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IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA  
AT CHANDIGARH

**CRA-D-752-DB-2004 (O&M)**

Date of Decision: 17.07.2025

Satnam Singh

... Appellant

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL  
HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. D.S.Virk, Advocate, for  
Mr. Jasdeep Singh Gill, Advocate, for the appellant.

Mr. Sidharth Attri, AAG, Punjab.

**GURVINDER SINGH GILL, J.**

- Appellant – Satnam Singh assails judgment dated 10.08.2004 passed by the Additional Sessions Judge, Amritsar, vide which the trial Court while holding him guilty of having committed offence under Sections 304-B and 201 IPC, has sentenced him as under:

Offence	Imprisonment	Fine
304-B IPC	Rigorous imprisonment for life	Rs.2000/-
201 IPC	Rigorous imprisonment for 2 years	Rs.200/-

- The matter arises out of FIR No.121 dated 27.07.2003 registered at Police Station Bhikhiwind under Sections 304-B, 201, 34 IPC at the instance of Nazar Singh. The translated gist of Nazar Singh's statement (Ex.PA) leading to FIR (Ex.PA/3) reads as under:

“I am resident of village Marri Megha. We were two brothers. My elder brother Bachan Singh had expired leaving behind 6 daughters. Out of them,



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my niece Kulwinder Kaur was married to Satnam Singh about 2 ½ years back. We had given sufficient dowry as per our capacity. After a short period of marriage, when my niece came to meet us in our village, she disclosed that her mother-in-law Jagir Kaur, father-in-law Mohar Singh, brother-in-law Jagtar Singh and her husband Satnam Singh used to harass her for having brought less dowry. She expressed reluctance to go to her matrimonial home, as she was apprehending threat to her life. However, we persuaded her and sent her back to her in-laws house. About 15/16 days back, my niece Kulwinder Kaur and her husband Satnam Singh came to our village and Satnam Singh raised demand of TV and Fridge and said that either the said articles be given to him or a cash amount of Rs.20,000/- be given for purchasing the same. I and my wife Harbans Kaur pleaded that since we are poor persons, we are not in a position to give such huge amount. Satnam Singh, however, responded that in that case we should keep our niece with us and that when we give the amount, then he will take her back. I narrated about the entire incident to the mediator Balwinder Singh. I and my wife as well as Balwinder Singh again requested Satnam Singh and told him that it was not possible for us to give such huge amount in one go and that we shall slowly purchase the articles and give the same to him. However, my niece Kulwinder Kaur took me aside and said that she is not ready to go to her in-laws, as they may cause harm to her. However, after persuading her, we again sent her back to her in-laws' house alongwith Satnam Singh. On 25.07.2003, I alongwith my son Amrik Singh and mediator Balwinder Singh went to village Kalsian to meet my niece. However, when we reached there at about 3.00 PM, we came to know that Kulwinder Kaur had died and her last rites i.e. funeral had already taken place. I strongly suspect that my niece Kulwinder Kaur had consumed some poison on account of harassment met out to her at the hands of her father-in-law Mohar Singh, mother-in-law Jagir Kaur, brother-in-law Jagtar Singh and husband Satnam Singh for pressing upon the demand of more dowry. They had connived with each other and had performed the last rites with an intention to destroy the evidence. I was now going to the police station for lodging a report, when you met me. Mediator Balwinder Singh and my son Amrik Singh are accompanying me. I have got my statement recorded. Action be taken. Sd/- Nazar Singh.”



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3. SI Balbir Singh (PW-4), after recording the above referred statement, sent the same to the Police Station for lodging of FIR (Ex.PA/3). Thereafter, SI Balbir Singh proceeded to the matrimonial home of the deceased and prepared rough site plan. Statements of the witnesses were also recorded. After arresting all the accused on 01.08.2003, SI Balbir Singh proceeded to the place where last rites of the deceased had been performed i.e. by the side of the canal where ashes had been immersed in water. However, no evidence could be collected from the said place as the ashes had been immersed in flowing water.
4. Upon conclusion of investigation, challan was presented against 4 accused namely Mohar Singh, Jagir Kaur, Satnam Singh and Jagtar Singh on 13.08.2003 in the Court of Sub Divisional Judicial Magistrate, Patti, who committed the case to the Court of Sessions vide order dated 23.08.2003. Learned Additional Sessions Judge, Amritsar to whom the case was entrusted framed charges against all the accused for offences punishable under Sections 304-B & 201 IPC read with Section 34 IPC on 12.09.2003 to which they pleaded not guilty and claimed trial.
5. The prosecution in order to substantiate its case examined as many as 4 PWs. The gist of their testimonies is being briefly referred to herein under:-  
  
**PW-1** Nazar Singh (complainant) stated broadly in tune with his statement (Ex.PA) leading to lodging of FIR. He categorically stated that his niece Kulwinder Kaur (deceased) had been married to Satnam Singh about 2 ½ years back, wherein he had given dowry as per their capacity, but her husband and other members of his family were not satisfied with the same and used to harass her in order to press upon their demand of dowry. He stated that Kulwinder Kaur was even turned out of her matrimonial house and that about 15/16 days prior



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to the occurrence, Kulwinder Kaur alongwith Satnam Singh had come to his village and Satnam Singh had demanded a T.V. and a fridge or an amount of Rs.20,000/- in cash. He and his wife pleaded to them that they will pay the amount after some time and that they managed to persuade them to go back to their village. He further stated that about 4 months back, when he alongwith Amrik Singh and Balwinder Singh had gone to the house of Kulwinder Kaur where they came to know that Kulwinder Kaur had died and that her dead body had been cremated even before they had reached. PW-1 Nazar Singh specifically stated that Kulwinder Kaur had been killed by the accused on account of demand of dowry.

**PW-2** Amrik Singh, son of the complainant, also stated identically as stated by PW-1 Nazar Singh regarding harassment of the deceased by her husband Satnam Singh and other accused and that about 4 months back, when he alongwith his father Nazar Singh and Balwinder Singh had gone to the matrimonial home of Kulwinder Kaur at village Kalsian Kalan, they came to know that Kulwinder Kaur had died and that her dead body had already been cremated.

**PW-3** Constable Narinder Pal Singh stated that on 27.07.2003 while he was posted at Police Station Bhikhiwind, he had delivered special reports to the Illaqa Magistrate and also to the SSP Tarn Taran.

**PW-4** SI Balbir Singh, who is the Investigating Officer in the present case, stated with respect to the entire investigation conducted by him in the matter right from the lodging of FIR upto the filing of challan. He proved various documents/memos prepared during the course of investigation.

6. Upon closure of the prosecution evidence, statements of all the accused were recorded in terms of Section 313 Cr.P.C., wherein they denied the entire case of prosecution and pleaded false implication. However, accused Satnam Singh stated that Kulwinder Kaur had died on account of illness and that her relatives had been informed, but subsequently Nazar Singh lodged a false



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case against them. The accused in their defence examined **DW-1** Gursahib Singh resident of village Kalsian Kalan, who stated that he is an ex-Member Panchayat of his village and that accused belonged to his village. He stated that he had gone to the house of the accused at the time of death of Kulwinder Kaur at about 11.30 AM and that her dead body was cremated at about 7.30 PM. He further stated that sisters of Kulwinder Kaur had attended the cremation. He further stated that Kulwinder Kaur had died suddenly and had no dispute with any member of the family and that he had also stated so before the police.

7. The learned trial Court, upon appraisal of evidence brought on record by the prosecution and also by the accused, held Satnam Singh (appellant) guilty of having committed offence punishable under Section 304-B and 201 IPC while acquitting the remaining co-accused namely Mohar Singh, Jagir Kaur and Jagtar Singh of all the charges vide judgment dated 10.08.2004. Aggrieved by the same, Satnam Singh (appellant) preferred the instant appeal.
8. Learned counsel for the appellant, while assailing the impugned judgment, submitted that he has falsely been implicated in the present case and that there is no evidence worth credence to show either that it is a case of unnatural or a homicidal death nor is there any evidence to establish the allegations of any harassment having been met out to the deceased at the hands of accused. Learned counsel submitted that under these circumstances the findings of guilt as recorded by the trial Court are unsustainable and are liable to be set aside.



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9. Opposing the appeal, learned State counsel submitted that it is a case where unnatural death of Kulwinder Kaur had taken place in her matrimonial home and that too within a period of less than 7 years of her marriage and since there are specific allegations to the effect that the accused used to harass the deceased in order to press upon their demand of dowry, the offence under Section 304-B IPC is clearly made out and also an offence under Section 201 IPC as the accused had hurriedly cremated the dead body without even informing her guardian i.e. her uncle Nazar Singh (complainant). Learned State counsel has, thus, prayed for dismissal of the appeal.
10. We have considered rival submissions addressed before this Court and with the assistance of learned counsel have also perused the record of the case.
11. Since the allegations pertain to offence under Section 304-B IPC, it is apposite to bear in mind the provisions of Section 304-B IPC, which read as under:

**“304B. Dowry death.** - (1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.

Explanation. For the purposes of this sub-section, "dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).

(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life”



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12. Offence under Section 304-B IPC is such wherein presumption of guilt under Section 113-B of the Indian Evidence Act may be drawn against the accused and the onus to establish innocence shifts upon the accused. The necessary ingredients of Section 304-B IPC may be spelt out as follows:

- (i) that deceased died due to burning or bodily injury or any other unnatural death;
- (ii) that the deceased died within seven years of her marriage;
- (iii) that the deceased was subjected to cruelty or harassment by her husband or his relatives;
- (iv) that such cruelty or harassment was in connection with demand of dowry;
- (v) that such cruelty or harassment was soon before her death.

13. Bearing the aforesaid ingredients in mind, the first and foremost issue in the instant case would be as to whether it is a case of unnatural death or not. Admittedly, the deceased (Kulwinder Kaur) after her death had been cremated and no post-mortem examination was conducted. In the absence of any medical opinion or any other evidence regarding the death being unnatural or homicidal, it certainly cannot be said that the deceased had died an unnatural death. Although the complainant alleges that his niece (deceased) had been poisoned, but there is no evidence to this effect. On the other hand, the defence witness examined by the accused i.e. DW-1 Gursahib Singh, who is ex Member of the Panchayat of the village, stated that the deceased had died all of a sudden and that she had never been harassed by any of the accused. As such, the findings of the trial Court as regards instant



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case being a case of unnatural death cannot sustain in the absence of medical evidence.

14. The issue as regards death of Kulwinder Kaur having taken place within less than 7 years of the marriage is not in dispute. However, the said fact would assume importance only in case the other ingredients i.e. the instant case being a case of unnatural death and there being some evidence regarding harassment of the deceased, stand established. Although the complainant and his son i.e. PW-1 Nazar Singh and PW-2 Amrik Singh alleged that the accused used to harass the deceased in order to press upon their demands of more dowry, but this Court finds that although the marriage had been solemnized about 2 ½ years prior to the date of occurrence and the harassment is stated to have started shortly after the marriage, but no complaint whatsoever was ever lodged with any authority in this regard. No Panchayat is even stated to have been convened to resolve the issue. Rather, DW-1 Gursahib Singh, ex-Member of the Panchayat of matrimonial village of the deceased, has deposed to the contrary. DW-1 Gursahib Singh specifically stated that Kulwinder Kaur (deceased) had died suddenly and had no dispute with any family member. Even the mediator to marriage namely Balwinder Singh has not been examined. As such, it will not be safe to rely upon the bald statements of the complainant and his son i.e. PW-1 Nazar Singh and PW-2 Amrik Singh, in this regard particularly when even the factum of the alleged unnatural death is not established.
15. As an up-shot of the discussion made above, we find that all the necessary ingredients to constitute an offence punishable under Section 304-B IPC are not made out at all. Consequently, the findings against the accused having



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committed offence under Section 304-B IPC cannot sustain and are hereby set aside. The accused not having committed any offence under Section 304-B IPC cannot be said to have destroyed any evidence when in fact the commission of offence itself is not established. As such, even the conviction of the appellant for offence under Section 201 IPC is unsustainable and is set aside.

16. The instant appeal, as such, is accepted and while setting aside the conviction of the appellant, he is acquitted of all the charges framed against him.
17. Bail bonds/surety bonds, if any, furnished by the accused/appellants shall stand discharged.

**(GURVINDER SINGH GILL)**  
**JUDGE**

**(JASJIT SINGH BEDI)**  
**JUDGE**

**17.07.2025**

*Vimal*

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