

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-46566-2016 (O&M)

Date of decision: 28.11.2018

Baljit Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Veneet Sharma, Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing impugned order dated 14.07.2016 (Annexure P-2) of the Revisional Court, dismissing the revision filed by the petitioner, affirming the order dated 10.08.2015 (Annexure P-1) of the trial Court, whereby Criminal Complaint No. 120 dated 10.02.2014 titled as “Baljit Kaur Vs. Ranjit Singh and others”, under Sections 494, 495, 506 and 109 read with Section 34 IPC, was dismissed at the preliminary stage.

Briefly, petitioner had married with respondent No. 2-Ranjit Singh, in the year 1994. One son, namely; Gurkirpal Singh had born out of this wedlock on 05.01.2002. Respondent No. 1 was involved in a case under Section 302 IPC and sentenced for life imprisonment. After undergoing the sentence, respondent No. 1 started living with respondent No. 3-Karamjit Kaur @ Kashmir Kaur, by performing marriage with her, without taking divorce from the petitioner, who along with her son

was residing at her parental house. The petitioner filed aforesaid complaint against respondents No. 2 to 16, before the trial Court, which was dismissed vide impugned order dated 10.08.2015 (Annexure P-1), after recording preliminary evidence, on the ground that the petitioner had failed to produce any documentary evidence regarding her marriage with respondent No. 2-Ranjit Singh as well as second marriage of respondent No. 2 with respondent No. 3.

Being aggrieved, the petitioner filed revision, but remained un-successful as her revision too was dismissed vide order dated 14.07.2016 (Annexure P-2).

Learned counsel for the petitioner *inter alia* contends that the impugned orders of both the Courts below are based on surmises and conjectures, inasmuch as, they failed to appreciate that there was well convincing and cogent evidence on record that respondent No. 2-Ranjit Singh, after coming out of jail on completion of his sentence in a murder case, started living with respondent No. 3, illegally. Respondent No. 5-Joginder Singh, had filed a Criminal Complaint No. 21 dated 17.07.2014 (Annexure P-6) against the petitioner and others, under Sections 323, 500, 506, 148 and 149 IPC, in which he had averred that there was a dispute in between the petitioner and her husband-respondent No. 2. He and village Panchayat, had made repeated efforts to settle their dispute and in the year 2001. A Panchayati divorce was taken by the petitioner against respondent No. 2, whereby the petitioner had kept the minor child Gurkirpal Singh with her. Thereafter, respondent No. 2 performed second marriage with respondent No. 3-Karamjit Kaur @ Kashmir Kaur.

The above assertion of respondent No. 5, clearly depicts that respondent No. 2 has solemnized second marriage with respondent No. 3, without obtaining divorce from the petitioner.

After giving anxious consideration to the submissions of learned counsel for the petitioner, this Court finds the instant revision completely devoid of any merit, for the reasons to follow:

There are concurrent findings of both the Courts below that petitioner has failed to prove her marriage with respondent No. 2. She did not produce any documentary evidence with regard to her marriage with respondent No. 2 as well as second marriage of respondent No. 2 with respondent No. 3.

Even, if, the version of respondent No. 5 is taken to be true upon which she is relying, in that eventuality also, it is evident on record that mutual divorce had taken place in between the petitioner and respondent No. 2.

In view of the above factual aspect of the case, instant petition being meritless is dismissed.

However, it is made clear that in order to ascertain the paternity of child-Gurkirpal Singh, his DNA Test be got conducted positively.

November 28, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No