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

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Date of Decision:- 13.05.2025

Jangir Singh

....Appellant

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. M.S. Sidhu, Advocate
for the appellant.

Mr. B.S. Bali, Addl. A.G. Punjab.

AMARJOT BHATTI, J.

1. Appellant Jangir Singh has filed instant appeal against judgment of conviction dated 27.04.2004 and order on quantum of sentence dated 28.04.2004 passed by learned Additional Sessions Judge/Fast Track Court, Ferozepur, in Sessions Case bearing No. 141/26.09.2003, titled as "State Vs. Jangir Singh" vide which appellant is sentenced as under :-

Name of Convict	Offence U/s	Sentence
Jangir Singh	Under Section 306 of IPC	To undergo Rigorous Imprisonment for five years and to pay a fine of Rs.5,000/- and in default of payment of fine, to further undergo rigorous imprisonment for one year

2. As per the facts of case, on 03.06.2003 ASI Harbhajan Singh alongwith other police officials was going for official work from Sadar



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Fazilka to Police Post Rorawali and when they reached near Bus Stand Tehli Wala Bodia, Bachan Singh (complainant in this case) son of Dhian Singh met him and got recorded his statement. In his statement, he alleged that he is resident of Village Ghatian Wali Bodla and was labourer. He had two daughters namely 'PK', aged about 15 years and Amarjit Kaur, aged about 8 years. His brother Harbans Singh was residing in adjoining house and there was a wall of two feet height between their houses. During night time, after taking meals, he slept in the courtyard of their house, whereas, his daughters slept in the room. At about 02:00 AM midnight, when her daughter 'PK' raised alarm (*raula*) that an unknown person had assaulted her, all woke up. He (complainant) saw that Jangir Singh son of Satnam Singh resident of their village tried to run away out of the room. Said Jangir Singh had a scuffle with him. His brother Harbans Singh also caught hold Jangir Singh. In the meantime, Kulwant Singh who was hiding in a bathroom came out and managed to free Jangir Singh and both of them managed to escape in darkness. Her daughter told them that Jangir Singh attempted to commit rape upon her and said that if they did not take revenge, she would commit suicide by consuming poison. Thereafter, they all went to sleep. Next day, he (complainant) and his brother Harbans Singh went to the fields of Mohinder Singh, Ex-Sarpanch to do labour work. At about 11:00 AM, Chanan Singh came there and told them that 'PK' had set herself on fire by pouring kerosene oil on her body. They immediately rushed to home and saw that his daughter 'PK' with burn injuries was laid on a cot and was responding a little



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and there was no chance of her survival. They did not inform the police about the incident earlier due to humiliation. They took 'PK' to Civil Hospital, Fazilka for treatment, however, she died on the way near Bus Stand Islamwala, Malout road. Thereafter, police was informed and present FIR was registered under Section 306, 34 of IPC.

3. During the course of investigation, site plan of place of occurrence was prepared, statements of witnesses were recorded. Clothes of deceased victim were taken into police possession. Inquest proceedings were conducted. On 18.06.2003, accused Jangir Singh was arrested. On 24.07.2003, investigation of this case was conducted by SHO, Police Station Sadar, Ferozpur and DSP, Fazilka and found accused Kulwant Singh innocent. After completion of investigation, challan against Jangir Singh was prepared and presented before Illaqa Magistrate under Section 306, 34 of IPC.

4. Accused was supplied complete set of copy of challan report as provided under Section 207 of Cr.P.C. Since the offence under Section 306 of IPC was exclusively triable by the Court of Sessions, therefore, learned Judicial Magistrate Ist Class, Fazilka committed the case to the Court of learned Sessions Judge, Ferozpur for trial vide commitment order dated 12.09.2003.

5. Learned Additional Sessions Judge, Ferozpur after hearing arguments framed charge-sheet against accused Jangir Singh under Section 306 of IPC, which was read over and explained to him in simple language to which he pleaded not guilty and claimed trial.



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6. During the pendency of trial, prosecution had filed application to summon co-accused Kulwant Singh which was allowed by learned Additional Sessions Judge, Fast Track Court, Ferozpur vide order dated 16.12.2003. His presence could not be procured and finally he was declared proclaimed offender as per order dated 31.03.2004 passed by learned Additional Sessions Judge, Fast Track Court, Ferozpur.

7. In order to prove the facts of case, prosecution examined HC Balbir Chand as PW-1, Bachan Singh as PW-2, Rano Bai as PW-2 (wrongly again numbered as PW-2), Harbans Singh as PW-3, Dr. Hans Raj as PW-4 and ASI Harbhajan Singh as PW-5. Thereafter, learned Additional Public Prosecutor for State vide his separate statement closed the prosecution evidence on 17.04.2004.

8. Statement of accused was recorded under Section 313 Cr.P.C. by the trial Court to which he pleaded innocence and false implication. Accused opted to lead evidence in defence and examined Kanwar Singh as DW-1 and thereafter, closed the evidence.

9. After hearing arguments advanced by learned Additional Public Prosecutor for the State and learned counsel representing accused Jangir Singh, accused Jangir Singh was held guilty and convicted under Section 306 of IPC vide judgment of conviction dated 27.04.2004 and sentenced as referred above vide order on quantum of sentence dated 28.04.2004 passed by learned Additional Sessions Judge, Ferozpur. Feeling aggrieved of this judgment of conviction and order of sentence, appellant/convict Jangir Singh



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filed present appeal.

10. Learned counsel for appellant/convict argued that learned trial Court failed to appreciate the evidence led by prosecution in its right legal perspective and has wrongly held appellant/convict guilty and convicted under Section 306 of IPC as referred above. Prosecution has tried to show that deceased victim was less than 16 years of age. However, close scrutiny of testimony of Bachan Singh complainant as PW-2 would reveal that alleged victim was about 20 years of age.

There is no convincing evidence on record to establish as to what actually happened during the previous night. There is no independent corroboration to the said incident. All prosecution witnesses examined in this case pertaining to said incident are family members. Bachan Singh complainant is the father of deceased victim examined as PW-2 and his version is supported by Rano Bai grandmother of deceased victim as PW-2, Harbans Singh paternal uncle as PW-3. No person from the neighbourhood has come forward to establish said incident. As per allegations Jangir Singh entered the room where deceased victim was sleeping alongwith her younger sister and he allegedly outraged her modesty. Bachan Singh PW-2 as well as Harbans Singh PW-3, Rano Bai PW-2 confirmed that clothes of deceased victim were not torn. Even in the said scuffle, clothes of complainant Bachan Singh or his brother Harbans Singh were not torn.

11. Conduct of prosecution witnesses further indicates that no such incident ever took place. There was no report lodged with the police nor any



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respectable of village was informed about the alleged conduct of appellant/convict. This aspect of case has been totally ignored by the trial Court. Learned counsel for appellant/convict pointed out that version of prosecution that appellant/convict forcibly entered in the house of complainant is also highly improbable. As per the case of complainant, he along with his family was sleeping in the courtyard, whereas his daughters including deceased victim were sleeping in the room under the fan. Therefore, it was not possible for appellant/convict to enter the said room without the consent of deceased victim. In fact, deceased victim was having affair with appellant. She was pressurizing her father Bachan Singh to perform her marriage with appellant, to which her father refused. Because of this reason, deceased victim was not on talking terms with her father. Said unfortunate incident took place as complainant Bachan Singh i.e. father of deceased victim had refused to acknowledge their relationship. Stand taken by appellant/convict is further proved on record by examining Kanwar Singh as DW-1. Testimony of said witness has been totally ignored without any justification.

It is further pointed out that even if unnatural death of deceased victim is proved on record, even then there is no abetment on the part of appellant/convict in the commission of suicide by deceased victim. Therefore, judgment of conviction and order on quantum of sentence passed by the trial Court is not on sound footing. It is submitted that appeal preferred by appellant/convict may be accepted and he may be acquitted of the charge



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framed against him.

12. On the other hand, learned counsel representing State pointed out that material witnesses have been examined to prove the charges framed against him. To prove the facts of case, Bachan Singh complainant has stepped into the witness box as PW-1, who categorically stated that on the previous night at about 02:00 AM, when he was sleeping in his house, he heard noise from the room where his daughters were sleeping. He saw Jangir Singh appellant/convict running out of the room. Complainant had a scuffle with him. His brother Harbans Singh also woke up and caught hold of him. In the meantime, Kulwant Singh who was hiding in bathroom came out and managed to free Jangir Singh and both of them escaped in the darkness. Deceased victim was badly hurt on account of said incident and told her father to take revenge, otherwise, she would end her life by consuming poison. In the morning, at about 11:00 AM, when he along with his brother Harbans Singh was working in fields of Mohinder Singh, Chanan Singh informed that her daughter had poured kerosene oil on herself and set herself ablaze. When they reached home, condition of his daughter was serious. She was being taken to Civil Hospital, Fazilka but she died on the way near Bus Stand Islamwala Malout road. He categorically stated that due to incident of previous night, his daughter ended her life. Said version is supported by Harbans Singh brother of complainant PW-3 and grand mother of deceased victim Rano Bai PW-2. Medical record is proved on file by Dr. Hans Raj, Medical Officer, Civil Hospital, Fazilka PW-4. Detailed Postmortem Report



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is Ex.P3, pictorial diagram is Ex.P3/A. It was a case of 98% burn injuries of second and third grade injuries. Entire investigation carried out by police is proved by examining ASI Harbhajan Singh as PW-5. It is pointed out that facts of case and evidence on record were rightly appreciated by the trial Court and judgment of conviction and order on quantum of sentence does not require any interference.

13. I have considered the arguments and have gone through the record carefully. In this case, FIR is lodged on the statement of Bachan Singh Ex.P1 recorded on 03.06.2003 and as per police endorsement, time is mentioned as 06:45 PM. On the basis of this information, FIR No. 201 dated 03.06.2003 was registered at Police Station Sadar Fazilka, District Ferozepur Ex.P5. Appellant/convict was chargesheeted for the offence under Section 306 of IPC. In order to prove the facts of case, prosecution firstly examined Bachan Singh complainant as PW-2 and his version was supported by his mother Rano Bai as PW-2, brother Harbans Singh as PW-3. As per their version, on 03.06.2003, Jangir Singh entered their house at about 02:00 AM, when complainant heard the alarm raised by his daughter and saw Jangir Singh coming out of the room. When complainant Bachan Singh along with his brother Harbans Singh caught hold of him, co-accused Kulwant Singh who was hiding in bathroom came outside and helped Jangir Singh and both of them managed to run away in darkness. It is a fact that aforesaid incident is proved on record by examining family members and there is no independent corroboration to said incident. It has come in cross-examination of Bachan



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Singh PW-2 that when said incident took place alarm was raised and 5-7 persons had collected including Budh Parkash Singh, Sumitran Bai, Nando Bai and Jaswant Singh. Rano Bai PW-2 during her cross-examination also confirmed that 2-4 persons had collected there. Despite aforesaid factual position, no independent private person living in neighbourhood has come forward to support the version of Bachan Singh. Sister of deceased was sleeping by the side of victim. Even she was not examined to confirm as to what actually happened at that time.

14. Apart from the aforesaid factual position, conduct of family also creates serious doubt regarding the incident referred above. It has come in cross-examination of Bachan Singh PW-2, Harbans Singh PW-3 that after the said incident, family had gone to sleep. Even in morning, there was no effort on the part of complainant or any of the family member to report the matter to Panchayat or any respectable in their village. Matter was not reported to the police. As per version of prosecution witnesses i.e. Bachan Singh PW-2, Harbans Singh PW-3 that in routine they had gone to fields of Mohinder Singh, Ex Sarpanch to do labour work. Even after going there, they did not disclose about the said incident to their landlord Mohinder Singh, Ex Sarpanch. In case such like incident had taken place, natural course of action of complainant would have been to inform the Panchayat or any other respectable of village or to report the matter to police. Said conduct of complainant creates doubt regarding the alleged incident of Jangir Singh entering the house of Bachan Singh as claimed by him.



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15. It is the case of prosecution that deceased victim i.e. daughter of complainant Bachan Singh committed suicide by pouring kerosene oil on her body and set herself ablaze. Bachan Singh PW-2 as well as Harbans Singh PW-3 both of them claimed that in routine they had come to the fields for doing labour work and at about 11:00 AM, they were informed by Chanan Singh that his daughter had set herself ablaze. On this, they reached home. Bachan Singh PW-2 further stated that tractor trolley was arranged at about 02:30-02:45 PM and when they were taking the victim to hospital she died on the way near *Adda* (Bus Stand) Islamwala. Bachan Singh stated that incident of burning took place at around 09:00-09:30 AM.

Fields of Mohinder Singh were at a distance of about 04 kms. It took about 1½ - 2 hours to get information about the occurrence which took place at about 09:00/09:30 AM. Thereafter, on reaching home it took about 3½ hours to arrange a tractor trolley for shifting the victim to hospital. Therefore, much time was consumed for shifting deceased victim to hospital when occurrence had taken place around 09:00/09:30 AM.

16. It is the case of appellant/convict that deceased victim had affair with him and she wanted to marry him. But her father Bachan Singh opposed it. Because of this reason, deceased victim took this step. Kanwar Singh who is resident of same village stepped into the witness box as DW-1 and stated that his house is at a distance of 20-25 *kadams* (footsteps) from the house of complainant Bachan Singh. At about 09:00 AM, he heard alarm in the house of complainant Bachan Singh. Deceased victim was telling her father that she



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wanted to marry Jangir Singh but Bachan Singh declined her request. She further said that in case her marriage was not performed, she would commit suicide. Said altercation continued for about five minutes. Thereafter, deceased victim went inside the room and poured kerosene oil on her body and set herself ablaze and thereafter, she came out running. They tried to extinguish the fire. He advised complainant to shift victim to hospital at Fazilka but they did not take any action. Thereafter, he left the place. Other people gathered on the spot, advised complainant to shift victim to Civil Hospital, Fazilka and thereafter, complainant along with relatives removed her to hospital at about 02:30-03:00 PM. Later on, he came to know that deceased victim had expired. Said witness claimed that he had disclosed about the incident to police but his statement was not recorded. He further stated in his cross-examination that he did not complain to any higher authority. In further cross-examination, this witness categorically stated that he is not related to accused. He being co-villager had come forward to give his statement.

Aforesaid facts narrated by DW-1 Kanwar Singh are corroborated from the site plan Ex.P8 regarding the place of occurrence. In this site plan, Mark-A is the spot in room from where kane plastic containing ½ litre of kerosene oil and half-burnt slippers were recovered. Mark-B is the spot from where burnt clothes of deceased victim were recovered. Mark-C is the spot where deceased victim while coming out had fallen on the ground. Therefore, testimony of Kanwar Singh DW-1 cannot be discarded altogether.

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17. In the light of aforesaid factual position, fact remains that deceased victim died unnatural death in her house by self-immolation. There was no report regarding alleged incident of molesting the deceased victim on the previous night by Jangir Singh. Conduct of complainant and his family members creates doubt in the truthfulness of their version. There is long gap in taking the victim to the hospital. Before reaching hospital, she succumbed to the burn injuries suffered by her. Considering the aforesaid factual position, prosecution has failed to establish beyond the shadows of reasonable doubt regarding the abetment on the part of present appellant/convict in commission of suicide by deceased victim. Defence raised by appellant/convict is supported by co-villager Kanwar Singh DW-1. Learned trial Court while deciding present case has failed to consider aforesaid aspects of case.

In my opinion, prosecution has failed to bring home the guilt of appellant/convict beyond the shadows of reasonable doubt. Therefore, judgment of conviction dated 27.04.2004 and order on quantum of sentence dated 28.04.2004 passed by learned Additional Sessions Judge/Fast Track Court, Ferozepur is, accordingly, set aside and appeal preferred by present appellant Jangir Singh is, accordingly, allowed and he is acquitted of the charge framed against him by giving him benefit of doubt.

18. Pending miscellaneous application(s), if any, stand(s) disposed of accordingly.

13.05.2025*lalit***(AMARJOT BHATTI)
JUDGE**

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