

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRR No.119 of 2016 (O&M)
Date of decision: February 15, 2016.

Ishwar Singh

... **Petitioner**

v.

Dalbir & Others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Ms. Tarun Preet Kaur, Advocate for the petitioner.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral):

Impugned in the present revision is the judgment dated 4.9.2015 passed by learned Additional Sessions Judge, Bhiwani reversing the judgment of conviction dated 13.2.2015 and order of sentence dated 16.2.2015 passed by learned Judicial Magistrate First Class, Bhiwani, vide which the accused were convicted for commission of offences punishable under Section 500 read with Section 34 IPC and sentenced to SI for one year each and to pay a fine of Rs.2,000/- each.

The short facts of the case are that according to the complainant, Dalbir accused owed some money to the complainant with regard to the same a civil suit was filed which was decreed in favour of the complainant wherein execution was filed. To avoid the execution, (accused No.1) Dalbir Singh in collusion with his wife concealed himself and his wife Sunita filed a complaint alleging that the present petitioner has abducted

the said accused (her husband) and killed him. On the basis of the said complaint, DDR No.353-PB dated 27.5.2010 was registered. During investigation, the police picked up the complainant. Later on after one month, Dalbir accused himself appeared.

I have heard learned counsel for the petitioner.

It comes out from the allegations itself that ingredients of defamation are not made out. Accused Dalbir went missing and when the husband goes missing, it is quite natural for the wife to make a complaint to the police. DDR was lodged and the inquiry commenced, during which the petitioner is stated to have been picked up. Later on, Dalbir was found alive. If according to the complainant, a wrong information was supplied to the police on the basis of which he was picked up and not formally arrested, then there is a specific section in the IPC. However, the offence of defamation is not made out. It will come out only from police investigation as to whether Dalbir intentionally concealed himself and the said act was in conspiracy with his wife or it was due to depression or for some other reason that he went missing. In these circumstances, I concur with the view taken by the learned Additional Sessions Judge that the offence of defamation is not made out.

Accordingly, there being no merit in the revision petition, the same is dismissed.

February 15, 2016.
kadyan

[Kuldip Singh]
Judge