

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

CRA-AS-186-2019

Date of decision-04.09.2019

Balbir Singh

....Appellant

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Akshay Bansal, Advocate for the appellant.

MANOJ BAJAJ, J.

Balbir Singh-complainant has challenged the judgment of acquittal dated 05.03.2019 passed by Additional Sessions Judge, Bathinda in case FIR No.142 dated 08.09.2016 under Section 306 read with Section 34 of Indian Penal Code, Police Station Canal Colony, Bathinda.

The facts in brief leading to the appeal are that upon the statement given by Balbir Singh son of Banta Singh recorded on 08.09.2016, the above FIR was registered, wherein it was alleged that he retired as Subedar from Indian Army and has three sons and a daughter. On 26.02.2007, his elder son, Sandeep Singh was married to Tej Kaur d/o Gurcharan Singh. A daughter and a son were born out of the wedlock. On 08.03.2014, his son died. After a year, brother of Tej Kaur, namely, Sukhwinder Singh took her to the maternal home along with her son Komalpreet Singh, leaving her daughter in the matrimonial house. Thereafter, Tej Kaur and her father along with family members in connivance with each other married Tej Kaur to brother of his deceased

husband, namely, Ranjit Singh, without performing any ceremony. After that, Tej Kaur lodged FIR No.89 dated 23.06.2015 under Sections 498-A, 406, 506 and 323 IPC at Police Station Moonak against Ranjit Singh. On 06.09.2016, both parties attended the hearing of the Court and Ranjit Singh requested Tej Kaur and his family members to not to implicate him in this false case, then Tej Kaur threatened him to implicate all the family members in a false case and started abusing him. It was further alleged that Tej Kaur and her family members humiliated his son, due to which he committed suicide by hanging himself. On these broad allegations, the FIR was registered.

On 19.11.2016, Tej Kaur and Gurcharan Singh were released on anticipatory bail. Thereafter, on 14.02.2017, Tej Kaur surrendered in the Court and was taken into the custody.

After completion of investigation, the final report was filed and after completion of formalities, the case was committed to the Court of Sessions vide order dated 05.05.2017 and thereafter, the charges were framed on 19.05.2017.

In order to establish the charges, the prosecution examined in all six witnesses and thereafter, the statement of the accused was recorded under Section 313 Cr.P.C. In defence, DW-1 Nazar Singh was examined. After considering the evidence on record, the trial Court proceeded to acquit the accused persons.

Learned counsel for the applicant has contended that Tej Kaur, daughter-in-law of the complainant was previously married to Sandeep in

the year 2007 (brother of Ranjit Singh) and her husband had died on 08.03.2014 in a vehicular accident. Thereafter, without any formal marriage, she was treated as wife of Ranjit Singh and she lodged a case FIR No.89 dated 23.06.2018 under Sections 498-A, 406, 506 and 323 IPC. He submits that during the proceedings of the said trial, the victim, Ranjit Singh was humiliated by accused persons on 06.09.2016 and driven by the said abetment, he took extreme step by hanging himself at his own house. He submits that there was plenty of evidence on record to indicate that on 06.09.2016, the case was fixed for hearing before the trial Court and therefore, the Court has wrongly proceeded to acquit the accused. Further, he has invited the attention of the Court to the statement recorded by the trial Court on the said date

After hearing the learned counsel, this Court finds that of course, the proceedings in case FIR No.89 dated 23.06.2018 were fixed for 06.09.2016, but there is nothing on record to suggest the alleged incident of humiliation to the victim.

Learned counsel submits that said incident took place outside the Court room, however, there is no evidence of the same as there was no CCTV cameras. The trial Court has carefully dealt with the evidence on record and made following observation regarding the evidence of the prosecution:-

“As per the prosecution story the deceased was given slaps by the accused on 06.09.2016 after the Court hearing at Moonak. However, there is no injury on the body of the deceased mentioned in the post mortem

report Ex-PW-4/D to that effect. If the deceased had been harassed and beaten as well as tormented to such an extent on 06.09.2016 why did he not report the matter to the police despite being accompanied by a retired police officer PW-5. Moreover, the PWs were dully confronted with their police statement where no such allegation of giving slaps were made by PWs. PW-5 in his cross-examination has stated that he had read his statement Ex.DX, however, the fact regarding giving slaps to deceased Ranjit Singh is not mentioned in the same. He is the only eye witness of alleged occurrence in the Moonak Court on 6.9.2016. There is a clear cut improvement in the version of this witness which would cast doubts on his credibility. Even otherwise, the deceased can not be said to have been harassed all of a sudden on a particular date due to the litigation when the cases between the parties were pending since about one year.”

A perusal of the above clearly indicates that the view adopted by the trial Court is a possible view and based on proper appreciation of the material on record. It is settled law that the judgment of acquittal cannot be interfered with lightly unless there is convincing material, indicating perversity in the judgment.

In view of the above, no ground is made out for interference.

Resultantly, appeal is declined.

(MANOJ BAJAJ)
JUDGE

04.09.2019

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No