



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

202

**CRA-D No.745-DBA of 2005 (O&M)**

Date of decision: July 29<sup>th</sup>, 2025

The State of Punjab

.....Appellant

Versus

Pardip Singh and another

.....Respondents

**Criminal Revision No.2231 of 2005**

Joginder Dass @ Mahant Rajinder Dass

.....Petitioner

Versus

Pardip Singh and another

.....Respondents

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

Present: Mr. Amit Rana, Senior Deputy Advocate General, Punjab,  
for the appellant.

Mr. Kuldeep Singh, Advocate  
for the petitioner.

**MANJARI NEHRU KAUL, J.**

By this order, we propose to dispose of the above-mentioned appeal as well as the Criminal Revision Petition as they both arise out of a same occurrence.

2. CRA-D-745-DBA-2005 has been preferred by the State of Punjab and CRR-2231-2005 has been preferred by the complainant challenging the judgment of acquittal dated 21.04.2005 passed by learned Sessions Judge, Kapurthala, whereby the accused-respondents Pardip Singh (husband of Jasbir Kaur) and Inderjit Kaur, mother-in-law of Jasbir Kaur, were acquitted of the charges under Section 304-B of the IPC.

3. For the sake of convenience, the facts are being taken from CRA-D-745-DBA-2005.

4. The case of the prosecution arises from the death of Jasbir Kaur (hereinafter referred to as 'deceased'), a young married woman, who died on 30.10.2003 at her matrimonial home in Village Ranipur, within seven years of her marriage to appellant-accused Pardip Singh (hereinafter referred to as 'accused No.1;). Allegations of dowry harassment and unnatural death within the statutory period of seven years from the date of marriage of the deceased with accused No.1 formed the substratum of the case of the prosecution.

5. As per the contents of the FIR, which was registered at the instance of the father of the deceased PW-11 Joginder Dass alias Mahant Rajinder Dass (hereinafter referred to as 'complainant'), allegedly soon after the marriage, the deceased was subjected to persistent harassment and cruelty in connection with demands for dowry, including items like a refrigerator, cooler, television etc. In June 2003, he brought his daughter back to her parental home due to the aforesaid harassment. A Panchayat was later convened, and both accused No.1 and Inderjit Kaur (hereinafter referred to the 'accused No.2') gave assurances of good conduct, after which the deceased returned to her matrimonial home.

6. In the FIR, it was further alleged that the harassment continued and that on the occasion of *Karva Chauth* in October 2003, the complainant and his wife PW-12 Kamaljit Kaur saw burn injuries on the face of the deceased, purportedly caused by boiling water thrown by the in-laws due to non-fulfillment of dowry demands. On 30.10.2003, the complainant received a telephonic message about the critical condition of the deceased and was

later informed of her death on account of an attack. The complainant while lodging the FIR alleged that both the accused had administered poison to the deceased due to dowry demands.

7. Pursuant to registration of the FIR (Exhibit PO/2), the case was investigated, the dead body of the deceased subjected to post-mortem and the viscera sent for chemical analysis. After completion of investigation, both the accused were challaned and thereafter, the case after being committed to the Court of Sessions, both the accused were charged under Section 304-B of the IPC. The prosecution, in support of its case, examined 16 witnesses, including the PW-8 Dr. Ajit Singh (a member of the Board of Doctors which conducted the post-mortem on the deceased), complainant Joginder Dass, who appeared as PW-11 and the mother of the deceased, Kamaljit Kaur, who appeared as PW-12. Upon consideration of the evidence adduced, the learned trial Court acquitted the accused vide impugned judgment dated 21.04.2005. Aggrieved by the same, the State has preferred the instant appeal.

8. Learned counsel have assailed the acquittal primarily on the following grounds:

- (i) the trial Court erroneously relied on isolated parts of the testimony of PW-8 Dr. Ajit Singh and failed to properly appreciate the post-mortem findings which revealed abrasions on the neck of the deceased. These injuries, it was argued were indicative of throttling/strangulation and inconsistent with natural death;
- (ii) the trial Court erred in placing conclusive reliance

on the medical opinion attributing the cause of death to choking due to aspiration of food despite the absence of any credible explanation by the accused about the circumstances leading to such aspiration or the last meal taken by the deceased;

- (iii) the death of the deceased occurred within seven years of marriage and under suspicious circumstances. Evidence of cruelty and harassment for dowry “soon before death” was led by the prosecution, which ought to have triggered the statutory presumption under Section 113-B of the Evidence Act regarding dowry death;
- (iv) testimonies of PW-11 Joginder Dass and PW-12 Kamaljit Kaur clearly proved continuous harassment of the deceased in connection with specific dowry demands, including physical abuse and mental torture. The complainant had to convene a Panchayat and intervene multiple times;
- (v) the trial Court erroneously discredited the prosecution witnesses on account of minor inconsistencies which were natural given the lapse of time. Such trivial variations could not override otherwise consistent and trustworthy testimony.

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

10. The essential ingredients of the offence under Section 304-B, IPC are:

- (i) the death of a woman must have occurred under unnatural circumstances;
- (ii) within seven years of marriage;
- (iii) she must have been subjected to cruelty or harassment by her husband or relatives;
- (iv) such cruelty or harassment must be for or in connection with demand for dowry;
- (v) and it must have occurred “soon before her death”.

11. While the fact of marriage of the deceased with accused No.1 within seven years and the death of the deceased are not in dispute, the pivotal question is whether the death was unnatural and whether there existed cruelty or harassment “soon before death” in connection with dowry.

12. The prosecution had initially alleged poisoning of the deceased. However, the report of the Chemical Examiner (Exhibits PJ and PX), categorically ruled out the presence of any poison. Consequently, the medical board, including PW-8 Dr. Ajit Singh gave the opinion, Exhibit PL, that the cause of death was choking due to aspirated food particles in the trachea, leading to asphyxia. This cause, as per the Board of Doctors, was opined to be accidental.

13. During his cross-examination, PW-8 Dr. Ajit Singh clarified that aspiration is typically accidental, rarely homicidal or suicidal. He also explained that abrasions which were found on the neck of the deceased at the time of her post-mortem examination were not fresh, were a few days old,

and could have otherwise also resulted from laboured breathing or voluntary gestures of the deceased during distress, and were clearly not suggestive of either throttling or strangulation. Pertinently, no ligature mark was found on the neck of the deceased during her post-mortem. In light of this, the trial Court, therefore, rightly concluded that the death was not homicidal.

14. Importantly, it is settled law that while medical evidence is not conclusive, it has to be given due weight when consistent with the overall circumstances. The opinion of a duly constituted medical board, unshaken in cross-examination and consistent with the chemical report Exhibits PJ and PK, cannot be lightly discarded merely based on suspicion.

15. Further, though Section 113-B of the Evidence Act mandates a presumption of dowry death when a married woman dies otherwise than under normal circumstances within seven years of marriage and had been subjected to dowry-related cruelty soon before death, the prosecution must first prove such unnatural death and cruelty “soon before death”.

16. In the present case, apart from broad allegations of cruelty, the evidence of PW-11 Joginder Dass alias Mahant Rajinder Dass and PW-12 Kamaljit Kaur regarding specific demands and harassment was riddled with material embellishments and improvements over their initial version. The trial Court noted that many of the allegations were made for the first time during their deposition. The compromise stated to have been effected before a Panchayat was vague in terms of actual demand for dowry and was not corroborated by any contemporaneous record.

17. Moreover, there was no proximate incident of cruelty linked directly to the day of the incident or immediately preceding days. The term “soon before death” is a relative concept, but in the present case, the

prosecution has failed to establish the necessary proximity or causative link.

18. It is borne out from the record that the deceased, after vomiting and showing signs of respiratory distress, was immediately attended to by DW-1 Dr. Harbhajan Singh, called by her mother-in-law Inderjit Kaur (accused No.2). She was shifted to Swaran Hospital, Phagwara. While unfortunately, she could not survive, the prompt conduct of the accused mitigates against the theory of homicidal or malicious intent. The involvement of neighbours and the timely shifting of the deceased to hospital points to a *bona fide* attempt to save the deceased.

19. We, therefore, do not find any infirmity or perversity in the judgment of acquittal rendered by the learned trial Court. The prosecution failed to discharge its burden to establish that the death was unnatural, or that dowry-related harassment occurred soon before the death of the deceased. The statutory presumption under Section 113-B of the Evidence Act is not attracted in the absence of foundational facts. The view taken by the learned trial Court is not only plausible but supported by the evidence on record. The appeal as well as the revision petition lack merit and are accordingly dismissed.

(MANJARI NEHRU KAUL)  
JUDGE

July 29<sup>th</sup>, 2025  
*Puneet*

(H.S. GREWAL)  
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes