

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

**CRM-A-674-MA of 2015**  
**Date of Decision: 16.05.2018**

Iqbal Singh

...Appellant

**VERSUS**

State of Punjab and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. S.K. Chawla, Advocate  
for the appellant.

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**SURINDER GUPTA, J.**

This is appeal against judgment of acquittal passed by Additional Chief Judicial Magistrate, Faridkot in complaint filed by the appellant against respondents.

2. As per appellant, he is an agriculturist. His son Surajveer Singh was married with Karamjit Kaur daughter of Bikkar Singh and from this wedlock two children, namely, Sankaranpreet and Gaganpreet were born. Surajveer Singh was not having cordial relations with his wife, who used to leave for her parental house at Samalsar. Surajveer Singh was employed with Army. He was suffering from some disease and getting treatment from Army Hospital. Karamjit Kaur neither herself nor any of her relatives ever tried to enquire about Surajveer Singh and whenever he went to Samalsar to bring back Karamjit Kaur he was given beatings and his identity card was also snatched. Complaint was made at Police Station Samalsar but due to influence of accused no action was taken. Due to behaviour of Karamjit Kaur and her family members, Surajveer Singh disinherited her through his will. Both the daughters of Surajveer Singh were also living with

was studying at Guru Nanak Dev Public School, Jiwan Wala. Due to mental pressure on account of behaviour of Karamjit Kaur and her family, Surajveer Singh died on 25.12.2008. On 06.01.2009, relatives and villagers had assembled for *bhog* ceremony of Surajveer Singh. Respondents in connivance with each other and some unknown persons attacked the house of complainant. They surrounded complainant and his wife and started quarreling with them. They demanded articles given at the time of marriage alongwith wedding album and did not allow complainant to go with Guru Granth Sahib to village Gurudwara. Harinderpal Singh, Paramjit Kaur, Darshan Singh and Ram Singh snatched both the minor daughters of Surajveer Singh and took them away in their vehicle. The complainant and his wife were rescued by *sarpanch* Mohinder Singh, *panch* Gurmail Singh, *panch* Kuldeep Singh, Malkeet Singh, Kuldeep Singh and Bhajan Singh and son of complainant, who had returned from *Gurudwara*. Respondents left the place giving threats.

3. After recording preliminary evidence, all the accused were ordered to be summoned and charge-sheeted for offence punishable under Sections 452, 454, 342, 367, 363, 149 IPC. Trial Court on appraisal of evidence concluded that offences for which accused were summoned were not duly proved beyond any shadow of doubt and acquitted them.

4. Trial Court found version as put forth by complainant as highly improbable and unreliable in view of the fact that occurrence is alleged to have taken place at the time of *bhog* ceremony in the presence of number of persons present at that time including *sarpanch*, *panch* and other relatives and co-villagers of complainant, who were not examined to support case of complainant. It also took note of the fact that as per statement of

wedding album. The dowry articles were still in possession of complainant even after five years of incident.

5. Learned counsel for appellant has argued that due to marital discord respondent no. 4-Karamjit Kaur was living with her parents. She had left behind her daughters, who were being looked after by complainant and his wife. She alongwith her family members and others had created scene at the time of *bhog* ceremony of her husband and had taken away her daughters without permission and consent of complainant. Trial Court has committed error while discarding statements of complainant and his son on the ground that it does not find any corroboration. As a counter-blast Karamjit Kaur had lodged an FIR for offences punishable under Sections 406 and 498-A IPC against complainant and his family members after this incident. Trial Court while discarding the plea of complainant has not taken note of these facts and circumstances.

6. It is a case where complainant has implicated his daughter-in-law, her father and other family members by levelling allegations that on the day of *bhog* ceremony of his son they had criminally trespassed his house and confined them. So far as the fact that daughters of Surajveer Singh were taken away by respondents is concerned, the same has no substance as minor children are living with their mother, who is also their natural guardian. It is highly improbable that the occurrence had taken place in the manner as alleged by complainant as at the time of *bhog* ceremony and immediately thereafter a number of persons from the village of complainant were present. The complainant has also named *sarpanch*, *panch* and other persons of his village who had come to his rescue but none of them was examined and the entire case is based on the testimony of complainant and his son, who

Surajveer Singh, his property had to devolve on his mother, wife and children. The complainant had taken steps to ensure that his grand-children get no share in the property in his hand by transferring the same in favour of his other son and wife. This shows that version of complainant that minor daughters of Surajveer Singh were being looked after by him and his wife has no substance. In case he had any love for daughters of his pre-deceased son, he would have bestowed or reserved some share of his property for them after death of their father. The entire complaint appears to have been preferred because of matrimonial discord between son of complainant and his wife and apprehension of complainant that he may not be involved in some case by Karamjit Kaur. His intention appears to be not to return the dowry articles which he has retained even after registration of FIR against him.

7. On perusal of judgment passed by Additional Chief Judicial Magistrate, I find that learned trial Court has taken note of all facts and circumstances and evidence on record before recording its conclusion that complainant has failed to prove the offence for which respondents had been charged. I find no legal or factual infirmity in the observations as recorded by trial Court calling for any interference in this appeal. Consequently, permission to grant leave to appeal under Section 378 (4) is declined and appeal, which has no merit stands dismissed.

**May 16, 2018**

*jk*

**( SURINDER GUPTA )  
JUDGE**

***Whether speaking/reasoned:***

***Yes/No***

***Whether Reportable:***

***Yes/No***