



**216-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-2991-2016

Date of decision: 24.07.2024

Baljinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ramesh Chand Sharma, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J.

1. The present revision petition is preferred against judgment dated 24.05.2016 passed by the learned Additional Sessions Judge, Hoshiarpur whereby the judgment of acquittal dated 14.10.2013 passed by learned Sub Divisional Judicial Magistrate, Mukerian, was upheld qua respondents No.2 and 3.

2. Briefly, the facts are that the marriage between the petitioner and Surjit Singh was solemnised in April 2004 and one female child was born out of the said wedlock. However, a few days into the marriage, the in laws of the petitioner began harassing her for not bringing adequate dowry. The parents of the petitioners would occasionally give her Rs. 20,000/- to Rs. 30,000/- and other dowry articles to maintain peace at her matrimonial home. Despite this, the petitioner was turned out of the matrimonial home multiple times in lieu of increased dowry demands. The family members of Surjit Singh instigated him to kill the petitioner and often proclaimed that they would remarry him. On

instigation from respondent No.2 and 3, the other accused demanded a car and



Rs. 5,00,000/- or a motorcycle from the petitioner. On her refusal, Surjit Singh thrashed the petitioner and the mother-in-law caught her from her hair and threw her on the ground while the brother-in-law gave her fist and kick blows. Yet again, on 23.03.2008, the same demand was made and the petitioner was mercilessly beaten on her refusal to comply. The accused pressurized her to divorce Surjit Singh and turned her out of the matrimonial home.

3. Having heard the learned counsel for the petitioner and perused the record of the case with his able assistance, it transpires that PW1-Gurmit Singh, in his cross-examination, categorically admitted that respondents No. 2 and 3 are residing in a separate house and also possess a separate ration card. In fact their agricultural fields and electric meter connections are also separate. The same has also been reiterated by DW2- Rajesh Kumar, DW3- Darshan Singh, DW4- Kishan Chand and DW5- Pankaj. No benefit can be reasonably assumed to be accrued to respondents No. 2 and 3 from the demand of dowry from the petitioner. Moreover, no allegation of entrustment of dowry articles have been levied against any of the accused to attract the offence under Section 405 IPC. As such, it appears that respondents No.2 and 3 have been entangled in the present case for the mere reason of being associated with her husband.

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 Courts below, which warrants any interference. Accordingly, the present revision is hereby dismissed.

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

(HARPREET SINGH BRAR)
JUDGE

24.07.2024
Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No