

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 648 OF 2006

NIRMAL SAHNI & ANR.

Appellant (s)

VERSUS

STATE OF HARYANA

Respondent(s)

(With office report)

Date: 09/08/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Dr. Shyamla Pappu, Sr. Adv.  
Mr. Pahlad Singh Sharma, Adv.

For Respondent(s) Mr. Kamal Mohan Gupta, Adv. (Not present)  
Mr. Alok Gupta , Adv (Not present)

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

The Appeal is allowed in terms of the signed order.

The Application for impleadment is dismissed as not  
pressed.

(Parveen Kr. Chawla) (Indu Satiya)  
Court Master Court Master  
[signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 648 OF 2006

Nirmal Sahni & Another

..Appellants

versus

State of Haryana

..Respondent

O R D E R

Heard learned counsel for the appellants.

No one is present on behalf of the State.

This Appeal has been filed against the impugned

judgment and order dated 21st September, 2005 passed by the High Court of Punjab & Haryana at Chandigarh in Criminal Appeal No. 229 of 1992.

The Trial Court convicted the appellants under Sections 304-B and 498A, IPC and sentenced them to undergo rigorous imprisonment for seven years and two years respectively along with fine of Rs.10,000/- each, in default of payment of fine, further rigorous imprisonment for one year.

The Appellants challenged their conviction and sentence before the High Court which has been dismissed by the impugned order. Hence, this appeal.

We have carefully gone through the impugned judgment as also the judgment of the trial Court. The deceased has given a dying declaration that her death was due to an accident. Hence, we are of the opinion that benefit of

-2-

doubt should be given to the accused. We order accordingly.

Accordingly, this appeal is allowed and the impugned judgment of the High Court as well as trial Court convicting the accused are set aside.

By order dated 12th May, 2006, the appellant No.1 was released on bail. Her bail bonds shall stand discharged.

Appellant No.2, whose bail applications were dismissed by this Court on 26th October, 2007 and 14th November, 2008, be released forthwith, if not required any other case.

.....J.  
[MARKANDEY KATJU]

NEW DELHI;  
AUGUST 09, 2010

.....J.  
[T.S. THAKUR]