

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRA-AS-553-2023(O&M)

Date of order: 19.04.2024

Arminder Kaur

.....Appellant(s)

Vs.

State of Haryana & Another

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vineet Chaudhary, Advocate
for the appellant.

Mr. Surinder Kumar Dagar, DAG Haryana.

Nidhi Gupta, J.

Challenge in the present appeal is to judgment dated 11.09.2023 passed by learned SDJM, Guhla whereby the accused/respondent No.2 has been acquitted in case FIR No.191 dated 11.10.2018 registered under Sections 323, 406, 498-A and 506 IPC at Police Station Guhla.

2. The facts of the prosecution case are that appellant/complainant Arminder Kaur got recorded her statement with the police to the effect that she was married on 26.01.2018 according to Sikh rites and ceremonies with Pritam Singh. After few days of the marriage, her in-laws started harassing her and started demanding more dowry. She further stated that the accused persons demanded Rs.20 lakh from her for sending Pritam Singh abroad. She disclosed about the said demand to her father and her father gave Rs.10 lakh to the accused persons. But after 20-

25 days, the accused persons again started beating her and her father again gave Rs.5 lakh to her father-in-law. A panchayat was convened, in which accused persons admitted their fault. But, again accused persons started harassing her and on 13.06.2018, she was thrown out of the house. On 23.07.2018, she made a complaint to CM window and the investigation of the said complaint was done by ASI Jagbir, P.S. Guhla, in which the accused persons asked for some time to resolve the dispute. She further stated that the last panchayat was convened in Samana Punjab, in which accused persons refused to keep her with them and threatened to kill her family members. With these averments, the complainant prayed for taking legal action against accused.

3. Learned counsel for the appellant inter alia submits that the learned trial Court is in patent error in acquitting respondent No.2 as, the appellant as PW1 had clearly stated in her evidence that she was tortured and harassed by respondent No.2 and his family. It is stated that the appellant had clearly alleged that father of the appellant had given a sum of Rs.10 lakh on one occasion; and after a Panchayat was convened, another sum of Rs.5 lakh was given to respondent No.2 and his family. This fact has even been corroborated by father of the appellant in his evidence as PW2. However, the learned trial Court has failed to appreciate this evidence led by the appellant side.

4. It is further submitted that the learned trial Court has not appreciated that there are specific allegations in the FIR. Even other accused persons including father-in-law, mother-in-law and sister-in-law of the appellant have been wrongly found to be innocent in the investigation

done by the DSP Guhla. It is contended that the learned trial Court has conducted trial in a very casual manner.

5. No other argument is made on behalf of the appellant.

6. I have heard learned counsel for the appellant and perused the case file in detail.

7. Perusal of record of the case shows that the appellant was married to respondent No.2 on 26.01.2018. No child was born out of this wedlock. Due to matrimonial discord, the party started living separately within five months of marriage since June 2018. However, the appellant filed the present FIR only four months thereafter on 11.10.2018. Initially, there were four accused named by the appellant in the present FIR being the husband, parents-in-law and sister-in-law of the appellant. However, in the investigation conducted by the Investigating Agency, three accused were exonerated and challan was filed only against respondent No.2/husband of the appellant.

8. The main allegation in the FIR is that in one instance the accused persons were given Rs.10 lakh by the appellant and her family. Thereafter to sort out the matrimonial differences between the parties, a Panchayat was convened, when Rs.5 lakh was again handed over to the accused persons. As regards the giving of amount of ₹5 lakhs, the said assertion on part of the appellant remains unproved on record as no member of the Panchayat has been examined by the appellant in support of her said contention.

9. Even the contention of the appellant that an amount of ₹10 lakhs was given by her father to the accused persons does not inspire belief as the appellant in her cross examination as PW1 has admitted that her father has 1.5 acre of land which is given on rent for a sum of only Rs.40,000/- per year. In this view of the matter, the learned trial Court had found the claim of the appellant that the accused had been given Rs.15 lakh as dowry, to be far-fetched. Upon this, father of the appellant had stated that the said amount of Rs.15 lakh was given to the accused persons by borrowing from his relatives. However, admittedly, none of the said relatives from whom the money was borrowed, was examined by the prosecution.

10. Father of the appellant as PW2 had also stated that he was a poor person and had no capacity to give dowry. Said statement is in clear contradiction of the prosecution case that Rs.15 lakh was given as dowry.

11. It was also the case of the appellant that the accused persons had been given some jewellery. However, admittedly, no bills in respect of the same were produced by the prosecution side.

12. Another allegation of the appellant is that she was beaten by the accused persons. But admittedly, no complaint was filed by the appellant or her family in this regard, and even no medical evidence in support of the same has been produced.

13. Relevant findings given by learned trial Court are reproduced hereinbelow:-

“9. In the present case, the complainant has alleged that she was married with accused Pritam Singh on 26.01.2018 and lots of dowry were given at the time of marriage, but after 2-3 months of the marriage, the accused persons started harassing her and they also demanded money from her. She also alleged that the accused persons beat her. Her father gave Rs.5 lakh and Rs. 10 lakh to the accused persons on two different occasions. To prove the case, the prosecution has examined five witnesses. PW1 is the complainant, who in her cross-examination has stated that her father has 1.5 acre land in his name which is given on rent of Rs.40,000/- per year. It is surprising that the person who is getting Rs. 40,000/- an annual rent for his agriculture land is alleging to give Rs. 15 lakh as dowry to in-laws of his daughter. The prosecution has also examined PW2 who is the father of complainant. He in his cross-examination has stated that he gave money to the accused persons after borrowing from his relatives and marriage was solemnized after borrowing money from his relatives. But, none of those relatives have been examined in the prosecution evidence. He also stated that he is a poor person and he has no capacity to give dowry, but, if he is a poor person, how did he manage to give Rs. 15 lakh to the in-laws of her daughter, is again not explained. The complainant also stated in her cross-examination that her father gave bracelets to accused and her father-in-law, and earns rings to her mother-in-law, but no bills of bracelets and ear rings have been produced on record, to prove this fact. The complainant also alleged that she was beaten by the accused persons, but no medical record is available on the case file to prove the same. The complainant also stated that a panchayat was convened, in which Rs.5 lakh was given to the accused persons, but no witness of the panchayat has been examined by the prosecution and the investigating officer PW5 has stated in his evidence that the version of complainant that a panchayat was

convened was not found to be true during investigation. Also, the list of dowry articles filed by the complainant is also not supported by any evidence. No bills have been placed on record to show that these articles were purchased by the father of the complainant. The investigating officer also stated in his cross-examination that no recovery of any of the dowry article was effected from the accused during the investigation. Hence, it can be easily said that the items mentioned in the list were not given by the complainant to the accused at the time of marriage.”

14. Nothing has been shown by learned counsel for the appellant to this Court to controvert or dispute the above said findings.
15. In view of the above, I find no merit in the present appeal, and the same accordingly, stands **dismissed**.
16. Pending application(s) if any also stand(s) disposed of.

19.04.2024	(Nidhi Gupta)
Sunena	Judge
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No