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

CRM-A-604-MA of 2018 (O&M)

Date of decision: March 25, 2019

Kashmir Singh

...Appellant

Versus

State of Punjab and others

...Respondents

**Coram: Hon'ble Mr. Justice Rakesh Kumar Jain
Hon'ble Mr. Justice Harnaresh Singh Gill**

**Present: Mr. Inder Pal Singh, Advocate,
for the appellant.**

Rakesh Kumar Jain, J.

This order shall dispose of an application filed under Section 378(4) of Cr.P.C., filed after a delay of 21 days for which a separate application bearing CRM-9109-2018 under Section 5 of the Limitation Act, 1963 (hereinafter referred to as the "Act") has been filed, to challenge the order dated 07.11.2017 passed by the SDJM, Khsadur Sahib, by which complaint filed by the appellant against respondent no.2 has been dismissed which, as a necessary corollary, has resulted into her acquittal.

In brief, the complainant Kashmir Singh has alleged that he had three sons, namely, Surjit Singh, Harjit Singh and Baljit Singh. Baljit Singh was earlier married with Rajwinder Kaur, who died in the year 2013. After the death of Rajwinder Kaur, one Gurmeet Singh and his wife Baljinder Kaur, who are stated to be his relatives, approached him with the proposal of marriage of Gurpreet Kaur (respondent no.2 herein) with Baljit Singh. It is alleged that the marriage of Baljit Singh was solemnized with respondent no.2 on 10.12.2013 as per Sikh rites and ceremonies. It is alleged by the complainant that

respondent no.2 left her matrimonial home and started living with Gurmeet Singh and Baljinder Kaur in their village and threatened her husband and the complainant that if they would try to stop her, then she will lodge false case against them and in fact lodged FIR No.117 dated 05.10.2015, under Sections 354/342/509/323 IPC at Police Station Goindwal Sahib. It is further alleged that on making an enquiry, he came to know that respondent no.2 was already married with Kuldeep Singh S/o Sadhu Singh on 29.08.1993 and divorce case was pending between them in the Court at Faridkot. It is further alleged that respondent no.2, with the help of Gurmeet Singh and Baljinder Kaur, created a bank account after preparing forged documents and, thus, committed fraud upon him and his son Baljit Singh.

After leading preliminary evidence, the Court had found the *prima facie* case and the pre-charge evidence was treated as after-charge evidence on the statement made by the parties. The learned Trial Court had not only found that in view of Section 198 of the Cr.P.C., the complainant Kashmir Singh had no jurisdiction to file the complaint because Baljit Singh never authorized the complainant with any authority letter, which is to be countersigned by his Commanding Officer, accompanied with a certificate of his Officer to the effect that the leave cannot be granted to him for the said purpose of filing the complaint but also a categorical finding has been recorded that the marriage of Baljit Singh with Gurpreet Kaur was not proved to have been performed in accordance with Sikh rites and also besides the Panchayti divorce dated 08.02.2012, which took place between Kuldeep Singh and Gurpreet Kaur, a copy of the decree of divorce Ex.D1 was also tendered, meaning thereby respondent no.2 was a divorcee at the time of her alleged

marriage and there was no subsisting marriage with her earlier husband to invoke the provisions of bigamy. It has also been found by the trial Court that the allegations of forgery of the stamp of the Sarpanch has not been proved and, therefore, acquitted respondent no.2.

Although learned counsel for the appellant has submitted that the findings have been wrongly recorded by the trial Court and has alleged that these are based upon conjectures and surmises but he could not cause any dent in the finding of fact recorded by the trial Court on the basis of evidence that the marriage of the son of the complainant with respondent no.2 was not proved and the complaint filed by him was also not maintainable.

Thus, in view of the unimpeachable finding recorded by the trial Court, we do not find any reason to grant permission to the appellant for the purpose of pursuing the appeal on merits and hence, the present application is hereby dismissed.

(Rakesh Kumar Jain)
Judge

March 25, 2019
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(Harnaresh Singh Gill)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No