

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

**CRM-14171-2022 in/and
CRR-719-2022 (O & M)
Date of decision: 23.09.2024**

SUKHJANT SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

CRM-14171-2022

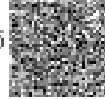
For the reasons mentioned in the application, the same is allowed.

Delay of 139 days in filing the present revision petition stands
condoned.

MAIN CASE

1. The present revision petition has been filed against the impugned judgment dated 08.12.2017 passed by learned Judicial Magistrate Ist Class, Barnala as well as impugned judgment dated 01.11.2019 passed by learned Sessions Judge, Barnala, whereby respondent Nos. 2 to 6 have been acquitted by both the Courts below.

2. Brief facts of the case as alleged, are that marriage of daughter of the petitioner was solemnized with respondent No. 2 on 25.11.2008. Out of the wedlock, no child was born. However, matrimonial dispute ensued between the couple on account of demand of dowry and in-laws of daughter of the



petitioner started harassing her and demanded more dowry in the form of cash, gold etc. Hence, the complaint.

3. Having heard the learned counsel for the petitioner and after perusing the record of the case with his able assistance, it transpires that only vague allegations have been levelled against the private respondents i.e. for demand of dowry as no entrustment to any other accused of any articles on behalf of Gurpreet Kaur (daughter of the petitioner) has been alleged in the testimonies of PW-1 and PW-2. Even, as regards respondent No.4, there is no allegation of misappropriation. The dowry articles which are shown as given to other accused, are not alleged to be in the shape of entrustment for Gurpreet Kaur, rather they are shown as gift given at the time of marriage. The most important aspect of misappropriation by the accused is totally lacking in the evidence of both these witnesses. PW-2 and the complainant were best witnesses to depose in this regard, however, their evidence is silent in this regard. Furthermore, PW-1 and PW-2 both have alleged that at the time of marriage, gold articles, clothes etc. as detailed in the evidence were given, however, there is no allegation that these articles were given at the demand of the accused persons. PW-1 alleges that he had given Rs. 3 lacs for car on demand of accused persons, but there is no such allegation in the evidence of PW2, which is material contradiction. In this regard cross-examination of PW-2 Gurpreet Kaur is vital, wherein she has stated that all the articles which were given at the time of marriage were given by her father by his own will. As such, the deposition of witnesses examined by the prosecution does not inspire confidence to the extent as was necessary to bring accusation levelled by them.

4. The power of the Appellate Court to unsettle the order of acquittal on the basis of re-appreciation of the evidence is subject to the settled law that



where two views are possible and out of the two, one points towards the innocence of the accused, the view which favours the accused should prevail over the other pointing towards his guilt. (*See H.D. Sundara and others vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023; Kali Ram vs. State of H.P., 1973 (2) SCC 808 and Chandrappa and others vs. State of Karnataka, (2007) 4 SCC 415*). A Division Bench of this Court in the judgment passed in *State of Haryana vs. Ankit and others* passed CRM-A No.3 of 2022 decided on 06.07.2023 has held that presumption of innocence further gets entrenched on the acquittal of accused by the trial Court.

5. In view of the discussion above, this Court finds that learned counsel for the petitioner has failed to point out any perversity or illegality in findings recorded by the learned Court below, which warrants any interference. Accordingly, the present revision petition is dismissed.

6. Pending miscellaneous application(s), if any, also stand(s) disposed of.

September 23, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |