

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Revision No.3017 of 2010 (O&M)
Date of decision : 03.10.2016**

Gurpreet Singh

...Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Inder Pal Singh, Advocate,
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

RITU BAHRI, J.

Challenge in this petition is to the judgment dated 08.10.2010 passed by the Additional Sessions Judge (Fast Tract Court), Sirsa, dismissing the appeal filed by the accused-petitioner against the judgment of conviction dated 06.04.2009 and order of sentence dated 09.04.2009 passed by the Chief Judicial Magistrate, Sirsa, whereby petitioner has been convicted and sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.2500/- for commission of offence under Section 498-A IPC.

Present case was registered on the complaint made by Mahender Kaur alias Rupinder Kaur-complainant, which was sent to the concerned police station under Section 156 (3) Cr.P.C. In the complaint, it had been alleged that marriage of the complainant was solemnized with

Gurpreet Singh (petitioner) on 10.09.1991 as per Hindu rites and rituals at village Lhangewala, District Sirsa. No child was born out of this wedlock. Her parents had spent sufficient amount on the marriage. However, soon after the marriage, in-laws of the complainant started harassing and humiliating her on the pretext of bringing insufficient dowry. Ultimately, she was thrown out of her matrimonial house by her in-laws. Later on, she came to know that her husband had performed second marriage with Veerpal Kaur (accused No.2 in the complaint). In this background, the complaint was made.

The matter was investigated by the police and thereafter, FIR No.11 dated 07.03.2000, under Sections 498-A, 406, 494, 506 read with Section 120-B IPC was registered at Police Station, Rori. On completion of investigation, challan was presented against the accused persons (including present petitioner). Thereafter, charges under Section 494/498-A/406/506/120-B IPC were framed against 11 accused, to which they pleaded not guilty and claimed trial. One of the accused namely Ramji Dass was discharged by the trial Court. In revision, accused Sukhmander Singh, Sukhvir Kaur, Jaswant Kaur, Paramjit Kaur and Nachhatar Singh were discharged by the Sessions Judge, Sirsa vide order dated 25.09.2001.

In order to prove its case, the prosecution examined Baldev Singh, Granthi (PW-1), Gurjant Singh (PW-2), Harpal Singh (PW-3), Jaswant Singh (PW-4), Constable Balraj (PW-5), ASI Raj Kumar (PW-6), Janardan Dass, Retired ASI (PW-7), Mahender Kaur, complainant (PW-8), HC Bhoop Singh (PW-9) and ASI Karan Singh (PW-10). Thereafter, statements of accused under Section 313 Cr.P.C. were recorded, wherein entire incriminating evidence was put to them. However, they denied the

same and pleaded false implication.

The trial Court, after going through the entire evidence led by the prosecution, convicted and sentenced Gurpreet Singh-petitioner in the aforesaid terms. However, his co-accused namely Veerpal Kaur, Karam Singh, Gurcharan, Mahender Singh and Sukhwinder Singh were acquitted of the charges framed against them. Appeal against the said judgment was dismissed by the Additional Sessions Judge, Sirsa, vide judgment dated 08.10.2010.

Learned counsel for the petitioner, at the outset, does not challenge the conviction on merits and restricts his prayer to quantum of sentence.

After going through the impugned judgments, no illegality, much less irregularity, has been found therein warranting interference by this Court.

Accordingly, the present petition is dismissed. However, a lenient view can be taken on the quantum of sentence. The remaining sentence of the petitioner was suspended by this Court vide order dated 06.01.2011. In compliance with the order dated 03.08.2016 passed by this Court, the petitioner has deposited a sum of Rs.40,000/- before the trial Court as compensation to be given to the complainant. The marriage of the petitioner was solemnized way back on 10.09.1991 and the FIR was registered on 07.03.2000. The petitioner has been facing the agony of a protracted criminal trial for the last more than 16 years. As per custody certificate, he has undergone 06 months and 03 days in custody. Moreover, he has not misused the concession of bail. In these circumstances, the sentence of imprisonment awarded to the petitioner is reduced to the period

already undergone. The amount of Rs.40,000/- deposited by the petitioner before the trial Court as compensation, is ordered to be released in favour of complainant-Mohinder Kaur alias Rupinder Kaur.

With the above modification/direction, the present petition stands disposed of.

(RITU BAHRI)
JUDGE

03.10.2016
ajp

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