

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1290 OF 2017

RAJINDER SINGH

APPELLANT(S)

VERSUS

STATE OF PUNJAB

RESPONDENT(S)

ORDER

This appeal has been filed by the appellant challenging the judgment dated 30.09.2015 passed by the High Court of Punjab and Haryana at Chandigarh ('High Court') in Criminal Appeal S- 2351/SB/2003 upholding the conviction of the appellant (brother-in-law) under Section 304-B of IPC. However, the sentence of ten years as imposed by the Trial Court was reduced to seven years.

The case at hand is the case of Section 304-B where the bride is allegedly set on fire by the accused persons on 03.09.1998 within five months of marriage which was solemnized on 15.04.1998. There are allegations of

harassment and demand of dowry against husband and in-laws. The Trial Court vide judgment dated 11.12.2003 convicted the appellant along with accused Dharminder Singh (husband of deceased), Bhupinder Singh (brother-in-law), and Manjit Kaur (wife of present appellant and sister-in-law - bhabhi of deceased) and sentenced them with rigorous imprisonment of ten years.

All the accused persons preferred Criminal Appeal 2351/SB/2003, wherein the High Court acquitted Bhupinder Singh observing that though all brothers lived in the same house but portions were distinct. The case of co-accused Bhupinder Singh is different as he did not attend the wedding of his brother Dharminder and deceased, his name was also not printed on the wedding card along with other family members. Thus, it becomes unlikely on his part to harass deceased for dowry. The co-accused-Manjeet Kaur (Bhabhi) was also acquitted observing that her status in the family was same as of deceased therefore she was not expected to mistreat deceased. While considering the totality of the facts and circumstances, the conviction of appellant and

Dharminder was upheld maintaining the sentence to Dharminder but in case of the appellant herein being Jeth was reduced to seven years.

On filing this appeal, as per proceeding dated 31.07.2017 leave was granted and the appellant was enlarged on bail after serving about one year and ten months of sentence.

We have heard learned counsel for the parties and perused the statements of Sukhwinder Singh – PW4 (brother of deceased), Amarjit Kaur – PW5 (mother of the deceased) by their ocular testimony the demand of dowry and harassment by accused persons including appellant herein has been proved. Undisputedly, the incident took place within five months of marriage. As per the Post Mortem Report the deceased died due to ante mortem burn injuries. In view of all the attending circumstances, we are not inclined to accept the submissions as advanced by learned counsel to treat his case similar to co-accused Bhupinder Singh. In our view, the case of appellant is different from the case of the co-accused Bhupinder and there appears no parity.

In view of the foregoing, we are satisfied that the conviction and sentence as directed by the High Court do not suffer from any illegality, warranting interference of this Court. The appeal is, accordingly, dismissed.

As the appellant is on bail, therefore, he shall surrender before the trial court within a period of six weeks from today. In case the appellant does not surrender within the stipulated time, the trial court shall take appropriate recourse to take him into custody for serving the remaining part of sentence.

Pending interlocutory application(s), if any, is/are disposed of.

.....**J.**
[J. K. MAHESHWARI]

.....**J.**
[SANJAY KAROL]

New Delhi;
April 24, 2024.

ITEM NO.104

COURT NO.9

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 1290/2017

RAJINDER SINGH

Appellant(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

Date : 24-04-2024 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE SANJAY KAROLFor Appellant(s) Mr. L. M. Gulati, Adv.
Ms. Aradhana Parmar, Adv.
Ms. Rajni Bala Sharma, Adv.
Dr. Monika Mishra, Adv.
Ms. Divyaa Gulati, Adv.
Mr. Pranaya Kumar Mohapatra, AOR

For Respondent(s) Mr. Siddhant Sharma, AOR

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS(POOJA SHARMA)
COURT MASTER

(Signed order is placed on the file)