is usually seen in hanging. There were no signs of violence on the dead body of the deceased and this happens in suicide cases usually. The ecchymosis and parchment of skin beneath the ligature mark indicated that the body had remained suspended for some time.

12. After both the sides had concluded their respective evidence, the trial court, vide its impugned judgment, held that the prosecution had miserably failed to prove the charge under Sections 302 and 304-B IPC and still respondent No.1 was held guilty for a lesser offence i.e. under Section 498-A IPC and was sentenced to undergo RI for a period of three years with a fine of Rs. 8,000/-.

13. Assailing the said judgment, the present appeal has been preferred before this Court.

14. Learned State Counsel has vehemently argued that the prosecution had examined PW-5 Ajit Singh, who was duly supported by the statement of PW-9 Balbir Singh and from a cumulative reading of both these statements, it was apparent that the deceased was harassed and maltreated by the respondents in connection with the demand for dowry. Even Kuljit Kaur (since deceased) had been informing her parents and other relatives in this regard. Learned State counsel further contended that on the date of occurrence, the father, along with Balbir Singh, had visited the house of his daughter and saw that respondent No.1 had put a rope around her neck and by pulling the same, he had murdered Kuljit Kaur, whereas respondent No.2 had caught hold of both her legs. Learned counsel further contended that even the medical evidence clearly suggested that both the respondents had killed the deceased and the impugned judgment is based on misappreciation of evidence.

15. On the other hand, learned counsel representing the respondents referred to various findings recorded by the trial Court and sought for upholding the same. Learned counsel submitted that the witnesses of the prosecution had falsely deposed that Kuljit Kaur (since deceased) was

murdered by the respondents, whereas in reality, she had committed suicide and by exercising his political influence, the complainant managed to get a false FIR registered against the respondents. Thus, the impugned judgment is liable to be upheld by this Court.

16. We have heard learned counsel for both the parties and perused the case file minutely.

17. The respondents had been primarily charged for committing the murder of Kuljit Kaur and accordingly they were charge-sheeted for committing the offence under Section 302 IPC. To substantiate the charge, the prosecution had mainly relied on the testimonies of PW-5 Ajit Singh and PW-9 Balir Singh. The star witness of the prosecution, i.e. Ajit Singh stated that he had given sufficient dowry in the wedding of his daughter. After marriage, both the respondents started harassing and maltreating the deceased. Even Kuljit Kaur (since deceased) had informed her father two months prior to the occurrence about the harassment meted out to her by the respondents. Ultimately, he, along with the mediator, visited the respondents and told both the respondents that his financial condition was not good and she should not be harassed. About 4/5 days prior to the occurrence, respondent No.1 visited them and once again demanded a sum of Rs.1 lac for purchase of land. On this, PW-5 Ajit Singh again pleaded his inability to meet the financial demand raised by respondent No.1. On 12.02.2001 at about 8.00 AM, when he, along with PW-9 Balbir Singh, visited the house of her daughter, he found that respondent No.2 had caught hold of the legs of his daughter, whereas, respondent No.1 had put the rope around the neck and on seeing them, both fled through the adjoining room. However, the trial Court is right in observing that admittedly there was only one staircase

leading to the first floor of the house and there was only one door of the house. Admittedly, when he had reached at the spot, Kuljit Kaur (since deceased) had already died. Surprisingly, none of the witness had made any effort to caught hold of the accused nor raised any noise, which could attract other villagers at the spot. Moreover, PW-5 had also admitted that his daughter Kuljit Kaur (since deceased) was BA.B.P.Ed, whereas Jagtinder Singh was less qualified.

18. Similarly, PW-4 Narinder Singh Dhillon, no doubt, supported the case of the prosecution, but his testimony also does not inspire confidence. He owned agricultural land and also cultivated the same in village Nainowal, District Hoshiarpur and he was also a registered voter of that village. He had no reason to visit village Khanpur and even he claimed himself to be an eyewitness, but his statement was recorded by the police after 14 days of the occurrence. Even in the statement, there was no explanation for the delay in recording his statement. Apart from that, he stated that immediately prior to the occurrence, Ajit Singh had requested him to persuade the accused not to harass his daughter. However, PW- 5 Ajit Singh never stated that PW-4 Narinder Singh Dhillon was ever requested by him to prevail upon the accused and to intervene in their domestic affairs.

19. Similarly, the trial court recorded detailed reasons for discarding the testimony of PW-9 Balbir Singh. Even, the trial Court rightly observed that the unnatural conduct of PW-9 Balbir Singh and PW-5 Ajit Singh for not chasing both the accused at the time of occurrence and not even raising the hue and cry clearly militates against the genuineness of the prosecution case. Even detailed findings have been recorded with regard to the recoveries made from the spot, which make the prosecution case to be highly

improbable. Even PW-5 Ajit Singh stated that one rope was lying on the bed, whereas PW-9 Balbir Singh stated that both the accused had fled away along with the rope. On the other hand, PW-4-Narinder Singh Dhillon had never seen any such rope at the place of occurrence. Even PW-10 Varinder Singh, Inspector/SHO had not shown the recovery of any such article in the recovery memo or during the inquest report. Still further, even the medical evidence also indicated that death of Kuljit Kaur had taken place in the midnight and not on the early morning of 12th February, 2001. Further, the medical evidence clearly suggested that PW-5 Ajit Singh and PW-9 Balbir Singh may not have even witnessed the occurrence and the ocular account does not seem to be truthful.

20. Furthermore, the trial court discussed the statements of PW-3 Dr. Bhupender Singh Kanwar, who was part of the medical board, which conducted the post-mortem examination and DW-2, Dr. HS Dhillon, who appeared as a defence witness. In fact, this court also agreed that the type of ligature mark on the neck of the deceased in normal course was consistent with the theory of hanging, as this type of ligature mark its upward obliquity and sparing of ligature mark on the nape of the neck is generally witnessed in hanging. Apart from that, it is the admitted case of the prosecution also that there were no marks of struggle at the spot nor any marks of violence were visible on the dead body of Kuljit Kaur (since deceased). Rather, the medical evidence was clearly suggestive of suicidal hanging. Further, the ecchymosis and parchment of skin beneath the ligature mark were suggestive of the fact that the dead body might have remained suspended for some time. Consequently, this Court is in consonance with the detailed finding recorded by the trial court that in the present case, the possibility of

homicidal stimulation may not be there and it appears to be a case of suicidal death. Thus, the findings recorded by the trial Court, while acquitting the accused of the charge under Section 302 IPC, are ordered to be upheld.

21. Apart from that, the trial court rightly held that from the testimonies of PW-5 Ajit Singh, and PW-9 Balbir Singh, it was evident that Ajit Singh, father of the deceased, was a Class-IV employee in Education Department, having 3 children. Even due to his poor financial condition, he could not get his daughter married in a good family. It is also an admitted fact that responder No.1 was aged about 40/45 years of age, having land in his name and was also a matriculate. Even his first wife had left him and it was his second marriage. On the other hand, Kuljit Kaur (since deceased) was BA.B.P.Ed and was aged about 26 years. Thus, it is apparent that the family of PW-5 Ajit Singh (complainant) was well aware of the good financial status of respondent No.1 and it is unbelievable that respondent No.1 had raised demand of a Hero Honda motorcycle or an amount of Rs.1 lac for purchase of a plot, as respondent No.1 was already aware of the poor financial condition of the family of the deceased. Thus, it is apparent that the prosecution had failed to prove that the deceased was subjected to harassment in connection with demand of dowry soon before her death and the respondents had been rightly acquitted of the charge under Section 304-B IPC.

22. It has been held by the Hon'ble Supreme Court in the matter of **“Bhaskarrao and others Vs. State of Maharashtra”, 2018 AIR (Supreme Court) 2222; 2018 (5) RCR (Criminal) 228** as follows:-

“14. As the trial court and High Court, having appreciated the evidence on record, has come to diametrically opposite

*conclusions, mandating herein to observe certain witness statements which may have an important bearing in this case. In the processes of appreciating the evidence at the appellate stage, we need to keep in mind the views of this court as expressed in **Tota Singh and Anr. v. State of Punjab, 1987(2) RCR (Criminal) 35 : 1987 CriLJ 974 -***

"The High Court has not found in its judgment that the reasons given by the learned Sessions Judge for discarding the testimony of PW2 and PW6 were either unreasonable or perverse. What the High Court has done is to make an independent reappraisal of the evidence on its own and to set aside the acquittal merely on the ground that as a result of such reappraisal, the High Court was inclined to reach a conclusion different from the one recorded by the learned Sessions Judge. This Court has repeatedly pointed out that the mere fact that the Appellate Court is inclined on a reappraisal of the evidence to reach a conclusion which is at variance with the one recorded in the order of acquittal passed by the Court below will not constitute a valid and sufficient ground for setting aside the acquittal. The jurisdiction of the Appellate Court in dealing with an appeal against an order of acquittal is circumscribed by the limitation that no interference is to be made with the order of acquittal unless the approach made by the lower Court to the consideration of the evidence in the case is vitiated by some manifest illegality or the conclusion recorded by the Court below is such which could not have been possibly arrived at by any court acting reasonably and judiciously and is, therefore, liable to be characterized as perverse. Where two views are possible on an appraisal of the evidence adduced in the case and the court below has taken a view which is plausible one, the Appellate Court cannot legally interfere with an order of acquittal even if it is of the opinion that the view taken by the Court below on its consideration of the evidence is erroneous."

15. In *Ramesh Babulal Doshi v. State of Gujarat, 1997(3) RCR (Criminal) 62 : 1996 CriLJ 2867*, this Court observed:

"This Court has repeatedly laid down that the mere fact that a view other than the one taken by the trial Court can be legitimately arrived at by the appellate Court on reappraisal of the evidence cannot constitute a valid and sufficient ground to interfere with an order of acquittal unless it comes to the conclusion that the entire approach of the trial Court in dealing with the evidence was patently illegal or the conclusions arrived at by it were wholly untenable. While sitting in judgment over an acquittal the appellate Court is first required to seek an answer to the question whether the findings of the trial Court are palpably wrong, manifestly erroneous or demonstrably unsustainable. If the appellate court answers the above question in the negative the order of acquittal is not to be disturbed."

23. Keeping in view the above referred discussion and the law laid down by Hon'ble the Supreme Court, it can be safely concluded that the impugned judgment by the learned trial Court is based on sound reasons and there does not seem to be any illegality or perversity in the impugned judgment. Accordingly, the present appeal is ordered to be dismissed, being devoid of any merits. Pending application(s), if any, shall also stand disposed off, accordingly.

(N.S. SHEKHAWAT)
JUDGE

(SUKHVINDER KAUR)
JUDGE

28.10.2025
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO