

231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-436-2012 (O&M)
Date of decision: March 26, 2019

Nidhan SinghPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

Mr. Gurpreet Jayia, Advocate for
Mr. Jagdish Manchanda, Advocate
for the complainant.

RAJ SHEKHAR ATTRI, J.(ORAL)

This is a revision petition filed against the judgment of conviction passed by the learned Judicial Magistrate Ist Class, Kurukshetra vide which the petitioner was convicted as well as judgment of the learned Appellate Court vide which the appeal was dismissed. The conviction of the petitioner read as under:-

Name of convicted	Offence under section	Sentence
Nidhan Singh	498-A of the Indian Penal Code	Rigorous imprisonment for a period of 01 year and to pay fine of Rs.200/- and in default of payment of fine, to further undergo simple imprisonment for 15 days.

The facts of the case in brief, as narrated in the judgment of the learned First Appellate court, read as under:-

“For disposal of these appeals it is necessary to recapitulate the facts of this case. The case was registered on the complaint filed under Section 156(3) Cr.P.C. by complainant Jasbir Singh to the effect that she was married

to Nidhan Singh accused No.1 at village Mohanpur, Tehsil Shahbad, District Kurukshetra on 23.1.1999 as per Anand Karaj ceremonies. At the time of marriage, dowry articles mentioned in Annexure A to F were entrusted to the accused persons in the presence of relatives. It was made clear to the accused that those articles belong to the complainant and they were only its custodian. After marriage, the accused persons started harassing the complainant for bringing insufficient dowry. On 28.01.1999 all the accused snatched all the ornaments of complainant and gave to accused No.6 Ruppo, who was got married a day before her marriage. When she resisted then she was given beatings and was threatened to be killed. After ten days of that occurrence, accused No.2 demanded one gold bracelet. Accused No.1 demanded Rs.2,00,000/- in cash and a car and accused No.3 to 6 demanded gold rings. Also accused No.1 told her that he wanted to go abroad. When she refused to bring those articles then accused persons not only abused her but also gave merciless beatings. On 14.12.1999 she was turned out of her matrimonial home in three clothes and she was pregnant at that time. Thereafter, panchayats were convened by her parents including panchayat dated 26.05.2000 and 05.03.2000. In the panchayat dated 26.02.2000 the accused persons reiterated their demands then again panchayat was convened on 05.03.2000 but the accused persons did not turn up in that panchayat. On 30.05.2000 she gave birth to a male child in Hayer Hospital, Shahbad Markanda and message was sent to her in-laws through her brother Surjit Singh but her brother Surjit Singh was abused, insulted and was threatened by the accused persons. They did not come to the hospital to see the child. On 06.08.2000 again panchayat was convened and in that panchayat Gurcharan Singh son of Jawahar Singh, Ravinder Singh son of Khehar Singh, mediator of this marriage were also present along with

other persons but accused persons again abused and insulted them and repeated their demands. They also refused to return the istridhan etc. Thereafter, she approached the police at police station, Shahbad but police did not take any action. The complaint Ex.PW1/A was sent to the police station, on which FIR was registered on 15.08.2000. Investigation was commenced. Accused Nidhan Singh was arrested and he got recovered the dowry articles vide recovery memo Ex.PW1/E. Remaining accused were found to be innocent. Statements of witnesses were recorded. Thereafter, challan against accused Nidhan Singh was filed.”

This court has gone through the material available on record.

Now compromise has been effected between the parties. Even, the parties have obtained divorce from each other by mutual consent.

This court is of the view that ends of justice would be adequately meted out in case the petitioner be given the benefit of probation.

In this view of the matter, this criminal revision petition stands partly allowed and judgment of conviction passed by learned trial court and order passed learned Appellate Court are upheld. However, order of sentence has been *set aside*, instead, petitioner is given the benefit of probation on his furnishing probation bonds in the sum of Rs.5,000/- to the satisfaction of learned court below to keep peace and good conduct for a period of one year.

Disposed of accordingly.

March 26, 2019

m. sharma

(RAJ SHEKHAR ATTRI)

JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No