



**In the High Court for the States of Punjab and Haryana  
At Chandigarh**

CRA-D-546-DB-2004 (O&M)

Date of Decision:-17.7.2025

Jasbir Singh and others ... Appellants

Versus

State of Punjab ... Respondent

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

Present:- Ms. Gursharan K. Mann, Senior Advocate with  
Mr. Amandeep K. Sidhu, Advocate and  
Mr. Anmol Jeevan Singh Gill, Advocate,  
for appellants - Jasbir Singh and Jagtar Singh.

Vide separate order dated 8.4.2025,  
the proceedings qua appellant No.3 – Gurmej Kaur already stand  
abated.

Mr. Siddharth Attri, AAG, Punjab.

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**GURVINDER SINGH GILL, J.**

1. Appellants – Jasbir Singh @ Sonu and Jagtar Singh assail judgment dated 19.5.2004 passed by learned Additional Sessions Judge (Adhoc), Amritsar vide which they have been held guilty of having committed offence punishable under Section 302/34 of Indian Penal Code and have been sentenced to undergo rigorous imprisonment for life and to pay a fine amounting to Rs.2,000/- each.
2. The matter arises out of FIR No.278 dated 3.9.2001 at Police Station Sadar, Amritsar, under Sections 304-B, 307, 498-A and 341 of Indian Penal Code, pertaining to death of Paramjit Kaur due to burn injuries in her matrimonial



home. It was pursuant to receipt of telephonic intimation from Guru Nanak Dev Hospital, Amritsar at Police Station Sadar, Amritsar regarding admission of Paramjit Kaur in injured condition in the hospital that ASI Surinder Singh (PW-6) rushed to the hospital and moved an application (Ex.PE) seeking opinion of the doctor regarding fitness of Paramjit Kaur to make a statement, but the doctor concerned declared the patient unfit to make a statement. The said opinion (Ex.PE/1) was given by the doctor on 3.9.2001 at 9:30 P.M. It may here be mentioned that the police had also moved an application to the Illaqa Magistrate to record the statement of the victim at about 8:45 P.M. at his residence, upon which the Judicial Magistrate on duty namely Smt. Jaswinder (PW-7) immediately went to the hospital at 9:00 P.M. and sought opinion of the doctor concerned by moving an application Ex.PB, but the patient was declared unfit by the doctor concerned vide his opinion Ex.PB/1, which was given at 9:20 P.M. The said facts are duly recorded in the proceedings (Ex.PB/2) recorded by learned Magistrate on 3.9.2001. The deceased Paramjit Kaur having been declared unfit, ASI Surinder Singh (PW-6) recorded the statement (Ex.PA) of Bua Singh, father of the deceased, on the basis of which formal FIR (Ex.PA/2) was lodged. The translated gist of his statement (Ex.PA) leading to FIR, is reproduced herein-under:

“I am resident of Village Sham Nagar, Police Station Majitha, Amritsar and doing labour work. I have 4 daughters and 2 sons. My youngest daughter Paramjit Kaur @ Sona aged about 21 years was married to Jasbir Singh @ Sonu two years ago. At the time of marriage, I gave sufficient dowry to my daughter Paramjit Kaur according to my status. Her mother-in-law Gurmej, her father-in-law Jagtar Singh and her husband Jasbir Singh used to harass and torture my daughter for bringing more dowry and used to beat her for having brought less dowry. My daughter Paramjit Kaur used to tell about this to her elder sister Sarabjit Kaur @ Sabo, her mother Gurdeep Kaur



and to me when she visited her parental home at Rampura. When she came to us, we used to send her back while giving some articles. A few days earlier Paramjit was turned out by her in-laws i.e. her husband and father-in-law by giving beatings, however, they retained her son Rinku aged about 2½ years with them. Her in-laws while demanding Rs.8,000/- told her that if she wants to get rehabilitated in their house then she should bring the said amount otherwise not enter their house. My daughter Paramjit Kaur told this to her mother and to me on reaching Ram Nagar. After keeping out daughter with us for a few days, I sent her back to her in-laws' house with the assurance that I will send the amount after arranging the same. Today i.e. 3.9.2001, at about 11:00 A.M. my daughter Sarabjit Kaur telephonically informed me that Paramjit Kaur has been set ablaze by her in-laws and that she has been admitted in Guru Nank Dev Hospital. On receipt of said information, I alongwith my wife and other relatives reached the said hospital where my daughter (Paramjit Kaur) told us that her mother-in-law, father-in-law and her husband had set her ablaze with an intention to cause death at 08:00 A.M., as she had not fulfilled their demand of dowry.”

3. The doctor's opinion was again sought on the next day i.e. on 4.9.2001, but Paramjit Kaur was again declared unfit by the doctor vide his opinion Ex.PE/2. The said opinion Ex.PE/2 was given on 4.9.2001 at 7:52 P.M. Subsequently on 5.9.2001, the police moved an application (Ex.PC) to the Chief Judicial Magistrate for deputing some Magistrate for recording the statement, upon which learned Chief Judicial Magistrate issued a direction (Ex.PC/1) to the Duty Magistrate to record the statement. Accordingly, the Duty Magistrate proceeded to the hospital and moved an application (Ex.PD) to the Doctor Incharge, Guru Nank Dev Hospital seeking opinion of the patient to make a statement, whereupon the doctor concerned i.e. PW-8 - Dr. Jasneet Singh Bhullar furnished his opinion (Ex.PD/1) to the effect that the patient was fit to make statement. The said opinion was furnished at 3:15



P.M. on 5.9.2001. The patient having been declared fit to make statement, the learned Judicial Magistrate concerned recorded the statement (Ex.PE) of the victim. The translated gist of the said statement is reproduced herein-under:

“My marriage was solemnized with Jasbir Singh s/o Jagtar Singh r/o Sham Nagar in the month of November, last year as per Sikh Rites. My mother-in-law Guho and father-in-law Jagtar Singh are alive. My three sisters in-law are settled in their matrimonial homes. I have one brother-in-law (*Jeth*) Balbir Singh, whose wife’s name is Jasbir Kaur.

After marriage I lived with Jasbir Singh at my in-laws house at Rampura Colony. We all lived in the same house, but my brother-in-law (*Jeth*) and *Jethani* were constructing their own house (*Kothi*). For about two months the behaviour of members of my in-laws family remained good towards me. After that my mother-in-law, my father-in-law and my husband and one of his sisters whose name is Pammi started harassing me for having brought less dowry and they demanded rings and bangles. I told them that my parents are poor and they cannot give these articles.

On 02.09.01 at about in the morning when I was preparing meals, my sister-in-law Pammi came to my matrimonial house. I was about to flame the ‘*Angithi*’ (charcoal stove/fireplace). My sister-in-law Pammi and mother-in-law Guho came and caught hold of me from the behind. When I raised hue and cry (*raula*) then they started saying that the burner of stove has blown off. Then my father-in-law poured kerosene oil on me and my husband Jasbir Singh lit the fire with a matchstick. People gathered upon alarm raised by me and they took me to hospital. That all above said accused have harassed me and set me on fire.

RO & AC  
RTI/-

Sd/-  
JMIC 05.05.01”

4. Inspector/SHO Surinder Singh (PW-6) alongwith other police officials visited the place of occurrence, where a rough site plan was prepared. A can of kerosene oil and a match box were taken into possession. The accused Jasbir



Singh was arrested on 10.9.2001. Paramjit Kaur, however, could not survive and breathed her last on 15.9.2001. Thereafter, inquest proceedings were conducted and dead body was subjected to post-mortem examination.

5. Upon conclusion of investigation, challan was presented against accused Jasbir Singh only in the Court of learned Additional Chief Judicial Magistrate, Amritsar on 4.12.2001, who committed the case to the Court of Sessions vide commitment order dated 13.12.2001. Learned Sessions Judge, Amritsar to whom the case was entrusted, framed charges against accused Jasbir Singh on 3.4.2002 for offence under Sections 302 of Indian Penal Code and proceeded to record prosecution evidence. Upon an application under Section 319 Cr.P.C. filed by the prosecution, learned Trial Court ordered for summoning of Jagtar Singh, Gurmej Kaur and Paramjit Kaur @ Pammi vide order dated 2.6.2003. Upon securing their presence, charges were framed against all the four accused for offence under Section 304-B IPC with alternate charges under Sections 302/34 of Indian Penal Code on 27.8.2003 to which the accused pleaded not guilty and claimed trial.
6. The prosecution, in order to substantiate the charges framed against the accused, examined as many as 8 PWs. The gist of their testimonies is being briefly referred to herein under:-

**PW-1** Bua Singh, father of the deceased, at whose instance the FIR came to be lodged stated in tune with his statement Ex.PA. He specifically stated that upon receipt of telephonic information from his daughter Sarabjit Kaur on 3.9.2001 to the effect that Paramjit Kaur had been set on fire by her husband, father-in-law, mother-in-law and sister-in-law Pammi, he rushed to Guru Nanak Dev Hospital, Amritsar, where Paramjit Kaur had been admitted. He



stated that at that time she was conscious and upon his inquiry she disclosed that when she was preparing meals in the morning, her husband alongwith his parents and his sister had reached there and that while her sister-in-law Pammi and mother-in-law Guro caught hold of her from her back, her father-in-law sprinkled kerosene oil on her and her husband set her on fire with a match-stick.

**PW-2** Sarabjit Kaur @ Sabba, who is sister of the deceased stated that Paramjit Kaur was her sister, who was married to Jasbir Singh of her village and that one house intervenes her house and the house of the accused. She stated that the accused used to harass the deceased for having brought insufficient dowry, as used to be disclosed to her by her sister Paramjit Kaur. She stated that her sister had been set on fire about 2 years back by the accused and upon hearing the noise commotion she rushed to the house of the accused, where all the accused were present and her sister Paramjit Kaur disclosed to her that the accused had held her long hair and Gurmej Kaur had caught hold of her legs and Jagtar Singh had poured kerosene oil and it was Jasbir Singh who set her on fire. She further stated that Jasbir Singh and his father took the deceased to hospital and she informed her parents telephonically about the occurrence at about 7:00 A.M., who came to the hospital and met her. She further stated that she was not present when the deceased had spoken to her parents about the occurrence.

**PW-3** Head Constable Joginder Singh, who is a formal witness, tendered into evidence his affidavit Ex.PB, wherein he deposed that on 3.9.2001 MHC Naresh Kumar, Police Station Sadar Amritsar had



handed over the special reports in respect of the present case and that he accordingly delivered the same to Illaqa Magistrate and to higher police officials

**PW-4** LC Kashmir Singh, Head Constable Joginder Singh, who is also a formal witness, tendered into evidence his affidavit Ex.PC, wherein he deposed that on 15.9.2001 he was posted at Police Station Sadar Amritsar on general duty and on the said day Inspector/SHO had handed over dead-body of Paramjit Kaur to me for getting the post-mortem conducted and that he got the needful done.

**PW-5** Dr. Ashok Chanana, Associate Professor Forensic Science Department, Government Medical College, Amritsar stated that on 15.9.2001 he alongwith Dr. Guriqbal Singh, Resident Medical Officer had conducted post-mortem examination on the dead-body of Paramjit Kaur. He proved the post mortem report as Ex.PB and opined that the cause of death was septicaemia shock due to ante-mortem burns, which was sufficient to cause death in ordinary course of nature.

**PW-6** ASI, Surinder Singh (Retd.), who is the Investigating Officer in the present case, stated in detail about the entire investigation conducted by him right from lodging of the FIR upto the filing of challan. He proved various memos and documents prepared during the course of investigation.

**PW-7** Smt. Jaswinder, JMIC, Amritsar, who had recorded the dying-declaration of Paramjit Kaur on 5.9.2001 stated that she had recorded the said statement after seeking opinion of the doctor concerned regarding fitness of the deceased and that the contents of



the statement had been read over to Paramjit Kaur, who admitted the same to be correct and had affixed her thumb impression on the same. She further stated that thereafter she again obtained the opinion (Ex.PD/3) of the doctor on 5.9.2001 at 3:37 P.M. to the effect that Paramjit Kaur had remained fit during the course of recording of her statement.

**PW-8** Dr. Jasneet Singh Bhullar, Resident Surgery Ward No.1, GND Hospital, Amritsar, whose opinion had been sought on 3.9.2001 and also on 5.9.2001 regarding fitness of Paramjit Kaur to make a statement and who had also remained present while the statement of Paramjit Kaur was being recorded, stated about the same and proved the opinion given by him on various applications moved by the police and by learned Magistrate.

7. Upon closure of the prosecution evidence, statements of the accused were recorded in terms of provisions of Section 313 Cr.P.C.. The accused, however, did not lead any evidence in their defence.
8. Learned Trial Court upon examining and appreciating the evidence brought on record held the accused Jasbir Singh @ Sonu and Jagtar Singh guilty of having committed offence punishable under Section 302/34 of Indian Penal Code vide impugned judgment and sentenced them accordingly, whereas Paramjit @ Pammi was acquitted of all the charges framed against her. Aggrieved by the same, appellants – Jasbir Singh @ Sonu and Jagtar Singh have filed the appeal praying for their acquittal.
9. Learned counsel representing the appellants, while assailing the impugned judgment, submitted that it is a case where the deceased had caught the fire



accidentally and infact it is her husband, who had taken her to hospital immediately, but the accused have been falsely implicated at the instance of father and sister of the deceased. It has been submitted that infact neither the father i.e. PW-1 Bua Singh nor the sister i.e. PW-2 Sarabjit Kaur @ Sabba of the deceased had witnessed the occurrence and the prosecution mainly banks upon the alleged dying-declaration of the deceased, which infact is shrouded by various suspicious circumstances. It has been submitted that it remains unexplained as to how the deceased came to be declared fit on 5.9.2001 for a shortwhile although she had been declared unfit on 3.9.2001 and also on 4.9.2001 and had subsequently expired on 15.9.2001. Learned counsel submitted that although the prosecution claims that Paramjit Kaur (deceased) had remained fit during the entire course of recording of her statement, but no such certificate of the doctor has been appended on the dying-declaration, which creates a serious doubt as regards the fitness of the deceased to make a statement and consequently on the entire case of the prosecution.

10. On the other hand, learned State counsel submitted that it is infact a case where before recording the formal dying-declaration by Magistrate, the deceased had narrated the occurrence to her father when he reached hospital on 3.9.2001 and consequently, it was on the basis of his statement that the FIR came to be recorded on 3.9.2001, which is consistent with the dying declaration made by deceased subsequently.
11. Learned State counsel further submitted when the dying-declaration of deceased was recorded by the Magistrate on 5.9.2001, the doctor concerned had certified about the fitness of the deceased before her statement was recorded and that even after the statement came to be recorded he had opined that the patient had remained fit during the course of recording of her



statement and, as such, the mere fact that the said certificate is not appended on the dying-declaration itself would be insignificant and the dying-declaration cannot be thrown out on the said inconsequential fact. Learned State counsel thus prayed for dismissal of the appeal.

12. We have considered rival submissions addressed before this Court and with the assistance of learned counsel have also perused the record of the case.
13. As far as the factum of death of Paramjit Kaur on account of burn injuries is concerned, the same is not really in dispute inasmuch as the stand of the accused is that the deceased had accidentally caught fire. The doctor, who had conducted post-mortem examination on the dead-body of Paramjit Kaur i.e. PW-5 - Dr. Ashok Chanana while proving the post-mortem report has categorically opined that the cause of death was septicaemia shock due to ante-mortem burns. It is also not in dispute that nobody had witnessed the occurrence and it is the dying-declaration of deceased on which the prosecution banks upon and also on the statement of complainant i.e. PW-1 Bua Singh and PW-2 Sarabjit Kaur @ Sabba to whom the deceased had narrated the occurrence on 3.9.2001 itself.
14. Before proceeding to examine the validity of the dying-declaration, it is apposite to refer to the view of Hon'ble the Apex Court as regards the sanctity and admissibility of a dying-declaration. The law regarding admissibility, reliability and value of a 'dying declaration' is well settled to the effect that once such statement is found to have been made voluntarily and is not an attempt by the deceased to falsely implicate a person, then such dying declaration can safely be relied upon and it can form the basis of conviction. However, the Court has to scrutinize the dying declaration carefully and must ensure that the declaration is not the result of tutoring, prompting or



imagination. The deceased must be in a fit state of mind to make the declaration and must identify the assailants. In Khushal Rao v. State of Bombay AIR 1958 SC 22, Hon'ble Supreme Court after examining the relevant provisions of the Evidence Act and various judicial pronouncements inter-alia held that it cannot be laid down as an absolute rule of law that a dying declaration cannot form the sole basis of conviction unless it is corroborated.

15. Reiterating the ratio of Khushal Rao's case(supra), a Five Judges Bench of the Hon'ble Apex Court in a case reported as (2002) 6 SCC 710 Laxman vs. State of Maharashtra, while stating the broad principles regarding acceptability of dying declaration held as follows:

"The juristic theory regarding acceptability of a dying declaration is that such declaration is made in extremity, when the party is at the point of death and when every hope of this world is gone, when every motive to falsehood is silenced, and the man is induced by the most powerful consideration to speak only the truth. Notwithstanding the same, great caution must be exercised in considering the weight to be given to this species of evidence on account of the existence of many circumstances which may effect their truth. The situation in which a man is on death bed is so solemn and serene, is the reason in law to accept the veracity of his statement. It is for this reason the requirements of oath and cross-examination are dispensed with. Since the accused has no power of cross-examination, the court insist that the dying declaration should be of such a nature as to inspire full confidence of the court in its truthfulness and correctness. The court, however, has to always be on guard to see that the statement of the deceased was not as a result of either tutoring or prompting or a product of imagination. The court also must further decide that the deceased was in a fit state of mind and had the opportunity to observe and identify the assailant."



16. The Hon'ble Apex Court in a case reported as (2008) 17 SCC 190 Panneerselvam v. State of Tamil Nadu, while referring to various judgments on the issue of dying declaration, enumerated the principles governing dying declaration as under :-

- (i) There is neither rule of law nor of prudence that dying declaration cannot be acted upon without corroboration.
- (ii) If the Court is satisfied that the dying declaration is true and voluntary it can base conviction on it, without corroboration.
- (iii) The Court has to scrutinize the dying declaration carefully and must ensure that the declaration is not the result of tutoring, prompting or imagination. The deceased had an opportunity to observe and identify the assailants and was in a fit state to make the declaration.
- (iv) Where the dying declaration is suspicious, it should not be acted upon without corroborative evidence.
- (v) Where the deceased was unconscious and could never make any dying declaration, the evidence with regard to it is to be rejected.
- (vi) A dying declaration which suffers from infirmity cannot form the basis of conviction.
- (vii) Merely because a dying declaration does contain the details as to the occurrence, it is not to be rejected.
- (viii) Equally, merely because it is a brief statement, it is not to be discarded. On the contrary, the shortness of the statement itself guarantees truth.
- (ix) Normally the Court in order to satisfy whether the deceased was in a fit mental condition to make the dying declaration looks up to the medical opinion. But where the eye-witness said that the deceased was in a fit and conscious state to make the dying declaration, the medical opinion cannot prevail.



- (x) Where the prosecution version differs from the version as given in the dying declaration, the said declaration cannot be acted upon.
- (xi) Where there is more than one statement in the nature of dying declaration, one first in point of time must be preferred. Of course, if the plurality of dying declarations could be held to be trustworthy and reliable, it has to be accepted.”

17. Bearing in mind the principles enunciated in above cited judgments, we proceed to examine the validity of dying-declaration. In the present case, the deceased Paramjit Kaur was taken to hospital on 3.9.2001 itself. When the opinion of the doctor was sought on 3.9.2001 regarding fitness of the patient to make statement, the patient was declared unfit. The said position is evident from the testimonies of PW-6 – ASI Surinder Singh (Retd.), PW-7 - Smt. Jaswinder, JMIC and PW-8 - Dr. Jasneet Singh Bhullar. While PW-6 and PW-7 have proved the applications moved by them seeking opinion of the doctor concerned on 3.9.2001, PW-8 - Dr. Jasneet Singh Bhullar has proved the opinion given by him regarding the patient being unfit on 3.9.2001 and 4.9.2001 as Ex.PE/1 & Ex.PE/2. It was on 5.9.2001 that the patient was declared fit for making statement by Dr. Jasneet Singh Bhullar (PW-8) when an application (Ex.PD) was moved to him by the Duty Magistrate, whereupon he furnished his opinion (Ex.PD/1) regarding fitness of the patient. It was thereafter that the Duty Magistrate proceeded to record the statement of the deceased, which has been reproduced in the earlier part of the judgment. After the statement of the victim had been completely recorded by the Magistrate, the doctor again furnished his opinion (Ex. PD/3) to the effect that the patient had remained fit during the course of recording of her statement. PW-8 has specifically stated with regard to his having given his opinion that the patient remained fit during the course of recording of her



- statement. Similarly, PW-7 Smt. Jaswinder, JMIC has specifically stated, while in the witness-box, that the victim remained fit during the course of recording of her statement.
18. The learned counsel for the appellants, however, vehemently argued that the opinion of the doctor (Ex.PD/3) regarding the patient having remained fit during the course of recording of her statement ought to have been appended on the dying-declaration itself and that since the same has been appended separately, a doubt stands created in the case of the prosecution.
  19. We have considered the aforesaid submission. As already noticed above, while it is desirable that the doctor certifies regarding the fitness of the deceased before and after the statement of victim is concluded, but even in the absence of the same if the Magistrate finds the patient to be fit enough to make the statement, the Court can still consider such statement if found trustworthy. In the present case, the doctor not only opined regarding the fitness of the patient before her statement was recorded, but even opined that she had remained fit during the course of recording of her statement. A perusal of the said endorsements, which are appended on the application (Ex.PD), which has been written by the Magistrate in her own hand shows that the doctor had initially opined at 3:15 P.M. on 5.9.2001 that the patient was fit to make statement. The said opinion is exhibited as Ex.PD/1. On the same application at the bottom the doctor had again made an endorsement at 3:37 P.M. on 5.9.2001 itself that the patient remained fit while giving the statement. The said endorsement is exhibited as Ex.PD/3.
  20. Both the Magistrate as well as doctor i.e. PW-7 – Smt. Jaswinder, JMIC and PW-8 – Dr. Jasneet Singh Bhullar had done the needful for the purpose of recording the statement of the victim in discharge of their official duties.



They were neither expected nor are shown to be either partial or inimical to anyone. Both of them have stepped into the witness-box and have been duly cross-examined. Nothing could be elicited during the course of their cross-examination so as to doubt their credibility or veracity.

21. Under these circumstances, both the witnesses are held to be fully trustful and trustworthy. Consequently, we do not find any ground to doubt the genuineness or validity of the dying-declaration, which is found to have been recorded after adhering to all the requisite safeguards. The dying-declaration clearly reveals that the accused had set the deceased on fire.
22. In a recent judgement, AIR 2024 (Supreme Court) 2682 Rajendra vs. State of Maharashtra, Hon'ble Supreme Court, in a case based solely on dying declaration held as under:

“25. The law relating to dying declaration is now well settled. Once a dying declaration is found to be authentic inspiring confidence of the court, then the same can be relied upon and can be the sole basis for conviction without any corroboration. However, before accepting such a dying declaration, court must be satisfied that it was rendered voluntarily, it is consistent and credible and that it is devoid of any tutoring. Once such a conclusion is reached, a great deal of sanctity is attached to a dying declaration and as said earlier, it can form the sole basis for conviction.”

23. Although in the present case, the victim before her death is also stated to have disclosed about the occurrence to her father i.e. the complainant and also to her sister i.e. PW-2 - Sarabjit Kaur @ Sabba, which would be in the shape of oral dying-declaration and which are consistent, but even if the said oral dying-declarations are not taken into account, the written dying-



declaration recorded by the Magistrate would be sufficient to hold the accused guilty for the charges framed against them.

24. In view of the discussion made above, we do not find any ground to interfere with the findings of guilt as recorded by learned Trial Court and the same are hereby affirmed. Finding no merit in the instant appeal, the same is hereby dismissed.
25. Necessary Intimation be sent to quarters concerned for effecting arrest of the appellants – Jasbir Singh @ Sonu and Jagtar Singh so as to undergo remaining part of their sentence.
26. A copy of this judgment be sent to the quarters concerned. Case property be dealt with under rules upon expiry of limitation for filing appeal.

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

**17.7.2025**

Pankaj

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

Whether speaking /reasoned  
Whether Reportable

Yes / No  
Yes / No