

CRM-A-970-MA of 2016 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-970-MA of 2016 (O&M)

DATE OF DECISION: JULY 12, 2017

NANAK DASS

...APPLICANT

VERSUS

LAKHWINDER SINGH @ LAKHI AND ANOTHER ...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH.**

PRESENT: MR. NAVEEN BATRA, ADVOCATE FOR THE APPLICANT.

M. JEYAPPAUL, J.

CRM-15213-2016

1. There is a delay of 151 days in filing the appeal. We are convinced with the reasons assigned by the applicant-complainant for the delay of 151 days in filing the appeal. Therefore, the delay is condoned and the application is allowed.

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2. Respondent No.1 Lakhwinder Singh @ Lakhi, son-in-law of applicant Nanak Dass was acquitted of the charges under Section 304-B and 201 IPC. Hence, the present application by the complainant seeking special leave to prefer and appeal.

3. It is the case of the prosecution that the applicant's daughter Gurdeep Kaur was given in marriage to Lakhwinder Singh @ Lakhi about 5 years prior to the occurrence. They were blessed with two children. On 12.1.2013 at about 5.00 p.m., respondent No.1 gave a telephonic call to the complainant and enquired about his wife Gurdeep Kaur @ Monu. On the

same day, at about 8.00 p.m., respondent No.1 came alongwith his brother Dara Singh and mediators of his house at Nanakwal to enquire about Gurdeep Kaur. It was alleged by the complainant that after about 1½ years of marriage, Gurdeep Kaur was maltreated by the respondent. He used to beat her. The dispute was compromised several times with the intervention of middle men. After one year of marriage, respondent No.1 demanded a Bullet motorcycle. About one month prior to the occurrence, he demanded money. The younger son of the complainant gave him ₹2000/-. Not satisfied with the money given to respondent No.1, respondent No.1 beat applicant's daughter. He has raised a suspicion that his daughter Gurdeep Kaur was killed by respondent No.1.

4. Heard the submissions made by learned counsel appearing for the applicant.

5. The fact remains that the investigating official could not find any clue about the death of Gurdeep Kaur, as a result of which, there is no direct or circumstantial evidence to establish that Gurdeep Kaur was done to death. The dead body of Gurdeep Kaur was not recovered in this case.

6. It is the admitted case of the prosecution that respondent No.1 made an enquiry about the whereabouts of his wife Gurdeep Kaur with the complainant over phone and thereafter, he rushed to the house of the complainant and made enquiries as early as on 12.1.2013. No complaint was lodged by the applicant herein and only on 30.1.2013, applicant got recorded his statement before the Police. Had there been any demand of dowry and maltreatment by beating Gurdeep Kaur, the complainant would have definitely lodged a complaint forthwith alleging that his daughter was

missing on account of the torture given by respondent No.1 by demanding dowry. The delay in lodging the first information report after the missing of Gurdeep Kaur throws a doubt on the bald allegation made by the complainant that his daughter was done to death by respondent No.1 who used to beat her on account of demand of dowry.

7. There was no complaint emanating either from Gurdeep Kaur or from his father who is the applicant herein during 5 years period of the matrimonial life by Gurdeep Kaur with respondent No.1 that there was any maltreatment at the hands of respondent No.1. Coming to the allegation found in the complaint, we are of the considered view that the complainant has come out with very vague allegation of demand of dowry against respondent No.1. During the course of trial, the application had chosen to implicate the relatives of respondent No.1 as well.

8. In view thereof, we are of the considered view that there is no substance in the application filed by the applicant praying for special leave to prefer an appeal against the well considered judgement of acquittal recorded by the trial Court.

9. Therefore, special leave sought for is declined and the application is dismissed.

(M. JEYAPPAUL)
JUDGE

July 12, 2017
Gulati

(AUGUSTINE GEORGE MASHI)
JUDGE

Whether Reportable : No

Whether Speaking/Reasoned : Yes

