



CRM-A-103-MA-2016

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

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CRM-A-103-MA-2016
Date of Decision:-16.09.2025

State of Punjab

.....Appellant

Versus

Vijay Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Japjot Singh, AAG, Punjab.

ALOK JAIN, J. (Oral)

The present appeal has been filed raising challenge to the judgment dated 31.07.2015 passed by learned Additional Sessions Judge, Patiala, whereby, the respondents have been acquitted in FIR No. 112 dated 15.07.2014 under Sections 306 and 34 of the Indian Penal Code, 1860 registered at Police Station Shambhu.

2. Learned counsel for the appellant has vehemently argued that the learned trial Court has fell in error in not appreciating the cogent evidence available on record and has misconstrued the same, which has led to the miscarriage of justice.

3. However, a perusal of the judgment demonstrates that the prosecution has examined the complainant, the wife of the complainant; Doctor and the Investigating Officer apart from the other official witnesses. Learned Court below while relying upon the post-mortem report, duly recorded that the cause of death was a head injury and admittedly, the deceased was residing separately from her in-laws and her husband and the



said fact was also admitted by the complainant himself that the deceased was having a separate mess.

4. As regard the allegation of demand of fan, the same was found to be a concocted story. The deceased had a marriage of 08 years and have two children and there was no cogent evidence to proceed in the matter. It is also not forth coming as to how the deceased suffers the said injury. The ingredients of Section 306 IPC are not met as neither there is any *mens rea qua* the accused nor any act or conduct brought forth to demonstrate the same.

5. In light of the above, finding no infirmity in the judgment passed by the Court below, the present appeal is dismissed.

(ALOK JAIN)
JUDGE

September 16, 2025

Parul

Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No