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

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CRA-D-423-DBA-2004 (O&M)

Date of decision : 22.08.2025

State of Punjab

... Appellant

Versus

Mohinder Kaur and others

... Respondents

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

Present:- Mr. Amit Rana, Senior DAG, Punjab
for the appellant.

Mr. Vivek Dahiya, Advocate (*Amicus Curiae*)
for the respondents.

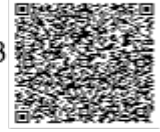
H.S. Grewal, J.

1. The present appeal has been preferred by the State against the judgment dated 16.09.2002 passed by the learned Additional Sessions Judge (Ad-hoc), Amritsar in case F.I.R. No.69 dated 12.10.1994, under Sections 304-B/306/34 IPC, registered at Police Station Valtoha whereby the respondents had been acquitted of the charges by giving them the benefit of doubt.



2. The case of the prosecution is based upon the complaint made by Swaran Singh s/o Harnam Singh r/o village Maan on 12.10.1994 to the effect that he and his wife had adopted a female child, namely, Kulwinder Kaur (who was the daughter of his wife's sister) and was brought up by them. She was married about three years before the occurrence with Baldev Singh-respondent No.2, who was son of his real sister. Out of the wedlock of Baldev Singh and Kulwinder Kaur, a male child was born who was about one year at the time of occurrence. The complainant came to know that due to some unknown reason, there were frequent quarrels between Kulwinder Kaur, her husband, her mother-in-law Mohinder Kaur and the other accused, who often argued with her. About six months before the occurrence, Kulwinder Kaur was turned out of their house by the accused after giving her beatings. She had come to the house of her parents and stayed there for two months. After the intervention of the relatives, Swaran Singh took her to her matrimonial home and left her there. However, the dispute again arose between Kulwinder Kaur and the accused. After getting annoyed from all that, Kulwinder Kaur had gone to the house of Swaran Singh, who again took her back to her matrimonial home.

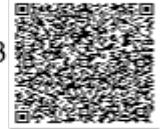
3. On 12.10.1994, the complainant learnt that the in-laws of Kulwinder Kaur had harassed her and tried to turn her out of the house, therefore, he along with his wife-Gurdip Kaur went to the house of the accused on that day at 05:30 p.m. They saw that Kulwinder Kaur was lying on a cot in the courtyard. She told her parents that due to the harassment by her in-laws, she had consumed poison. However, they arranged conveyance (Gjaruka) and



had taken her to Civil Hospital, Patti for her treatment but on the way, she died. They had taken her back to the house of her in-laws but nobody was found present there. The complainant, after leaving Gurdip Kaur (his wife) by the side of the dead body, had gone to police station to lodge the report but on the way in the crossing of Ghariala, ASI Amrik Singh met him who recorded his statement Ex.PG whereon he had made his endorsement Ex.PG/1 and had sent the same to the Police Post, where FIR (Ex.PG/2) was recorded. ASI Amrik Singh had went to the house of the accused and prepared inquest report on the dead body of Kulwinder Kaur which was identified by Mohinder Singh s/o Sardool Singh, Swaran Singh s/o Harnam Singh (complainant). The dead body was sent to Civil Hospital, Patti for post mortem examination. Thereafter, ASI Amrik Singh had recorded the statements of the witnesses. Gurdip Kaur w/o Sawarn Singh had recorded her statement to the effect that accused persons had been quarrelling with the deceased and they wanted her to bring more dowry from her parents and deceased used to talk in this respect with her. Another witness-Mohinder Singh had also made statement that he had accompanied Swaran Singh (complainant) and his wife to the house of in-laws of the deceased.

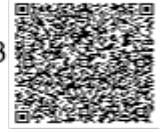
4. After completion of necessary investigation, challan was presented against the accused/respondents and charges were framed against them under Section 304-B IPC to which they pleaded not guilty and claimed trial.

5. Learned State counsel submits that the trial Court had erred in acquitting the respondents while there was sufficient material to prove their



guilt. He further submits that the statements made by PW2 Swaran Singh and PW3 Gurdip Kaur, who are adoptive parents of the deceased, clearly established that Kulwinder Kaur (deceased) was subjected to cruelty and harassment for dowry. The prosecution further relied on the medical evidence which corroborated that she had consumed poison. Learned State Counsel, therefore, prays that the judgment of acquittal be set aside and the respondents should be convicted for the commission of an offence punishable under Section 304-B IPC.

6. Learned counsel for the respondents, on the other hand, submits that the trial Court has rightly appreciated the evidence while acquitting the respondents. He pointed out that the FIR was lodged after about four hours of the alleged occurrence and the special report reached the Magistrate only the next day, raising suspicion about its timing. He further submits that the FIR did not contain any allegation of dowry demand and merely referred to quarrels between the deceased and her in-laws for unknown reasons. Moreover, the allegations for demand of dowry surfaced for the first time during trial which were an afterthought. He also submits that Mohinder Kaur, one of the accused, was the real sister of the complainant-Swaran Singh and there was a property dispute between them which had given him motive to falsely implicate her and her family. The testimonies of the complainant and his wife were full of contradictions and independent witnesses were withheld. Learned counsel, therefore, submits that the prosecution had failed to establish cruelty or



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harassment of dowry soon after death and the trial Court had rightly given the benefit of doubt and the appeal filed by the State is liable to be dismissed.

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

8. In order to prove the allegations against the accused/respondents, the prosecution had examined as many as 07 prosecution witnesses i.e. PW1 Dr. Sham Lal Gupta, PW2 Swaran Singh (complainant), PW3 Gurdip Singh (wife of the complainant), PW4 SI Mohinder Singh, PW5 Constable Sukhchain Singh, PW6 SI Amrik Singh (Investigating Officer) and PW7 Rishi Ram (Draftsman).

9. PW1 Dr. Sham Lal Gupta, Chief Medical Officer, Patti had deposed that on 12.10.1994, on receipt of an application of the police Ex.PC, he had conducted the post mortem on the dead body of Kulwinder Kaur. He had sent the viscera of the deceased in different jars (containers) which were sealed and handed over to the police. Copy of the post mortem report is Ex.PD. On receipt of Chemical Examiner report (Ex.PF), he opined that the cause of death was due to consumption of Alluminium Phosphorous poison.

10. PW2 Swaran Singh, PW3 Gurdip Kaur had reiterated the version of the FIR and alleged that the accused/respondents were not satisfied with the dowry which was given by them at the time of marriage and they used to quarrel with the deceased. The deceased was maltreated and beaten. She was driven out of their house by the accused person.



11. Remaining prosecution witnesses including PW6 SI Amrik Singh had apprised about the investigation/police proceedings and link evidence.

12. After closing the prosecution evidence, the statements of the accused/respondents under Section 313 Cr.P.C. were recorded wherein they had denied all the allegations and pleaded innocence. They deposed that they had been falsely implicated in this case but they did not lead any defence evidence.

13. 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 were acquitted of the charges by giving them the benefit of doubt.

14. The case of the prosecution is primarily based on the ocular version of the complainant-Swaran Singh and his wife-Gurdip Kaur which indicates that there is no clear allegation of dowry demand in the FIR. The complainant, Swaran Singh, in his initial statement (Ex.PG) did not mention any demand for dowry by the accused/respondents. He only said that Kulwinder Kaur used to have quarrels with her in-laws for some unknown reasons. The allegation of demand of dowry appeared for the first time in trial Court, which was treated as an afterthought. Moreover, both Swaran Singh and Gurdip Kaur (adoptive parents of the deceased) gave improved versions in the trial Court, which were not made in their earlier statements. Their depositions were found to be inconsistent and unreliable. Being close relatives, they were also considered highly interested witnesses.



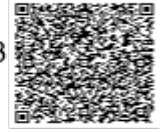
15. There are serious doubts regarding the presence of PW3 Gurdip Kaur because her presence was not recorded in the inquest proceedings and during cross-examination, she was unable to clarify basic facts as to how the deceased was taken to the hospital or whether any villagers were informed or not. This renders her version doubtful.

16. The prosecution has failed to examine independent witnesses like Milkha Singh and Harvinder Singh, who could have confirmed the alleged demand of dowry but they were withheld by the prosecution without any reason.

17. No prior complaint regarding cruelty was ever made. If the deceased had indeed been beaten and turned out of the house on several occasions, the complainant could have approached the village Panchayat or the police at an earlier stage. The absence of any such action weakens the prosecution's case.

18. It is a settled principle of law that under Section 304-B IPC and Sections 113-A and 113-B of the Evidence Act, the prosecution must establish that immediately before her death, the deceased was subjected to cruelty or harassment in connection with a demand for dowry. Since no such clear proof was given, the presumption of dowry death would not apply.

19. In view of the above contradictions and lack of credible evidence, we are of the opinion that the prosecution had not proved its case beyond reasonable doubt and there is no infirmity or illegality in the well-reasoned



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judgment of the trial Court acquitting the respondents by giving them the benefit of doubt. Consequently, the appeal is, hereby, dismissed.

20. Pending application, if any, shall stand disposed of accordingly.

(MANJARI NEHRU KAUL)
JUDGE

22.08.2025
A.Kaundal

(H.S.GREWAL)
JUDGE

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