



**CRA-D-912-DBA-2004 (O&M) &
CRR-947-2004**

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

(1) CRA-D-912-DBA-2004 (O&M)

State of Punjab

....Appellant

V/s

Tej Kaur

....Respondent

(2)

CRR-947-2004

Jarnail Singh

....Petitioner

V/s

Tej Kaur and others

....Respondents

Date of decision: 30.07.2025

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

Present: Mr. H.S. Deol, Senior DAG, Punjab
for the appellants in CRA-D-912-DBA-2004 and
for respondent No.3 in CRR-947-2004.

Mr. A.P.S. Deol, Senior Advocate with
Mr. Vishal R. Lamba, Advocate for the petitioner
in CRR-947-2004.

Mr. Narinder Singh, Advocate
for the respondent in CRA-D-912-DBA-2004 and
for respondent No.1 in CRR-947-2004.

H.S.GREWAL, J.

1. This judgment shall dispose of CRA-D-912-DBA-2004 and CRR-947-2004 as both have arisen out of the same FIR. For the sake of brevity, the facts are being taken from CRA-D-912-DBA-2004.

2. CRA-D-912-DBA-2004 (preferred by the State) and CRR-947-2004 (preferred by the complainant) are directed against the judgment dated



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23.12.2003 passed by the Sessions Judge, Bathinda, in case FIR No.359 dated 07.08.2000, registered under Sections 302/34 IPC, at Police Station Kotwali, Bathinda whereby the respondents-Tej Kaur and Satwinder Singh @ Raju had been acquitted of the charges by giving them the benefit of doubt.

3. The case of the prosecution is that on 06.08.2000, ASI Mukhtiar Singh had received a Docket (Ex.PG) from Civil Hospital, Bathinda regarding the admission of Sarabjit Kaur with burn injuries on the basis of which he along with other police officials reached at Civil Hospital, Bathinda. He moved an application (Ex.PF) to the doctor asking his opinion about the fitness of Sarabjit Kaur to make a statement but the Doctor declared her unfit vide endorsement (Ex.PF/1). Thereafter, the complainant-Jarnail Singh had got recorded his statement (Ex.PJ) mentioning that his daughter Kamaljit Kaur alias Sarabjit Kaur (victim) was married to Iqbal Singh son of Balaur Singh on 11.12.1994. She was being harassed by the family of her in-laws in connection with dowry and a case bearing F.I.R. No. 111 dated 04.03.2000, under Sections 406/498-A/34 IPC was also registered in Police Station, Kotwali Bathinda against the accused/respondents but it was later compromised and his daughter had started residing in the adjoining house of her in-laws' house. Tej Kaur and Satwinder Singh alias Raju are the mother-in-law and brother-in-law (Husband's brother) respectively of Sarabjit Kaur. They were quarrelling with her on account of the fact that a criminal case was registered for demand of dowry against them and they will make her life hell due to this.

4. On 06.08.2000, the complainant-Jarnail Singh and his son-Gurjant Singh came to the house of Joginder Singh for some domestic work. Daughter of Joginder Singh is married to Gurjant Singh. At about 09.30 PM, Joginder



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Singh received a telephonic message that Sarabjit Kaur was set on fire by her mother-in-law and brother-in-law and residents of the locality had taken her to the hospital. Upon this, he along with Joginder Singh and Gurjant Singh came to the hospital and had enquired from Sarabjit Kaur about the incident. She told him that she was thrown on the Gas-stove and thereafter, they kept on pressing her on account of which she received burns on her breast, neck and her clothes caught fire. She raised an alarm and the accused ran away. She came in the street. Fire was extinguished by some residents of the locality. After disclosing it, she stopped speaking. She was set on fire by the accused with their common intention for dowry and other reasons.

5. ASI Mukhtiar Singh sent the statement of the complainant-Jarnail Singh (Ex.PJ) to the police station after making endorsement (Ex.PJ/1) and F.I.R. (Ex.PJ/2) was recorded under section 307 read with section 34 of the Indian Penal Code. ASI Mukhtiar Singh went to arrest the accused, but they were not found anywhere. Thereafter, the investigation was handed over by him to Inspector/Station House Officer Bhupinder Singh, Police Station, Kotwali Bathinda. At about 01.30 PM, Bhupinder Singh received a message that Sarabjit Kaur had expired. Offence under section 302 of the Indian Penal Code was added and D.D.R. No. 29 dated 07.08.2000 was recorded. Inspector Bhupinder Singh came to Civil Hospital, Bathinda, where ASI Mukhtiar Singh and Jarnail Singh were present. He prepared Inquest report (Ex.PO). Constable Manjit Singh was deputed to get the post-mortem examination of the body of Sarabjit Kaur. The Investigating officer went to the place of occurrence in the company of photographer. He prepared a rough site plan (Ex.PP). One Gas Cylinder (Ex.P-1), Gas Stove (Ex.P-2) and regulator(Ex.P-3) were taken into



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police possession from the Kitchen vide recovery memo (Ex.PK) attested by A.S.I. Mukhtiar Singh and Jasmal Singh Sarpanch. One partly burnt *chunni* was recovered, which was made into a parcel and taken into police possession vide recovery memo (Exh PL). After getting the dead body subjected to post-mortem examination, Constable Manjit Singh produced a parcel of the clothes of the deceased, which was taken into police possession vide recovery memo (Ex.PN) attested by A.S.I. Mukhtiar Singh. Video Cassette regarding the post-mortem of the dead body was taken into police possession vide recovery memo (Ex.PM). Both the accused were arrested on 13.08.2000 and after completion of the investigation, report under section 173 of Code of Criminal Procedure was submitted in the Court and a charge under Section 302 read with section 34 IPC was framed against the respondents to which they pleaded not guilty and claimed trial.

6. Learned State counsel submits that the trial court had erred in acquitting the respondents while there was sufficient material to prove their guilt. Although the prosecution had presented strong evidence including the testimony of PW3 Jarnail Singh, who is the father of deceased and had fully supported the prosecution case qua the demand of dowry and registration of the previous FIR under Section 498-A IPC. Moreover, deceased-Sarabjit Kaur had given oral dying declaration to her father-Jarnail Singh when he reached there to see her. The doctor had permitted him to talk to her daughter. On enquiry of the incident, Jarnail Singh was told by Sarabjit Kaur that she was boiling milk in the kitchen and her mother-in-law and brother-in-law came inside the kitchen and pushed her on to the burning gas stove, causing severe burns to her chest, neck, and clothes. Moreover, the testimony of PW5 Bihari Lal, who was



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leader of the Union of employees of Thermal Plant and before whom extra judicial confession was made, was not taken into consideration. He testified that the family of Balour Singh was not happy with the dowry given by Jarnail Singh. He was on visiting terms with their family and had also intervened to get the matter compromised several times. The medical evidence including the statement of Dr. Krishan Gopal also reveals that Sarabjit Kaur was admitted at 09:10 PM with history of burns and remained conscious till 11:00 PM. Dr. Vinod Kumar had also deposed that the cause of death was due to burn injuries and therefore, learned State counsel submits that the judgment of acquittal is liable to be set aside.

7. Learned Senior counsel appearing for the petitioner/complainant in CRR-947-2004 submits that it is a case of brutal murder of a young woman, who was allegedly set on fire by her in-laws, on the pretext of demand of dowry. He submitted that the trial court failed to properly consider the oral dying declaration made by the deceased to her father, Jarnail Singh, which should have been treated as strong and credible evidence. The extra-judicial confession made by the accused/respondents before PW5 Bihari Lal was trustworthy and supported the prosecution's case. The prosecution had laid specific motive to the respondents because there were previous civil as well as matrimonial litigations between the parties. He pointed out that Respondent No.1-Tej Kaur had filed a suit for injunction against Jarnail Singh from restraining him from entering the plot and Iqbal Singh had filed a divorce petition for dissolution of marriage on the ground of cruelty. Sarabjit Kaur (deceased) had also filed a petition under Section 24 of the Hindu Marriage Act



seeking maintenance in which interim relief was granted as a result thereof, the respondents had strong motive to get rid of the deceased.

8. On the other hand, learned counsel for the respondents submits that there are material inconsistencies in the prosecution case qua the involvement of the respondents and the trial court had rightly acquitted the respondents by giving them the benefit of doubt. The statement of PW3 Jarnail Singh with regard to oral dying declaration of Sarabjit Kaur(deceased) was neither recorded by a Magistrate nor by the attending doctor. PW2 Dr. Krishan Gopal had deposed that the deceased was declared unfit to give a statement at 11:20 PM, raising serious doubts on whether she was medically fit to provide any coherent statement to her father prior to that. No independent or neutral witness has corroborated this alleged oral dying declaration, making it unsafe to base a conviction solely on such uncorroborated testimony. The alleged extra-judicial confession made before PW5 Bihari Lal is inherently weak and unreliable. PW5 was not an impartial witness because he had a past history of mediating between the parties. The respondents had brought reliable medical evidence showing that the deceased-Sarabjit Kaur, was a chronic patient of epilepsy and depression, as proved by DW1 Dr. Vandana Singla and she was under treatment as per the prescription slips from 1999 onwards. It was submitted that the deceased likely suffered a fit while cooking, which led to accidental burns, a possibility that has not been effectively ruled out by the prosecution. The deceased had earlier attempted to commit suicide on 07.01.1999 by consuming poison and was admitted to the hospital by her father-Jarnail Singh. DDR No. 20 dated 07.01.1999 (Ex.DB) was also recorded in this regard. This clearly indicates a history of mental health issues and suicidal tendencies, which could



explain the unfortunate incident without necessarily involving the accused. It was also submitted that the deceased and her husband Iqbal Singh had been residing separately at the time of the incident, reducing the likelihood of their presence or involvement. While prior matrimonial disputes existed, they alone do not prove motive for murder. No eyewitness or independent locality witness was examined to support the prosecution's version. Therefore, the trial court rightly acquitted the respondents by giving them the benefit of doubt.

9. We have heard learned counsel for the parties and have carefully perused the material available on record.

10. In order to prove its case, the prosecution has examined as many as 14 witnesses.

11. P.W.1 Dr.Vinod Kumar, Medical Officer, Civil Hospital, Bathinda was a member of the Board of doctors, who had conducted the post-mortem examination on the dead body of Sarabjit Kaur alias Kamaljit Kaur on 07.08.2000 at 01.40 PM, who had given the following remarks-

“Superficial to deep burn on upper part of chest. Whole of front of neck, lower part of face up to ears, both hands, medical aspect of right knee, in front of chest 6 cm above naval. Bullae was present at many places. Skin was peeled off at some places. Line of redness was present between burnt and normal skin. On dissection Odeme glottidis was present congestion larynx and trachea was present.

Skull, Scalp and Vertebree and ‘membranes were congested’ were healthy. The walls ribs and cartillages were healthy. Pleurae, Larynx and Tracheae, right lung left lung were congested. Left side was empty. Right side was full of blood Walls, of abdomen were healthy. Peritoneium, mouth, Pherynx and Oesophagus were



congested. Stomach was congested and contained about 150 cc unidentifiable material. Small intestines was congested and contained chyme. Large intestine was congested and contained faecal matter. Liver, Spleen, Kidneys were congested. Bladder was congested and contained 15ml of urine.”

He further deposed that the cause of death was not declared at the time of post-mortem and it was declared on receipt of the report of the Chemical Examiner Ex.PA and the report of the Pathologist Ex PB. Vide opinion Ex.PC they opined that death was due to burn injury, which was *ante-mortem* in nature and sufficient to cause death in the ordinary course of nature. Copy of the post-mortem is Ex.PD. Other members of the Board were Dr. J.S.Sandhu and Dr. Ramesh Rani Thukral. The probable time that elapsed between injuries and death was within 12 hours and between death and post-mortem within 24 hours. Exh.PD/1 is the pictorial diagram showing the seat of injuries.

12. P.W.2 Dr. Krishan Gopal was posted as Medical Officer in Civil Hospital, Bathinda on 06.08.2000. He deposed that Sarabjit Kaur was admitted in the Civil Hospital at 09.10 PM with history of burns and she was conscious at the time of admission and was referred to Surgical Specialist after providing first aid. She was conscious at 10.00 PM, 10.30 PM, 11.00 PM and 11.20 PM. She died at 12.10 AM on 07.08.2000. He further deposed that on police request (Ex.PF), he declared her unfit to make statement at 11.20 PM on 06.08.2000 vide endorsement Exh.PF/1. He had also sent docket (Ex.PG) to the police giving information of admission of Sarabjit Kaur in the hospital at 09.10 PM on 06.08.2000. Another information Ex.PG was also sent by him to the police regarding her death.



13. PW3 Jarnail Singh, who is the complainant and father of the deceased, had deposed that his daughter-Sarabjit Kaur was married with Iqbal Singh on 11.12.1994 and Balaur Singh, Iqbal Singh, Tej Kaur and Paramjit Kaur, her father-in-law, husband, mother-in-law and sister-in-law respectively were harassing his daughter for bringing insufficient dowry. He got registered F.I.R. No.111 under Sections 406/498-A/34 IPC against them. He also deposed that on 06.08.2000, he and his son Gurjant Singh had come to Bathinda to the house of Joginder Singh (father-in-law of his son) and at about 09:30 PM, Joginder Singh had received a telephonic message from some resident of Janta Nagar, Bathinda that Kamaljit Kaur alias Sarabjit Kaur had been burnt by Tej Kaur and Satwinder Singh alias Raju (mother-in-law and brother-in-law respectively) and she was taken to the hospital. He, his son and father-in-law of his son came to the hospital, where Serabjit Kaur was lying admitted in the Emergency Ward and the Doctor permitted him to talk to her. He further stated that she was conscious and he had enquired from her about the incident. She told him that she had gone to the Kitchen to boil milk and when she was doing so and had put the gas on, her mother-in-law Tej Kaur and her brother-in-law, namely, Satwinder Singh alias Raju came inside and threw her on the burning gas stove, as a result of which her breast, neck and clothes caught fire. They pressed her from back side on the gas stove. She raised alarm upon which they ran away. She came out of the house in the street while raising alarm and the residents of the locality had extinguished the fire and got her admitted in the hospital. In this regard, he had recorded his statement Ex.PJ before the police and thereafter, the present FIR was registered.



14. PW4 Joginder Singh, who is the father-in-law of Gurjant Singh had reiterated the same version as PW3 Jarnail Singh and had supported the prosecution case.

15. PW5 Bihari Lal, who was an employee of Thermal Plant, Bathinda, had stated that he was on visiting terms with the family of Balaur Singh who was not happy with the dowry given by Jarnail Singh. He intervened several times to get the matter compromised between Balaur Singh and Jarnail Singh. He further deposed that on 13.09.2000, he was got stopped by Tej Kaur, who told him that they had done very bad thing by burning Sarabjit Kaur on a gas stove and he should help them as he had already helped in compromising their matter. Thereafter, Satwinder Singh @ Raju told him that they had severely burned a girl with gas. They all sat in the Rickshaw with him. Thereafter they came to Gole Diggi, where police met them and his statement was recorded. He also stated that he was the Leader of Union of the employees of the Thermal Plant.

16. PW7 ASI Mukhtiar Singh had deposed that on 06.08.2000, he had partly investigated this case and the investigation was handed over to the SHO/Inspector Bhupinder Singh.

17. PW8 Bhupinder Singh was the Station House Officer of Police Station, Kotwali Bathinda, to whom the investigation was handed over by ASI Mukhtiar Singh. Thereafter, the investigation was handed over by him to the Inspector/Station House Officer Bhupinder Singh, Police Station, Kotwali Bathinda. He prepared the inquest report (Ex.PO), rough site plan (Ex.PP) and made recovery of one gas cylinder (Ex.P1), gas stove (Ex.P2) and regulator (Ex.P3) from the Kitchen vide recovery memo (Ex.PK). One partly burnt



chunni was also recovered from the spot, which was taken into police possession vide recovery memo (Exh PL). Videography of the post-mortem of the dead body was also taken into police possession vide recovery memo (Ex.PM). He also deposed that the accused/respondents were arrested on 13.08.2000 and after completion of the investigation, report under section 173 Cr.P.C. was submitted in the Court.

18. After closing the prosecution evidence, the statement of the accused/respondents under Section 313 Cr.P.C. were recorded wherein they had denied all the prosecution allegations and also pleaded innocence and false implication in the case by stating that Iqbal Singh along with his wife Sarabjit Kaur (deceased) was residing separately in Balla Ram Nagar, Bathinda. They also deposed that Sarabjit Kaur(deceased) was chronic patient of epilepsy and was undergoing treatment before and after her marriage. She had attempted to commit suicide before and after the marriage due to epilepsy. On 07.01.1999, she attempted to commit suicide by consuming some poisonous substance and was got admitted in Civil Hospital, Bathinda by her father. DDR No. 20 dated 07.01.1999 (Ex.DB) was got recorded by her father Jarnail Singh and thereafter, Sarabjit Kaur and her husband-Iqbal Singh were residing in a separate house. Iqbal Singh had filed a divorce petition on the ground of cruelty and the complainant-Jarnail Singh became vindictive, got false case registered on 04.3.2000 under Sections 498-A/406 IPC against their entire family, but during the investigation, they all were found innocent. All the dowry articles were taken away by the complainant with the help of the police. They were taken on Supardari by Jarnail Singh. On 06.08.2000, Sarabjit Kaur sustained accidental burns under fits of epilepsy in her kitchen and she was carried to the



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hospital with the help of the residents of the locality, where she was treated, but unfortunately expired. Her father and other relatives were informed by her husband on telephone. Jarnail Singh accompanied by Sarpanch of his village and many other persons came there and a false case was registered against them while no statement (dying declaration) was made by Sarabjit Kaur before Jarnail Singh and his relatives.

19. In their defence, the respondents had examined Dr. Vandana Singla, Medical Officer, Civil Hospital, Bathinda as DW1. She was M.D. Psychiatry and had deposed that Sarabjit Kaur wife of Iqbal Singh, resident of Bathinda was a case of epilepsy with depression. She remained under her treatment on O.P.D. basis. She was getting treatment from her since the year 1999. She was still under her treatment. She also stated that during fits the patient of epilepsy may become unconscious. This witness issued 14 prescription slips, which were Ex.DE/1 to Ex.DE/13.

20. DW2 Balwant Singh, a Pharmacist at Civil Hospital, Bathinda, explained the procedure followed for treating patients at the hospital. He had stated that when a patient visits the hospital's OPD (Outpatient Department), their details are recorded in a register and an OPD slip is issued with a serial number matching the entry in the register. He had brought the record of OPD register for the year 1998-99 and confirmed the entries of patient Sarabjit Kaur (deceased) i.e. Sr. Nos. 23805 dated 15.04.1999, 36868 dated 10.05.1999, 41298 dated 26.05.1999, 44113 dated 03.06.1999, 62525 dated 02.08.1999, 63577 dated 04.08.1999, 68201 dated 17.08.1999, 69937 dated 19.08.1999, 76696 dated 07.09.1999, 76850 dated 13.09.1999 and 81851 dated 28.09.1999.



21. After considering the statements of all the witnesses and taking into account the evidence led by both the sides, the trial Court had observed that the prosecution had failed to prove its case and the respondents had been given the benefit of doubt.

22. The prosecution case largely depends on the alleged oral dying declaration made by the deceased-Sarabjit Kaur to her father (PW3 Jarnail Singh). However, this statement was not recorded by a Magistrate or doctor, which is normally expected in such serious cases. According to PW2 Dr. Krishan Gopal, the deceased-Sarabjit Kaur was declared unfit to make a statement at 11:20 PM while PW3 Jarnail Singh claimed that he had spoken to her before that, but there is no independent or medical witness in its support. Also, the deceased's ability to speak clearly and coherently is questionable, given her condition after suffering deep burns.

23. The post-mortem report showed congestion in internal organs, including the lungs and larynx. PW1 Dr. Vinod Kumar suggests that in cases of severe burns and neurogenic shock, a person may be technically conscious but not be able to speak clearly due to physical trauma. Her tongue was caught between her teeth and both hands were burnt, indicating serious trauma. Thus, the possibility of her giving a coherent and detailed statement at around 10:45 PM, seems highly unlikely and appears to be an afterthought.

24. The prosecution also relied on an extra-judicial confession made by the accused/respondents to PW5 Bihari Lal. However, such confessions are considered weak in law unless it is strongly supported by other evidence. In this case, PW5 had prior involvement in mediating disputes between the families, making him an interested witness. His statement was vague and not



backed by any other evidence, so the Court cannot rely on it for convicting the accused/respondents.

25. The defence produced strong medical evidence showing that the deceased was a chronic patient of epilepsy and depression. She had even attempted suicide earlier by consuming poison, which was officially recorded by her father. It cannot be ruled out that she suffered a seizure while cooking and accidentally caught fire. This theory was supported by DW1 (Dr. Vandana Singla) and DW2 (Pharmacist Balwant Singh), who confirmed her long-term treatment history. The possibility of an accidental burn incident has not been effectively ruled out by the prosecution.

26. The hospital admission record (Ex. PE/1) was prepared when Sarabjit Kaur was first admitted, clearly indicates that the burns were accidental. This record was based on the information given by the patient herself and there is no reason to doubt the doctor's entry. Importantly, no medical expert has claimed the burns were homicidal in nature.

27. According to the prosecution, the alleged oral dying declaration was made around 10:45 PM, and the statement of PW3 Jarnail Singh was recorded at about 11:30 PM. The FIR is shown to be registered at 12:20 AM. However, the special report was only sent to the Magistrate at 09:00 AM the next morning. This unexplained delay raises serious doubts about the genuineness and timing of the FIR which suggests that the prosecution story may have been fabricated after the death.

28. The neighbours, who had taken the deceased to the hospital, were not examined by the prosecution and their absence weakens the case and suggests the prosecution did not present a complete or fair version of events.



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29. Although there were earlier disputes and legal cases between the parties, such issues alone do not prove a motive for murder especially on the ground that the respondents were not living in the same house as the deceased at the time of occurrence which reduces likelihood of their presence during the incident.

30. In criminal jurisprudence, mere suspicion, no matter how strong, is not enough to prove the guilt of the accused/respondents beyond reasonable doubts. In this case, the evidence is not strong or clear enough to convict the accused/respondents and therefore, we do not find any infirmity or illegality in the judgment of the trial Court acquitting the respondents by giving them the benefit of doubt.

31. Consequently, CRA-D-912-DBA-2004 and CRR-947-2004 are hereby dismissed and the acquittal of the respondents is upheld. Pending application(s), if any, shall stand disposed of accordingly.

(MANJARI NEHRU KAUL)
JUDGE

(H.S.GREWAL)
JUDGE

30.07.2025
A.Kaundal

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