

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-A-414-2021 (O &M)
Date of Decision: April 20, 2024

DIMPLE KAUR

...Applicant-Appellant

Versus

PAL SINGH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sapan Dhir, Advocate
for the applicant-appellant.

Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This instant application under Section 378(4) CrPC is preferred against the judgement dated 14.02.2020 passed by learned Chief Judicial Magistrate, Barnala vide which respondents no.1 to 7 (private respondents) were acquitted in Challan No. CHI/241/2016 arising out of FIR No.157 dated 19.06.2015 registered under Sections 406, 498-A, 506 of IPC at Police Station- City Barnala.
2. The facts, in brief, are that the applicant-complainant moved an application to SSP, Barnala against the private respondents where respondent no.2 being her husband and rest of the private respondents being the in-laws, were arrayed as accused. It was alleged by the applicant-appellant in the said application that soon after her marriage was solemnized with respondent no.2, being second marriage for both, the private respondents started harassing her for dowry. Even the amount lying in the bank account of the applicant was used by the respondents. Panchayat was convened multiple times and the

matter was resolved each time after the respondents admitted their mistake and agreed to settle the applicant peacefully. On 25.04.2015, the respondents in a pre-planned manner made respondent no.2 drop the applicant at her parental house under the pretext of her exams. Then, on pretext of getting the son from his first marriage medically treated, respondent no.2 asked for Rs.50,000/- from the applicant out of which Rs.10,000/- were given to him by the mother of applicant along with gold earrings weighing one tola and two rings. It was further alleged that the private respondents wanted to implicate her in a false case. The Officer In-charge of Women Cell recommended in his report that offences under Sections 406, 498-A, 506 of IPC are made out against the respondents. Inquiry ensued in consequence of the said report and finally, final report under Section 173 Cr.P.C. was presented against the respondents for commission of offences under Sections 498-A, 406, 506 of IPC. Ultimately, the respondents were acquitted of the charges framed against them by the learned trial Court. Aggrieved, the applicant-complainant has approached this Court by way of the present petition.

3. Having heard the learned counsel for the parties and after perusing the record with their able assistance, this Court is of the opinion that the present petition is devoid of any merit. It transpires that the application dated 11.05.2015 moved by the applicant, upon which the FIR (supra) was registered, bears no specific details qua entrustment of the alleged dowry articles to any of the respondents. No details regarding the gold chain, watch, gold ring alleged to have been entrusted to respondent no.2 or articles given to other respondents have been mentioned in the said application. Also, the allegation levelled by the applicant that her husband had withdrawn Rs.1,40,000/- from her bank account finds no mention in the said application. Even the demand of her

she had moved another application after 2-3 months of her marriage but no such application was produced before the learned trial Court. It was also admitted by the applicant in her cross-examination that she did not suffer any injuries at the time of the alleged beatings given to her by the respondents. She also admitted that she cannot disclose the name of any of the neighbours who allegedly gathered at the time of the alleged incident. Further perusal shows that the applicant and respondent no.2 had started living separately on rent. Interestingly, no specific instance of cruelty has been attributed to any of the respondents and no independent witness or a panchayat member has been examined by the prosecution. Even the testimony of brother of the applicant examined as PW2 has miserably failed to support the case of the prosecution. In view of the aforesaid facts, this Court finds sufficient grounds to affirm the judgement under challenge in the present case.

4. Furthermore, 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. Furthermore, the trial Court has the additional advantage of closely observing the prosecution witnesses and their demeanour, while deciding about the reliability of the version of prosecution witnesses. **(See H.D. Sundara and others Vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023; Kali Ram v. State of H.P., 1973 (2) SCC 808 and Chandrappa and others v. 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 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 facts and circumstances of the case, this Court finds that learned counsel for the applicant-appellant has failed to point out any perversity or illegality in findings recorded by the learned trial Court which warrants interference by this Court. As such, there is no merit in the present application and hence, the leave to appeal is denied.

6. Pending miscellaneous applications, if any, are disposed of accordingly.

20.04.2024
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(HARPREET SINGH BRAR)
JUDGE

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