



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

103

STATE OF HARYANA (1) CRA-D-662-DBA-2004 (O&M)  
...Appellant

Versus

VIKRAM ...Respondent

STATE OF HARYANA (2) CRA-S-1109-SB-2004  
...Appellant

Versus

VIKRAM ...Respondent

**Date of decision: August 18, 2025**

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

Present: Mr. Karan Sharma, DAG, Haryana.

Mr. P.K.S. Phoolka, *Amicus Curiae*  
for the respondent.

**MANJARI NEHRU KAUL, J.**

1. The first appeal (CRA-D-662-DBA-2004) has been preferred by the State of Haryana challenging the judgment dated 22.01.2024 rendered by the learned Additional District and Sessions Judge (Adhoc), Jhajjar in case FIR No.186 dated 25.06.2000 under Section 304-B of Indian Penal Code, 1860, registered at Police Station Sadar Bahadurgarh, District Jhajjar, whereby the respondent-accused i.e. Vikram was acquitted of the charges under Section 304-B IPC but convicted under Sections 306 and 498-A IPC.



2. The second appeal (CRA-S-1109-SB-2004) has been filed for enhancement of the sentence of the respondent-accused under Sections 306 and 498-A IPC.

3. Vide this common order, we propose to dispose of the above-mentioned appeals as they pertain to the same occurrence.

4. The respondent-accused was sentenced to undergo rigorous imprisonment as follows:-

<b>Name of the accused</b>	<b>Offence under Section</b>	<b>Period of Sentence</b>	<b>Fine imposed</b>	<b>Period of sentence in default of payment of fine</b>
Vikram	306 IPC	RI for 4 years	Rs.3,000/-	RI for 6 months
	498-A IPC	RI for 3 years	Rs.2,000/-	RI for 3 months

5. The State of Haryana has assailed the acquittal under Section 304-B IPC, contending that the learned trial Court erred in holding that the marriage had taken place beyond 7 years from the date of death of deceased Bimlesh, and in not applying the presumption under Section 113B of the Evidence Act.

**CASE OF THE PROSECUTION:**

6. The prosecution case originated from a statement (Ex.PB) lodged on 25.06.2000 by Kuldeep Singh (PW11), cousin of deceased Bimlesh, daughter of Om Prakash (PW5). Bimlesh had been married to the respondent-accused Vikram of village Luksar.



7. According to the complainant, although sufficient dowry was given at the time of marriage, the accused was dissatisfied and continued to raise demands. It was alleged that about 1½ years prior to the date of the incident, Om Prakash (PW5) paid Rs.5,000/- to the accused. Some days before the occurrence, another sum of Rs.2,000/- was allegedly paid. Despite such payment, Nimlesh was subjected to harassment and beatings.

8. On 24.06.2000, PW8 Shamo, aunt of the deceased Bimlesh, visited the matrimonial home and was told by the deceased that she was being beaten for dowry demands. The next morning i.e. 25.06.2000, PW5 Om Prakash and PW11 Kuldeep Singh reached village Luksar and found Bimlesh lying dead in her matrimonial house.

9. On the basis of Ex.PB, FIR (Ex.PB/1) was registered. Inspector Bhim Singh (PW10) conducted inquest proceedings (Ex.PF), seized blood-stained earth and a bed sheet (Ex.PG), prepared site plan (Ex.PH), and sent the body for postmortem. Dr. Luv Sharma (PW6), who conducted the postmortem on 26.06.2000, found injuries including an incised wound on the dorsum of the right hand, contusions on the face and neck, and reserved opinion pending Viscera analysis. The Viscera Report (Ex.PK), ruled out presence of any common poison.

10. Upon completion of investigation, challan was presented for offences under Sections 304-B and 498-A IPC. On committal to the Court of Sessions, the respondent-accused was charged for an offence under Section 304-B IPC, to which he pleaded not guilty and claimed trial.

**PROCEEDINGS BEFORE THE LEARNED TRIAL COURT:**

11. The prosecution examined 11 witnesses. The main witnesses were:-

- PW5 Om Prakash (father of the deceased), who stated that dowry was given at marriage of the deceased; thereafter, demands of Rs.5,000/- and Rs.2,000/- were made and paid. He also alleged that the deceased was harassed and beaten up.
- PW11 Kuldeep Singh (complainant) reiterated allegations of dowry demands, including a larger demand of Rs.50,000/-, which was only partly met. He also spoke of harassment being metted out to the deceased by the respondent-accused.
- PW8 Shamo (aunt of the deceased) partly supported the case but turned hostile regarding dowry demands.
- PW6 Dr. Luv Sharma proved postmortem report (Ex.PC/1) confirming injuries but no poison was detected as per the Viscera Report.
- PW10 Inspector Bhim Singh proved FIR (Ex.PB/1), inquest report (Ex.PF), recovery memos (Ex.PG) and site plan (Ex.PH).

12. The accused denied the allegations in his statement under Section 313 Cr.P.C., claimed cordial relations, and pleaded false implication. He stated that he was away at his sister's house on the fateful night. In defence, evidence was adduced.



13. The learned trial Court, on appreciation of evidence, found as follows:-

(i) The marriage between the deceased and respondent-accused had taken place on 1993, well beyond 7 years of the death of the deceased in June 2000.

(ii) Evidence regarding dowry demands was discrepant, vague, and lacked corroboration.

(iii) However, the deceased had been subjected to cruelty and harassment, and injuries on her body showed that she was beaten before death.

14. Accordingly, the learned trial Court acquitted the accused of the charge under Section 304-B IPC but convicted him under Sections 306 and 498-A IPC, and sentenced him as already recorded in the earlier part of this order.

**SUBMISSIONS MADE BY THE LEARNED STATE COUNSEL:**

15. Learned State counsel contended that the learned trial Court erred in holding the year of marriage as 1993. Both PW5 Om Prakash and PW11 Kuldeep Singh consistently deposed that the marriage took place in the year 1997 as also reflected in the FIR (Ex.PB/1). It was also argued that the defence failed to prove that the marriage of the deceased with the respondent-accused in the year 1993 by way of any documentary evidence. It was submitted that in the circumstances, it was clearly a case of dowry



death, moreso keeping in view the injuries found on the person of the deceased during her postmortem, coupled with evidence of dowry demands, established cruelty and harassment “soon before death” attracting Section 304-B IPC.

**SUBMISSIONS MADE BY LEARNED AMICUS CURIAE ON BEHALF OF THE RESPONDENT:**

16. Learned *Amicus Curiae* submitted that the learned trial Court’s finding that the marriage was in the year 1993 was based on material circumstances including the age of the children. The eldest daughter of the deceased and respondent-accused was 9 years old in the year 2003, suggesting that she must have been born in the year 1994, which in turn corroborated that the marriage of the deceased with the respondent-accused had taken place around 1993.

17. It was further argued that testimonies of PW5 Om Prakash and PW11 Kuldeep Singh, being close relatives of the deceased, were discrepant and not corroborated by any independent or documentary proof such as marriage card or record.

18. It was also asserted that the alleged dowry demands were not proved by any reliable evidence. Furthermore, medical opinion also did not confirm the cause of death of the deceased; Viscera Report rules out poison; death was not homicidal. Learned *Amicus Curiae* submitted in such circumstances, the conviction of the respondent-accused under Section 304-B IPC was rightly declined.



19. Learned *Amicus Curiae*, while vehemently opposing the submissions made by the learned State counsel, has argued that there was no cogent evidence on behalf of prosecution to attract the mischief of Section 304-B IPC, rather his conviction under Sections 306 and 498-A IPC was also erroneous. On being pointedly asked as to whether any challenge has been made to the accused-respondent's conviction under Sections 306 and 498-A IPC, learned *Amicus Curiae* has replied in the negative. A prayer was, however, made for dismissing the second appeal (CRA-S-1109-SB-2004) as the instant judgment did not warrant any interference.

20. We have heard learned counsel for the parties and perused the evidence on record.

21. For an offence under Section 304-B IPC, the prosecution must establish:-

- (a) The death of a woman was caused by burns, bodily injury, or occurred otherwise than in normal circumstances;
- (b) Such death occurred within 7 years of her marriage;
- (c) The woman was subjected to cruelty or harassment by her husband or his relatives;
- (d) Such cruelty or harassment was for, or in connection with, demand for dowry;
- (e) Such cruelty or harassment was soon before her death.



22. In this case, the pivotal question is whether the marriage occurred within 7 years of the death.

23. The complainant PW11 Kuldeep Singh stated that the marriage was in the year 1997 in the FIR, however, during his deposition before the learned trial Court, he stated that the marriage between the deceased and the respondent-accused had taken place in the year 1995. Similarly, PW5 Om Prakash (father of the deceased) stated that the deceased had got married to the respondent-accused on 26.07.1995. PW8 Shamo, on the other hand, who had arranged the marriage, admitted during her cross-examination that marriage had taken place in 1993. The accused in his statement under Section 313 Cr.P.C. disclosed that his eldest daughter was 9 years old in July 2003, clearly suggesting that she was born in 1994, consistent with his marriage with the deceased around 1993.

24. The absence of any marriage card, photographs or independent record further weakens the claim of the prosecution that the marriage had taken place in the year 1997. The natural inference from the age of the children of the deceased and respondent-accused and testimony of PW8 Shamo is that the marriage was solemnized in the year 1993.

25. Thus, the death in June 2000 occurred after 7 years of marriage, thereby excluding applicability of Section 304-B IPC. Consequently, the presumption under Section 113B of the Evidence Act cannot be invoked.

26. Although Section 304-B IPC is not attracted, the material on record shows that the deceased was subjected to harassment and cruelty in



her matrimonial home. PW5 Om Prakash and PW11 Kuldeep Singh consistently stated that monetary demands were made, though details regarding the same varied. The deceased had confided in PW8 Shamo about beatings just a day before her death. Further, medical evidence established ante-mortem injuries on her neck, face, and her hand.

27. Even if the exact cause of death could not be ascertained due to absence of poison in Viscera Report, the surrounding circumstances including injuries and deprivation of her children, indicate mental and physical harassment sufficient to drive her to suicide.

28. The offence under Section 306 IPC is attracted when a person is driven to suicide by cruelty or harassment. The standard of proof is that conduct of the accused must be such as to leave no option for the victim except to end her life. In the present case, the persistent demands, cruelty, separation from children, and physical assault shortly before death cumulatively establish abetment of suicide. The evidence on record also proves that the deceased was subjected to cruelty by the accused. The inconsistencies in timing and amounts of alleged payments do not efface the fact of harassment, corroborated by injuries and disclosures to relatives.

29. On a comprehensive re-appraisal of evidence, we find no infirmity in the impugned judgment. The finding that the marriage had taken place in the year 1993, beyond 7 years of the death, is well-supported by evidence and circumstances. Hence, conviction under Section 304-B IPC was rightly declined.



30. Accordingly, the appeal preferred by the State seeking conviction of the respondent-accused (CRA-D-662-DBA-2004) under Section 304-B IPC is devoid of merit, and is hereby dismissed. Similarly, the appeal seeking enhancement of sentence of the respondent-accused (CRA-S-1109-SB-2004) also does not warrant interference and stands dismissed.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**August 18, 2025**

*Jaspreet Kaur*

**(H.S. GREWAL)**  
**JUDGE**

*Whether speaking/reasoned* : *Yes/No*

*Whether reportable* : *Yes/No*