

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

**CRR No.3424 of 2014 (O&M)
Date of decision: 18.04.2017**

Chanan Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. J.S. Brar, Advocate,
for the petitioner.

Ritu Bahri, J.

This petition has been filed against the judgment dated 06.08.2014 passed by the Additional Sessions Judge, Faridkot, dismissing the appeal filed by complainant-petitioner, Chanan Singh, against the judgment dated 15.03.2012 passed by the Judicial Magistrate Ist Class, Faridkot, whereby Sarabjit Singh, Gurcharan Singh and Jaspal Kaur-respondent Nos.2 to 4 have been acquitted of the charges framed against them for commission of offences under Sections 406/498-A/506 IPC.

FIR No. 196 dated 14.12.2006, under Sections 498-A/406/506 IPC was registered at Police Station, Sadar Kotkपुरa, on the basis of an application/complaint made by Chanan Singh-complainant (petitioner) alleging therein that marriage of his sister Rajwinder Kaur was solemnized with Sarabjit Singh-respondent No.2 on 14.04.2002. Rajwinder Kaur was

(respondent Nos.2 to 4) started harassing and humiliating her on the pretext of bringing inadequate dowry. She was asked to bring more dowry. She used to fulfill their demand by withdrawing money from her G.P. Fund. When the complainant showed her inability to do so, she was given beatings by accused persons. Accused also made a demand of new motorcycle, upon which, Rs.45,000/- were given in cash by the complainant to Sarabjit Singh. However, the accused did not mend their ways. Ultimately, Rajwinder Kaur was thrown out of her matrimonial house. It was further alleged that the accused-respondents had also misappropriated her *istridhan*. In this background, the FIR was registered against the accused persons. On completion of investigation, challan was prepared and presented in the Court.

After presentation of challan, charge under Sections 498-A and 406 IPC was framed against accused-respondent Nos.2 to 4, to which, they pleaded not guilty and claimed trial.

In order to prove its case, the prosecution examined Chanan Singh-complainant (PW-1), Rajwinder Kaur (PW-2), SI Gurmail Singh (PW-3), Retired ASI Baghel Singh (PW-4), ASI Harbans Singh, Investigating Officer and Jasbir Singh (PW-6). On conclusion of evidence of prosecution, statements of accused under Sections 313 Cr.P.C. were recorded, wherein entire incriminating evidence was put to them. However, they denied the same and pleaded false implication. In defence, accused-respondent Nos.2 to 4 examined HC Nirma Singh (DW-1) and HC Ramesh Kumar (DW-2).

Trial Court, after going through the evidence led by the prosecution, acquitted accused-respondent Nos. 2 to 4 vide judgment dated

15.03.2012. Against the said judgment, complainant-petitioner preferred an appeal, which was dismissed by the Additional Sessions Judge, Faridkot vide impugned judgment dated 06.08.2014. Hence, this petition.

Heard.

While acquitting the accused persons, both the Courts have observed that Rajwinder Kaur (PW-2), in her cross-examination, had stated that she knew Sarabjit Singh and they both liked each other before marriage. She also admitted that in another case for maintenance, she had appeared as a witness and given a statement Ex.D3, stating therein that their marriage was simple. She had made an attempt to change her version as stated in Ex.D2 i.e. a civil suit filed by her sister, wherein it was stated that her marriage with Sarabjit Singh was a love marriage. It has been further observed that Rajwinder Kaur had made an application to withdraw her G.P.Fund, wherein she had stated that she need money for the repair of her house. Rajwinder Kaur had also admitted that she had been living separately from Sarabjit Singh since 24.10.2004. If this is true, then the fact that Rs.45,000/- were given to Sarabjit Singh in April, 2005, did not inspire confidence of the Courts below. Rajwinder Kaur did not disclose the manner, in which, she was maltreated by the accused persons, as the allegations of harassment and demand of dowry were general in nature and the prosecution could not substantiate the same by leading cogent and convincing evidence. Moreover, a divorce petition filed by Sarabjit Singh (husband) on the ground of cruelty at the hands of Rajwinder Kaur had been allowed vide Ex.D1.

In the absence of any evidence against the in-laws of Rajwinder Kaur, the scope of interference in the impugned judgments while

exercising the revisional jurisdiction is very limited. In the present case, the prosecution has miserably failed to prove entrustment of dowry articles and any specific incident of cruelty committed by respondent Nos. 2 to 4 towards the Rajwinder Kaur (sister of complainant). In **Gajjan Singh Vs. State of Punjab**, CRR No.1905 of 2009 (decided on 22.09.2009), this Court has held that the revisional jurisdiction is restricted and can be exercised, if there is an error on the point of law or no appraisal or evidence at all and if, there is a glaring defect in procedure.

Having examined the impugned judgments, no illegality, much less perversity has been found therein warranting interference by this Court. The evidence has been appreciated in the right perspective.

Resultantly, finding no merit, the present petition is dismissed.

18.04.2017
ajp

(RITU BAHRI)
JUDGE

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