

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal D-1810-DB of 2014

Date of Decision : January 19, 2015

Manpreet Kaur

.....Appellant

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

HON'BLE MR. JUSTICE DR. SHEKHER DHAWAN

Present : Mr. B.S.Sodhi, Advocate
for the appellant.

T.P.S. MANN, J.

At the outset, learned counsel for the appellant states that the particulars of respondent No.4-Gurpreet Singh be deleted from the array of parties as said Gurpreet Singh is a proclaimed offender and is yet to be tried.

Allowed, as prayed for.

The victim has filed the present appeal against the order dated 17.9.2014 passed by the Additional Sessions Judge, SAS Nagar (Mohali) whereby respondents No. 1A to 3 (here-in-after referred to as 'the accused') were acquitted of the charges under Sections 498-A, 406, 313 and 120-B IPC.

The case of the appellant, while lodging the FIR, was that she had fallen in love with Gurpreet Singh after falling prey to his assurances. On 21.2.2008, she was abducted by Gurpreet Singh and they stayed together for two months. On 22.2.2008, her father lodged a complaint with the police. Becoming apprehensive of police proceedings, the family of Gurpreet Singh asked him to return home.

On 1.5.2008, the appellant and Gurpreet Singh returned. The Panchayat and respectables of the village persuaded the father of the appellant to perform her marriage. Accordingly, on 23.8.2008, the appellant was married to Gurpreet Singh in a Gurudwara. Subsequent thereto, the appellant and Gurpreet Singh started living in the house of Master Shingara Singh on rent. The appellant became pregnant but Gurpreet Singh, in connivance with his family members, administered her some medicine on 8.12.2008 which resulted in abortion. Gurpreet Singh then started having altercation with the appellant. However, a compromise was effected and Gurpreet Singh alongwith his family members assured that they would not maltreat, harass or beat the appellant. Despite the same, the accused and Gurpreet Singh kept on harassing and maltreating her and also proclaiming that they would not keep her in the matrimonial home. The family members of Gurpreet Singh asked him to turn the appellant out from his house and they would marry him some where else. The appellant kept on suffering all this. Ultimately, the appellant and Gurpreet Singh shifted to Panchkula. There also, the family members of Gurpreet Singh did not allow the appellant to lead a comfortable life. On 27.3.2010, the appellant gave birth to a son. Even thereafter, the appellant used to be maltreated and beaten by the family members of Gurpreet Singh. On 10.11.2010, Gurpreet Singh went to work as driver with one Nisha but did not return. 3/4 days, thereafter, the appellant contacted Nisha, who told her that Gurpreet Singh had settled his accounts as he was to go to Malaysia. Nisha dropped the appellant at her in-laws' house where the family members of Gurpreet Singh had an altercation with Nisha and

the appellant was not allowed to enter the matrimonial home. However, with the intervention of the Panchayat, the appellant entered the matrimonial home. The family members of Gurpreet Singh had been assuring the appellant that they would make her talk with Gurpreet Singh on telephone but she was never allowed to do so. The appellant was, thereafter, thrown out of the matrimonial home and she came to her parents' house. However, her in-laws kept on threatening her father to withdraw the case and leave the village. On the basis of the aforementioned statement, FIR No. 126 dated 24.12.2011 was registered at Police Station Sohana under Sections 498-A, 406, 313, 120-B IPC.

Having heard learned counsel for the appellant and on going through the impugned judgment, this Court finds that without getting married, the appellant started living with Gurpreet Singh. Afterwards, the father of the appellant moved a complaint to the police. This led to the appellant and Gurpreet Singh surfacing and both of them returned to their respective houses. This was followed by the father of the appellant performing her marriage with Gurpreet Singh. Under these circumstances, it cannot be imagined that the parents of the appellant had given dowry at the time of her marriage with Gurpreet Singh. Moreover, the appellant, while appearing before the trial Court as PW1, did not state anything with regard to giving of dowry at the time of her marriage. Though the prosecution brought on record certain bills regarding purchase of dowry articles yet some of these bills were shown to have been prepared in the month of December, 2007,

whereas the marriage of the appellant was solemnized with Gurpeet Singh on 23.5.2008. It has also come in the evidence that she had attended the marriage of her elder sister Jaswinder Kaur and younger sister Harpreet Kaur, to whom dowry articles were given. Furthermore, the dowry articles said to have been given to her, had been given to her two sisters, purchased from same shops and the father of the appellant obtaining separate bills with regard to the articles purchased for the elder sister of the appellant, whose marriage was performed on 3.2.2008. Therefore, it becomes doubtful that any dowry was given at the time of marriage of the appellant with Gurpreet Singh. Even otherwise, neither in her complaint made to the police nor in her deposition as PW1, the appellant stated about specific entrustment of the dowry articles. Further, it cannot be held that the articles given at the time of marriage were part of dowry. On the other hand, these could be termed as customary items given at the time of marriage to the members of the family of the bride-groom. Therefore, the offence under Section 406 IPC is not made out.

As regards the offence under Section 498-A IPC, it may be worthwhile to note here that after her elopement, the appellant and Gurpreet Singh started living in the rented accommodation belonging to PW3 Shingara Singh. Said Shingara Singh testified before the trial Court that the accused never visited the couple for the period 2008 to 2011. On the other hand, it was the appellant herself who started quarrelling with Gurpeet Singh at the instance of her father Darshan Singh, who used to frequently visit them. Furthermore, neither the

appellant, while appearing as PW1, nor her father Darshan Singh, while appearing as PW2, stated about cruelty meted out to the appellant by her husband or his relatives in order to coerce her to meet unlawful demand for any property or valuable security.

Coming to the offence under Section 313 Cr.P.C., the prosecution primarily relied upon the writing dated 18.12.2008 submitted by Gurpreet Singh to the Sarpanch in which he had allegedly confessed about termination of the pregnancy by administering her something. The Sarpanch, to whom the writing was given, was not examined by the prosecution. Moreover, PW3 Shingara Singh and PW5 Pritam Singh, who had also appended their respective signatures on the writing dated 18.12.2008, did not own the said writing. Furthermore, PW3 Shingara Singh testified that the accused had not given any medicine to the appellant. Therefore, it is doubtful if the pregnancy of the appellant was aborted on account of the act of the accused.

In view of the above, it cannot be said that the prosecution has been able to prove its case against the accused/respondents No.1A to 3.

The appeal is without any merit and, therefore, dismissed.

(T.P.S. MANN)
JUDGE

(SHEKHER DHAWAN)
JUDGE

January 19, 2015
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