



CRA-S-1510-SB-2004

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-1510-SB-2004
Reserved on: 25.04.2025
Pronounced on:- 27.05.2025

Baljinder SinghAppellant

Versus

State of PunjabRespondent

CORAM:- HON’BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Vikram Chaudhari, Senior Advocate with
Ms. Mannat Bir Kaur, Advocate
for the appellant.

Mr. Kewal Singh, Addl. A.G. Punjab.

AMARJOT BHATTI, J.

1. Appellant/convict Baljinder Singh filed aforesaid appeal against judgment of conviction and order of sentence dated 16.07.2004 passed by learned Additional Sessions Judge (Adhoc), Amritsar in Sessions Case bearing No. 489/2003/FTC, titled as “State Vs. Baljinder Singh and others” in FIR No. 119 dated 18.07.2002 under Section 304-B, 498-A, 148, 149, 120-B of IPC registered at Police Station Sadar, Tarn Taran vide which appellant was sentenced as under :-

Name of Convict	Offence U/s	Sentence	Fine	In default of fine or a part thereof
Baljinder Singh	304-B of IPC	Rigorous imprisonment for ten years	Rs. 2,000/-	Further rigorous imprisonment for two months



2. As per the facts of case, on 18.07.2002, SI Krishan Kumar alongwith other police officials was present on the canal of village Rasulpur in connection with patrolling. In the meantime, complainant Surjit Singh son of Chanan Singh resident of Village Warian Purana met SI Krishan Kumar and got recorded his statement, alleging that on 18.07.2002, he alongwith his wife Harjinder Kaur and sister-in-law Harinder Kaur wife of Satnam Singh went to the house of his elder sister Sukhbir Kaur on a scooter to see her. At about 09:00 AM, when they reached the house of Sukhbir Kaur, they found main gate of the house open. When they entered the house, they saw Baljinder Singh (husband of Sukhbir Kaur) and Tarlok Singh (father-in-law of Sukhbir Kaur) had wrapped head wear around her neck and were pulling in opposite direction to strangulate her. Harjinder Kaur (sister-in-law of Sukhbir Kaur) had caught hold of her both legs, whereas, Jagir Kaur (mother-in-law of Sukhbir Kaur) caught hold of her right arm and Rajwinder Kaur (sister-in-law of Sukhbir Kaur) caught hold of her left arm and both of them were sitting on the ground. On the alarm raised by them (complainant's family), all ran away in street, leaving Sukhbir Kaur on the brink of death. When he (complainant) and others checked upon Sukhbir Kaur, she was found to be dead. He (complainant) left his wife Harjinder Kaur and sister-in-law Harinder Kaur on the spot and went to his village to inform other family members. Thereafter, when they were going to police station to report the matter, they met SI Krishan Kumar on the way and statement of complainant was recorded. It is further stated by complainant that his sister Sukhbir Kaur (since deceased) married Baljinder Singh on 20.08.2000 and they had given dowry according to their capacity. However, in-laws of deceased victim pressurized her to



bring more dowry and about three months ago, they had given Rs. 50,000/- to them to purchase Hero Honda motorcycle, but even then they used to give threats to his sister. With these allegations, initially FIR was registered under Section 304-B read with Section 148, 149 of IPC.

3. During investigation, inquest proceedings were conducted and dead body of deceased victim was entrusted to HC Ranjit Singh for postmortem examination. Rough site plan of place of occurrence was prepared. Alleged motorcycle i.e. Hero Honda Passion was also taken into police possession. All accused persons were arrested. Statements of witnesses were recorded under Section 161 Cr.P.C. During investigation, offences under Section 498-A and 120-B of IPC were also added. After completion of investigation, accused were challaned under Section 304-B, 498-A, 148, 149 and 120-B of IPC and Final Report under Section 173 Cr.P.C. was prepared and submitted before the learned Illaqa Magistrate.

4. Accused were supplied complete set of copy of challan report as provided under Section 207 of Cr.P.C. Since the offence under Section 304-B of IPC was exclusively triable by the Court of Sessions, therefore, learned Sub Divisional Judicial Magistrate, Tarn Taran committed the case to the Court of learned Sessions Judge, Amritsar for trial vide commitment order dated 16.09.2002.

5. Learned Additional Sessions Judge (Adhoc), Amritsar after hearing arguments framed charge-sheet against accused Baljinder Singh, Rajwinder Kaur, Harjinder Kaur, Jagir Kaur and Tarlok Singh under Sections 143, 302/149 of IPC and in alternative under Section 304-B of IPC, which was read over and explained to them in simple language to which they



pleaded not guilty and claimed trial.

6. In order to prove the facts of case, prosecution examined Surjit Singh as PW-1, Harjinder Kaur as PW-2, Bikramjit Singh as PW-3, Dr. Kashmir Singh, SMO, Civil Hospital Tarn Taran as PW-4, Joginder Singh as PW-5, MHC Balwinder Singh as PW-6, Sukhjit Singh as PW-7, Rishi Ram, Draftsman as PW-8, ASI Mohinder Singh as PW-9, Amandeep Singh as PW-10, SI Krishan Kumar as PW-11, Mangal Singh as PW-12, HC Ranjit Singh as PW-13 and Balwinder Singh as PW-14. Thereafter, learned Additional Public Prosecutor for State closed prosecution evidence.

7. Statements of all accused persons were recorded under Section 313 Cr.P.C. by the trial Court to which they pleaded innocence and false implication. Accused in defence examined two witnesses namely Harjit Singh as DW-1 and Ranjit Singh as DW-2.

8. After hearing arguments advanced by learned Additional Public Prosecutor for the State and learned counsel representing accused persons, accused persons namely Jagir Kaur, Tarlok Singh, Rajwinder Kaur and Harjinder Kaur were acquitted of the charges framed against them. Whereas, accused Baljinder Singh was held guilty and convicted under Section 304-B of IPC vide judgment of conviction and order of sentence dated 16.07.2004 as referred above, passed by learned Additional Sessions Judge (Adhoc), Amritsar. Feeling aggrieved of this judgment of conviction and order of sentence, appellant/convict Baljinder Singh filed present appeal.

9. Learned counsel for appellant argued that judgment of conviction and order of sentence is contrary to the facts proved on record and principles of law. Learned trial Court has failed to appreciate the prosecution evidence



in its right perspective. As per the judgment of trial Court, version put forward by prosecution levelling allegations of murder was disbelieved and in alternative charge, only appellant Baljinder Singh was found guilty for the offence under Section 304-B of IPC, whereas, other accused were acquitted of all the charges framed against them. In the case in hand, prosecution failed to examine any independent witness to prove the allegations levelled against appellant. Earlier, there was no complaint against appellant nor any Panchayat was convened regarding matrimonial dispute or alleged demand of dowry. Learned trial Court has relied upon the testimonies of complainant Surjit Singh PW-1 who is the brother of deceased victim and Harjinder Kaur PW-2 who is the wife of complainant. Both witnesses are close family members of the deceased. Learned counsel for appellant/convict referred to the cross-examination of Surjit Singh PW-1 who was confronted with his statement given to police Ex. PA and while stepping into the witness box he made several improvements and same have been ignored by the trial Court. Similarly, Harjinder Kaur PW-2 has narrated the facts prior to her marriage with Surjit Singh on 01.04.2002. Therefore, testimonies of both the witnesses cannot be safely relied upon.

It is pointed out that prosecution version is highly improbable, inconsistent and unreliable. Learned trial Court has failed to appreciate the manner and genesis of the occurrence which remained highly doubtful. Testimonies of prosecution witnesses were discarded by the trial Court regarding the charges framed against appellant/convict along with other co-accused under the provisions of Section 143 of IPC and Section 302 read with Section 149 of IPC. At the same time, same set of evidence has been relied



upon for holding appellant/convict guilty for the offence under Section 304-B of IPC. There is nothing on record to establish that soon before the said unfortunate incident, victim was subjected to cruelty on account of demand of dowry. It is the case of prosecution that victim was maltreated in matrimonial home on account of their demand for a motorcycle and it is further alleged that complainant had given Rs. 50,000/- in cash to buy motorcycle. It has come in examination-in-chief of Surjit Singh PW-1 that he had allegedly given Rs. 50,000/- to Tarlok Singh, father of appellant on 27.03.2002. Evidence led in defence was totally ignored by learned trial Court. Learned counsel for appellant had examined Ranjit Singh DW-2 who has proved invoice dated 15.04.2002 Ex.DA regarding purchase of Hero Honda Passion motorcycle in the name of Tarlok Singh. Said motorcycle was purchased by Tarlok Singh from his own funds. Harjit Singh, Manager, Gramin Vikas Bank, Branch Ghasitpur DW-1 has proved statement of account of Tarlok Singh Ex.DA. Neither there was any demand of appellant nor there was any maltreatment given to the wife.

No proper investigation was carried out by police. Investigating Officer did not record statement of anybody from neighbourhood to find out the truth, facts and circumstances under which said unfortunate incident took place. Allegations of demand of dowry are without any basis. Thus, prosecution miserably failed to establish that victim was subjected to maltreatment soon before her death on account of said demand of dowry. Learned trial Court rightly gave benefit of doubt to other co-accused facing trial with appellant, but at the same time, wrongly convicted appellant/convict on the same set of evidence. Learned counsel for appellant/convict relied



upon the judgment of **Supreme Court of India** case titled “**Karan Singh versus State of Haryana**”, bearing ***Criminal Appeal No. 1076 of 2014, decided on 31.01.2025***, where in the facts and circumstances of that case it was observed that “*perhaps it is a case of moral conviction.*”

Even in the case in hand, statements of Surjit Singh PW-1 and Harjinder Kaur PW-2 were disbelieved for the offence under Section 143, 302 read with Section 149 of IPC, but appellant/husband is convicted for the offence under Section 304-B of IPC on the same set of evidence.

It is further brought to the notice of this Court that appellant/convict is an Army personnel, still serving in the Indian Army. Responsibility of two unmarried sisters and old mother is on his shoulders. Considering the aforesaid factual position, appeal preferred by appellant/convict may be accepted and he may be acquitted of the charge framed against him.

10. On the other hand, learned counsel representing State of Punjab argued that facts of case are duly proved on record by complainant Surjit Singh PW-1 who is brother of deceased victim. His version is supported by his wife Harjinder Kaur PW-2 who had gone to matrimonial home of Sukhbir Kaur on the day of said occurrence. Both witnesses categorically stated that there was continuous maltreatment to deceased victim on account of their demand for Rs. 50,000/- to purchase motorcycle. Under compelled circumstances, Surjit Singh PW-1 had arranged Rs. 50,000/- which were given to Tarlok Singh on 27.03.2002. From the said money, Hero Honda Passion motorcycle was purchased on 15.04.2002. During investigation, said motorcycle was taken into police possession. Mangal Singh PW-12 also



confirmed that Surjit Singh complainant had borrowed Rs. 50,000/- from him on 24.03.2002. During cross-examination, he explained that he was cultivating the land of Surjit Singh on lease, therefore, he took Rs. 40,000/- from his commission agent and Rs. 10,000/- which were lying in his house and gave the same to complainant Surjit Singh. Despite satisfying the demand raised by appellant/convict, they did not stop maltreating the victim, as a result, unfortunate incident took place on 18.07.2002, when she was killed by appellant/convict alongwith other co-accused. It is conceded that other co-accused were acquitted by giving them benefit of doubt and present appellant/convict was found guilty for the offence punishable under Section 304-B of IPC. The ocular version is fully supported by medical record i.e. Postmortem report proved on file by Dr. Kashmir Singh PW-4. Photographs of dead body were clicked on the same day which are proved by Bikramjit Singh, Photographer PW-3 and same are Ex.P1 to Ex.P5 and negatives are Ex.P6 to Ex.P10. There is ample evidence on record to show that it was a case of death by strangulation. Prosecution examined SI Krishan Kumar as PW-11 and ASI Mohinder Singh as PW-9 to prove the investigation carried out by them from time to time. Link evidence is also complete in this case. Learned counsel representing State of Punjab pointed out that appellant/convict did not take any specific stand regarding death of his wife in matrimonial home. Victim lost her life in matrimonial home within two years of her marriage due to continuous maltreatment given to her on account of their unauthorized demand for dowry. Therefore, judgment of conviction and order of sentence dated 16.07.2004 passed by the trial Court qua appellant/convict Baljinder Singh does not require any interference.



11. I have considered the arguments advanced by learned counsel for appellant/convict, learned counsel representing State of Punjab and have gone through the record with their able assistance. Present FIR was lodged on the statement of Surjit Singh, brother of deceased victim recorded on the date of occurrence i.e. 18.07.2002, which is Ex.PA. As per facts of the case, Surjit Singh's sister Sukhbir Kaur got married with Baljinder Singh - appellant/convict on 20.08.2000. She was harassed and ill-treated by her husband and in-laws family for bringing less dowry. Accused were raising demand for motorcycle or cash of Rs. 50,000/-. Said demand was satisfied, even then there was no change in their behavior. On the date of occurrence i.e. 18.07.2002, he was going to meet his sister alongwith his wife Harjinder Kaur and sister-in-law Harinder Kaur and at about 09:00 AM, when they went inside the matrimonial house of his sister, he saw Baljinder Singh and Tarlok Singh strangulating his sister with the help of head wear/chunni, whereas, Harjinder Kaur (sister-in-law) caught hold of her legs, Jagir Kaur (mother-in-law) caught hold of her right arm and Rajwinder Kaur (sister-in-law) caught hold of her left arm. On the alarm raised by them, they ran away in street. Said head wear was removed and his sister breathed her last and died on the spot. With these allegations, Investigating Officer SI Krishan Kumar made his endorsement Ex.PA/1, on the basis of which FIR Ex.PA/2 was registered under Section 304-B read with Section 148 and 149 of IPC. On completion of investigation, challan was prepared under Section 304-B, 498-A, 148, 149 and 120-B of IPC. Case was committed to Sessions Court vide Commitment Order dated 16.09.2002 and present appellant/convict alongwith other co-accused were charge-sheeted under Section 143, 302 read with Section 149 of



IPC and in alternative under Section 304-B of IPC. Learned trial Court convicted Baljinder Singh under Section 304-B of IPC, whereas, other co-accused Jagir Kaur, Tarlok Singh, Rajwinder Kaur and Harjinder Kaur were acquitted of the charge framed against them giving them benefit of doubt. Therefore, at present this Court is to see whether conviction of appellant Baljinder Singh under Section 304-B of IPC is sustainable in the eyes of law or not.

12. In the case in hand, unfortunate incident took place on 18.07.2002 and present FIR was lodged on the same day without any delay. It is an admitted fact that deceased victim was wife of Baljinder Singh. They got married on 20.08.2000. Alleged occurrence took place in matrimonial home within two years of marriage. In order to prove maltreatment to deceased victim on account of demand of dowry, there is statement of Surjit Singh complainant recorded as PW-1. In the said statement, complainant has specifically narrated the incidents of cruelty faced by deceased victim in matrimonial home. It is explained that after the death of father of deceased victim on 13.11.2000, maltreatment of deceased victim started for bringing less dowry. Appellant/convict wanted to have a motorcycle or cash of Rs. 50,000/-. Complainant further explained that when their father expired, only his sister and her father-in-law Tarlok Singh came to attend Bhog Ceremony. He further explained that when his marriage took place on 01.04.2002, his sister alone had come to attend the marriage and she returned to matrimonial home on 16.04.2002. Aforesaid factual position clearly indicates that there was rift between the two families, as a result, all family members did not join family of complainant when there was death of their father or when there was



marriage of complainant Surjit Singh. So far as appellant Baljinder Singh is concerned, he did not come on both the events. I have considered the cross-examination of Surjit Singh where he was confronted with his statement Ex.PA and it is alleged that he has given improved version. On this point, gainful reference can be made to the judgment of **Supreme Court of India**, case titled “Yogesh Singh Versus Mahabeer Singh & Ors.”, cited in **2016(4) RCR(Criminal) 753**, where Supreme Court of India had dealt with the discrepancies in evidence as observed in para No. 29, which runs as under:-

“29. It is well settled in law that the minor discrepancies are not to be given undue emphasis and the evidence is to be considered from the point of view of trustworthiness. The test is whether the same inspires confidence in the mind of the Court. If the evidence is incredible and cannot be accepted by the test of prudence, then it may create a dent in the prosecution version. If an omission or discrepancy goes to the root of the matter and ushers in incongruities, the defence can take advantage of such inconsistencies. It needs no special emphasis to state that every omission cannot take place of a material omission and, therefore, minor contradictions, inconsistencies or insignificant embellishments do not affect the core of the prosecution case and should not be taken to be a ground to reject the prosecution evidence. The omission should create a serious doubt about the truthfulness or creditworthiness of a witness. It is only the serious contradictions and omissions which materially affect the case of the prosecution but not every contradiction or omission.”

In the light of this, said objection raised by learned counsel for appellant/convict is not tenable in the eyes of law. Surjit Singh has elaborated



the facts when he stepped into the witness box as PW-1. It is not the case that he has narrated altogether different version which could have been termed as 'improved version'. Infact, Surjit Singh PW-1 has narrated as to how deceased victim was being treated in matrimonial home. Complainant Surjit Singh as PW-1 categorically stated in his statement Ex.PA that three months prior to occurrence he had given Rs. 50,000/- to buy a motorcycle and as PW-1 he mentioned the date as 27.03.2002 when he handed over Rs. 50,000/- to Tarlok Singh, father of appellant/convict. Money borrowed by Surjit Singh-complainant is confirmed by Mangal Singh PW-12. Ranjit Singh as DW-2 proved invoice dated 15.04.2002 regarding purchase of Hero Honda Passion motorcycle in the name of Tarlok Singh, who is father of appellant/convict. Learned counsel for appellant tried to explain that said motorcycle was purchased by Tarlok Singh by using his own money and in this regard Harjit Singh, Manager, Gramin Vikas Bank, Branch Ghasitpur is examined as DW-1, who has proved the statement of account Ex.DA which does not show any withdrawal of money prior to purchase of said Hero Honda motorcycle. Even thereafter ill-treatment of victim in matrimonial home did not stop which finally resulted into his unfortunate death. There is statement of Harjinder Kaur as PW-2. Learned trial Court rightly considered that she came into the family after marriage on 01.04.2002 but she was fully aware of the facts and circumstances which the deceased victim was facing in her matrimonial home. It has come in her cross-examination that her sister Harinder Kaur was married to Satnam Singh brother of Surjit Singh. Therefore, she knew her in-laws family and her testimony cannot be discarded altogether. There is ample evidence on record that deceased victim was maltreated in matrimonial home



on account of their illegal demand for dowry.

13. The other important aspect of present case is medical record proved on file by Dr. Kashmir Singh, SMO, Civil Hospital Tarn Taran examined as PW-4. A Board of Doctors was constituted on application addressed to SMO, Civil Hospital Tarn Taran Ex.PD, consisting of Dr. Kashmir Singh, Dr. Arjan Dhawan and Dr. Dilbag Singh. Dr. Kashmir Singh, SMO as PW-4 proved Postmortem report of deceased victim. He categorically stated that postmortem was conducted on 19.07.2002 at 10:40 AM. Regarding dead body, it was observed as under :-

“The dead body was moderately built and nourished wearing multi-coloured salwar and kamiz, biscuit coloured brasier and dupatta, red and golden coloured bangles, rigor mortis was present on all the four limbs. Postmortem staining was fixed on back. Pupils were dilated and conjunctiva was lightly congested and face was lightly cyanosis. The following ante-mortem injuries were present:-

1) A ligature mark in front of neck, varying from 2 to 2.5 cm incised, horizontally below the thyroid cartilage, running posteriorly on the left side upto the midline of back of neck and on the right side to lateral midline of the neck. The ligature mark appeared yellowish brown hard and dry. On dissection mild sucutinous ecchymosis was present.

2) A bluish coloured bruise 9 x 7 cm on anterolateral aspect of middle of right upper arm.

3) A bluish coloured bruise 6 x 8 cm on lateral side of upper part of left upper arm.

Stomach contained about 200 cc of semi digested food. All the other organs were healthy.

The Medical Board was of the opinion that the cause of death was vagal inhibition and some venous constriction due to



strangulation which was sufficient to cause death in the ordinary course of nature.”

The photographs of dead body are proved by Bikramjit Singh, Photographer examined as PW-3. It has come in his statement that he clicked photographs of dead body on 18.07.2002 at about 02:30 PM. Said photographs are Ex.P1 to Ex.P5 and negatives are Ex.P6 to Ex.P10. Therefore, in the case in hand, death of deceased victim took place due to strangulation.

14. In the light of evidence led by prosecution, it is evident that victim was facing maltreatment in matrimonial home continuously on account of their greed for dowry. Sequence of events indicate that soon before her death, there was continuous mental harassment to the lady, leading to this unfortunate occurrence. On this point, gainful reference can be made to the judgment of **Supreme Court of India** cited in **2013(2) RCR(Criminal) 75**, case titled “**Kashmir Kaur and another Versus State of Punjab**”, where in order to constitute the offence under Section 304-B of IPC, following principles were culled out, which are as under :-

“16. From the above decisions the following principles can be culled out :

- a) To attract the provisions of Section 304B Indian Penal Code the main ingredient of the offence to be established is that soon before the death of the deceased she was subjected to cruelty and harassment in connection with the demand of dowry.
- b) The death of the deceased woman was caused by any burn or bodily injury or some other circumstance which was not normal.
- c) Such death occurs within seven years from the date of her marriage.



- d) That the victim was subjected to cruelty or harassment by her husband or any relative of her husband.
- e) Such cruelty or harassment should be for or in connection with demand of dowry.
- f) It should be established that such cruelty and harassment was made soon before her death.
- g) The expression (soon before) is a relative term and it would depend upon circumstances of each case and no straightjacket formula can be laid down as to what would constitute a period of soon before the occurrence.
- h) It would be hazardous to indicate any fixed period and that brings in the importance of a proximity test both for the proof of an offence of dowry death as well as for raising a presumption under Section 113B of the Evidence Act.
- i) Therefore, the expression "soon before" would normally imply that the interval should not be much between the concerned cruelty or harassment and the death in question. There must be existence of a proximate or life link between the effect of cruelty based on dowry demand and the concerned death. In other words, it should not be remote in point of time and thereby make it a stale one.
- j) However, the expression "soon before" should not be given a narrow meaning which would otherwise defeat the very purpose of the provisions of the Act and should not lead to absurd results.
- k) Section 304B is an exception to the cardinal principles of criminal jurisprudence that a suspect in the Indian Law is entitled to the protection of Article 20 of the Constitution, as well as, a presumption of innocence in his favour. The concept of deeming fiction is hardly applicable to criminal jurisprudence but in contradistinction to this aspect of criminal law, the legislature applied the concept of deeming fiction to the provisions of Section 304B.



l) Such deeming fiction resulting in a presumption is, however, a rebuttable presumption and the husband and his relatives, can, by leading their defence prove that the ingredients of Section 304B were not satisfied.

m) The specific significance to be attached is to the time of the alleged cruelty and harassment to which the victim was subjected to, the time of her death and whether the alleged demand of dowry was in connection with the marriage. Once the said ingredients were satisfied it will be called dowry death and by deemed fiction of law the husband or the relatives will be deemed to have committed that offence.”

Even otherwise, as per Section 113B of The Indian Evidence Act, 1872, there is a presumption as to dowry death. Section 113B of The Indian Evidence Act, 1872 runs as under :-

“113B. Presumption as to dowry death - When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman has been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death.

Explanation.- For the purposes of this section, “dowry death” shall have the same meaning as in section 304B of the Indian Penal Code (45 of 1860).”

As referred above, there is a presumption under Section 113-B of The Indian Evidence Act, 1872 regarding dowry death. Appellant/convict has not led any evidence on record to rebut the said presumption. There is total silence on the part of appellant/convict as to under what circumstances deceased victim died. Statement of appellant/convict was recorded under



Section 313 Cr.P.C., where he merely stated that he and his family is falsely implicated in this case at the instance of family members of his wife. In criminal trial, onus is always on prosecution to prove the guilt of accused beyond the shadows of reasonable doubt. Unlike in other cases under Section 113B of The Indian Evidence Act, there is a presumption as to dowry death once the prosecution is able to establish that soon before the death of victim she was subjected to cruelty and harassment for and in connection with demand of dowry. Therefore, silence on the part of appellant/convict does not help his case. As per medical record, cause of death in this case is by strangulation. There were other marks of injury on her body. It indicates that victim did not end her life on her own but it appears homicidal death.

15. Learned counsel for appellant/convict vehemently argued that in the absence of convincing evidence, appellant being husband of deceased victim has been wrongly convicted and sentenced by the trial Court and termed it as 'moral conviction'. To support this argument, he has also relied upon the judgment of "**Karan Singh versus State of Haryana**" (supra).

Aforesaid stand taken by learned counsel for appellant/convict does not convince the mind of this Court. Considering the evidence on record as referred above, conviction is based on legally admissible evidence. Prosecution has led clear credible evidence on record to prove the charges framed against the appellant/convict. Infact, appellant/convict could not rebut the presumption under the provisions of Section 113B of The Indian Evidence Act, 1872.

In the light of aforesaid factual position, learned trial Court rightly held guilty and convicted the appellant-husband Baljinder Singh under



Section 304-B of IPC. Therefore, judgment of conviction under Section 304-B of IPC is fully justified and same do not require any interference.

16. I have also considered the order of sentence passed by learned trial Court. In the case in hand, occurrence took place on 18.07.2002 and appellant was convicted and sentenced on 16.07.2004. His sentence was suspended when he had undergone more than 03 years of sentence. Present criminal appeal is being taken up for hearing after a long gap of about 20 years. Present case relates to maltreatment of a victim in matrimonial home on account of demand of dowry, resulting into her death by strangulation within two years of marriage. Therefore, conviction pertains to a heinous crime which is against the individual dignity and social consciousness. Suspension of sentence or delay in disposal of present case cannot dilute the gravity of offence committed by appellant/convict. In the light of this, order of sentence dated 16.07.2004 passed by learned Additional Sessions Judge (Adhoc), Amritsar does not require any interference and same is accordingly upheld, except the fine imposed under Section 304-B of IPC and the same is set aside, being beyond the provisions of Section 304-B of IPC.

17. Present appeal preferred by appellant Baljinder Singh is, accordingly, dismissed with aforesaid modification. Sentence of appellant Baljinder Singh was suspended by the Coordinate Bench of this Court, he is directed to surrender before learned Chief Judicial Magistrate, Amritsar, within one month from today, failing which learned Chief Judicial Magistrate, Amritsar would issue warrants of arrest to secure his presence and send him to jail to undergo remaining sentence. Necessary intimation be sent to the concerned Court for information and compliance.



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

(AMARJOT BHATTI)
JUDGE

27.05.2025

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