

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

CRM A-876-MA of 2018

Date of Decision : July 31, 2018

Inderjit Kaur

.....Applicant

Versus

Gurmail Singh and others

.... Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present : Mr. Karan Garg, Advocate
for the applicant.

T.P.S.MANN, J.

The complainant, namely, Inderjit Kaur, has filed the present application under Section 378(4) read with Section 482 Cr.P.C. seeking leave of the Court to appeal against the judgment dated 31.3.2017 passed by learned Additional Sessions Judge, Faridkot, whereby, the accused, who are the respondents herein, were acquitted of the charges under Sections 307, 326, 324, 323, 506, 406, 498-A, 148 and 149 IPC.

According to the complainant, she was married to Baksis Singh about 20 years back and from their wedlock one son and three daughters were born. She remained with Baksis Singh for fifteen years and, thereafter, obtained divorce. She got remarried with respondent No.1-Gurmail Singh and at the time of her marriage, her brother had given handsome dowry on the

demand of the accused persons. One gold ring, one gold karra and one wrist watch were given to respondent No.1-Gurmail Singh, one gold ring to Nikka Singh, brother of her husband, one set of gold tops to respondent No.2-Baljit Kaur, mother-in-law, one gold ring to Balwinder Singh and two gold chains of half tolas to her sisters-in-law Babi Kaur and Gugar Kaur, one iron box, one almirah and other furniture and household articles were also given at the time of the marriage. About Rs.3,000,00/- was spent on her marriage. After some time of her marriage, the accused started harassing and beating her besides demanding more dowry. Demand of motor-cycle and Rs.50,000/- in cash was also made and she was threatened to be killed, if she did not fulfill their demands. She told them that her parents had already died and her brothers were not in a position to fulfill their demands. After that they again started giving beatings to her. The accused hatched a conspiracy to kill her and in furtherance of the said conspiracy, on 22.3.2007, when she was at her matrimonial home, Gurmail Singh armed with kirpan, Nikka Singh with gandasa, Balwinder Singh with dang, Gugar Kaur with bodkin (sua) and Babi Kaur with soti and Baljit Kaur came there. Baljit Kaur raised a lalkara not to leave her and kill her. Babi Kaur and Gugar Kaur caught hold of her arms and Nikka Singh, Balwinder Singh and Gurmail Singh started causing injuries to her with their

respective weapons hitting her on her head, neck, left shoulder, left palm, little finger of left hand, right arm, lips and face. In all, she received fifteen injuries on her persons. She raised an alarm, upon which, her son Sonu came out of the room, who also raised an alarm and all the accused ran away from the house while carrying their respective weapons. Her son after arranging a vehicle took her to Civil Hospital, Bhagta. She was, thereafter, referred to Guru Gobind Singh Medical College, Faridkot as her condition was serious where the doctor conducted her medico-legal examination. During the night, when she was semi-conscious, the police came to the hospital and obtained her thumb impression. However, no action was taken against the accused. The doctor, thereafter, sent her to Civil Hospital, Faridkot for her dental treatment. She was then referred to P.G.I., Chandigarh for C.T. Scan. She had sent an application to the High Court, which was forwarded to the S.S.P., Amritsar for inquiry. The S.S.P. Amritsar called her and told her that the occurrence pertained to Faridkot District and, as such, no action was to be taken by him. Thereafter, she had filed a criminal complaint in the Court.

After recording the preliminary evidence, learned Judicial Magistrate 1st Class, Faridkot summoned all the accused to face trial under Sections 307, 326, 325, 324, 323, 498-A, 406,

506, 148, and 149 IPC. Upon notice, all the accused appeared and were granted bail. The case was, thereafter, committed to the Court of Sessions as offence under Section 307 IPC was exclusively triable by the Court of Sessions. The accused were charged for the aforementioned offences, to which, they pleaded not guilty and claimed trial.

After hearing learned counsel for the parties and on going through the records, the learned trial Court held that the accused were not guilty and hence, acquitted them of the charges framed against them.

It may be mentioned here that on the same set of facts, earlier, an FIR No.26 dated 23.3.2007 under Sections 323 and 324 IPC was registered against respondent No.1-Gurmail Singh. After the presentation of challan, Gurmail Singh was tried for the aforementioned offences. Vide order dated 1.2.2011, learned Judicial Magistrate 1st Class, Phool acquitted Gurmail Singh of the charge against him. As such, said Gurmail Singh could not have been tried, once again, on the same and similar facts.

The occurrence in question had taken place on 22.3.2007. The complainant was, thereafter, medico-legally examined by Dr. Kuldeep Kumar, Department of Forensic Medicines, Amritsar. The complainant, thereafter, got recorded

her statement Ex.DA with ASI Om Parkash on 23.3.2007. In the said statement, the complainant had stated that it was her husband Gurmail Singh, who had caused her injuries with a knife, when she alongwith her son and husband Gurmail Singh was going to the house of a relative of Gurmail Singh. The complainant had filed a writ petition in the High Court and the Senior Superintendent of Police submitted his report mentioning therein that the FIR was got registered against Gurmail Singh but the complainant was not present at her given address. Therefore, the net result of the inquiry could not be informed to her.

In the previous case, in which Gurmail Singh was the lone person to be tried as he was the only one, who had caused injuries to her but in the present complaint case, she implicated mother, brother, sister and brother-in-law of Gurmail Singh as well as Gurmail Singh himself. It may also be noticed that in the FIR the injuries were said to be caused by Gurmail Singh at the pavement of Bhagta Chand Bhan drain while in the present case, the injuries were said to have been caused by the accused persons at village Bajoana.

Under these circumstances, this Court is of the view that the complainant has failed to prove her case beyond reasonable doubt that the accused had caused injuries to her. As such, no case is made out for any interference in the impugned

judgment of acquittal. The application is devoid of any merit and, therefore dismissed. Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

July 31, 2018
amit rana

(FATEH DEEP SINGH)
JUDGE

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