



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

CRM-A-2165-MA-2018

Date of Decision: 05.08.2024

Gurpreet Kaur

...Applicant-Appellant

Versus

Karamjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.K. Shukla, Advocate
for the applicant.

Mr. Saurabh Kaushal, Advocate
for the respondent.

HARPREET SINGH BRAR, J.(ORAL)

1. The present application has been preferred under Section 378(4) Cr.P.C. against impugned judgment of acquittal dated 12.03.2018 passed by the learned Sub Divisional Judicial Magistrate, Nabha in case stemming from criminal complaint bearing no. COMA/505 of 2013 registered under Section 406, 498-A, 506, 120-B IPC at Police Station Bakhshiwala.

2. Briefly, the facts as alleged are that the marriage between the marriage between the applicant and respondent No.1 was solemnized on 26.06.2006. An amount of about Rs.7 lakh was spent on the wedding and amongst other things, one Alto car was given as dowry by the father of the applicant. To make payment for the same, the father of the applicant issued one bank draft in favour of respondent No.1, who fraudulently got the bills issued in his own name. The in laws family of the applicant was not satisfied



with the wedding expenses as well as the dowry received, in lieu of which they began harassing the applicant. Gurmeet Singh, brother-in-law of the applicant, instigated respondent No.1 while her sister-in-law and mother-in-law taunted her on the asking of her father-in-law. Respondent No.1, under the influence of intoxicants, used to beat the applicant, on asking of his family. The accused asked the applicant for Rs.1 lakh and on her refusal, on 30.11.2006, she was severely beaten and sent back to her paternal house. The accused also refused to hand over the *stridhan* of the applicant back to her or to rehabilitate her. Subsequently, a compromise was arrived at, however, on 13.06.2009, the accused again beaten up the applicant mercilessly to the extent that she had to be hospitalized.

3. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the applicant had placed on record medical reports from 14.06.2009 to 17.06.2009 MLR, prescription slips etc on the record as Ex. CW7/A to Ex. CW7/D. However, a perusal of the MLR reflects that the applicant had sustained bruises on her left molar area as well as left lower eye lid. She also had abrasions over right side of her neck and chest. While the doctors advised x-ray scans of injury No.1, the applicant failed to follow the said advise. As such, the extent of injuries suffered by her cannot be ascertained. Further, the applicant alleged that she was shunned out of her matrimonial home on 13.06.2009, however, she only arrived at the hospital on 14.06.2009 and the delay qua the same remains unexplained.

4. Further, a litigation was ongoing between the parties qua ownership of the Alto car. Dalel Singh, Beant Singh and Gurmail Sigh



apparently seems to have been arraigned as accused in complaint(supra) because they appeared as witnesses against the applicant in the civil litigation qua the ownership of said car. Moreover, neither the bills pertaining to items allegedly given in dowry have not been duly proved nor is any material available on the record to substantiate the fact that the said articles were given in lieu of dowry demand made by the respondent-accused. Even though the civil suit qua ownership of said Alto car was decided in favour of father of the applicant, however, despite that it cannot be said that the same was gifted on the asking of the respondents allured. Moreover, the aforesaid civil suit has decided the question of ownership of car only and not the question whether the same was provided in lieu of dowry demand. Finally, in her cross-examination, CW1-applicant has admitted that she and respondent No.1 were residing separately from rest of the respondents-accused since 2009. As such, the narrative put forward by the prosecution does not inspire any confidence of this Court.

5. 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.

6. In view of the discussion above, this Court finds that learned counsel for the applicants has failed to point out any perversity or illegality in findings recorded by the learned Courts below, which warrants any interference. Accordingly, present application is dismissed and the leave to appeal is denied, being bereft of any merit.

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

(HARPREET SINGH BRAR)
JUDGE

05.08.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No