

2025:PHHC:146769-DB



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

CRA-D-311-DBA of 2004 (O&M)

Date of Decision: 27.10.2025

State of Punjab

...Appellant

Vs.

Harbhajan Kaur and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE N.S.SHEKHAWAT
HON'BLE MS. JUSTICE SUKHVINDER KAUR**

Present: Mr. M.S. Bajwa, DAG, Punjab..

Mr. Anmol Partap Singh Mann, Advocate
for the respondents-accused.

N.S.SHEKHAWAT, J.

1. By way of the instant appeal, the State of Punjab has challenged the impugned judgment dated 05.04.2003 passed by the Court of Additional Sessions Judge (Adhoc), Fast Track Court, Patiala, whereby, the respondents have been acquitted of the charge.

2. The FIR in the present case was registered on the basis of the complaint made by Santosh Bala, which was submitted to DIG, Patiala, Range, Patiala and the said complaint Ex.PA has been reproduced below:-

“To

*The Hon’ble DIG
Patiala Range
Patiala.*

Sub:- Complaint against Baldev Singh Batra son of Avtar Singh and Harbhajan Kaur wife of Doctor Baldev Singh Batra resident of quarter No. 10. F Rajindera Hospital, Patiala.

Sir,

It is submitted as under :-

1. That I am resident of Fatehgarh Sahib and my marriage was got effected with Kuldip Singh Maan son of Nirpal Singh Maan 121 Bharpur Garden Patiala by my elder brother Balev Singh aforesaid with malafide intention and I was not disclosed at all about the children already having by Kuldip Singh. After the marriage my brother called my husband to India by flattering to do the business because my husband has about Rs 1.5 crore in the shape of cash and immovable property. My brother had get delivered a plot to my husband at Saharanpur to build a hotel and the thereafter its construction was got started by my husband and for spending the money on the hotel the property at Patiala was got sold from my husband. As my husband had to go to Canada because of his business there. So he appointed Baldev Singh as his General Power of Attorney. While going to Canada he handed over the

cash and two blank cheques of State Bank of India duly signed and when my husband came back, it revealed that on enquiry that Baldev Singh Batra was taking commission in each transaction from the Building Contractor and I came to know. I got cancelled General Power of Attorney of my brother by asking to my husband. Before arrival of compromise, I demanded the blank cheques which were given by my husband but he prolonged the matter and saying that said cheque had been destroyed by him and the remaining papers were also not returned the concerned papers of General Power of attorney. That later on he filled up the cheques in the sum of Rs.21/- lacs and filed the case against my husband. In fact no money is to be given by us to my brother, the blank cheques duly signed were handed over to him in good faith. By taking the undue advantage in order to get benefits he filled up the amount of Rs. 21 lacs and the cheques were dishonoured and filed the case in this regards. The aforesaid accused threatened me either to give him Rs. 21/- lacs or Rs. 10/- lacs by asking my husband otherwise me and my husband will be finished. We have danger from them because Harbhajan Kaur my sister-in-law had made other false case of throwing of chemicals. On 23.05.1999 at 05.00 pm Harbhajan Kaur and Baldev Singh came to my house and threatened and thereafter they tried to strangulate me. At that time Raju, Diver and Kesar Singh maternal uncle were present at the spot and they saved me from them by pushing. Therefore legal action may be taken against the accused Baldev Singh Batra and the above cheques which were given in blank duly signed by my

husband in good faith which he filled Rs. 21/- Lacs to get the benefits of the cheques. This may kindly be investigated and the case may be registered against Baldev Singh Batra and the second cheques given by my husband in blank duly signed may be returned to us from him. Me and my husband may kindly be saved from them. Our remaining papers may also be got returned to us. When I go to Fatehgarh Sahib to see and meet my brothers, they threatened me to kill me. Kindly take necessary action against the accused to save us from them.

I shall be very thankful to you for this act of kindness.

The case has been registered on the complaint case FIR No. 319 dated 30.08.1999 under Sections 420, 467, 468, 471, 452, 307, 511, 506, 34 and 406 IPC, Police Station Kotwali, Patiala.

*Yours Faithfully
Sd/- Santosh Bala Maan
W/o Kuldip singh Maan, NIR Indian,
Resident of 121 Bharpur Garden Patiala
Complainant”.*

3. After the receipt of the above stated complaint Ex.PA, formal FIR Ex.P4 was recorded on 30.08.1999. However, before registration of the FIR, the DIG, Patiala entrusted the application to SSP Patiala for necessary action and the inquiry in the present case was conducted by SP (City) Patiala and as per his investigation report Ex.D11, he came to the conclusion that no offence under Sections 307, 452, 506 and 34 IPC was made out and only the offence under

Sections 452, 506 and 34 IPC was made out. Even, the SP (Special Investigation Branch, Crime Wing), Punjab Police, Chandigarh also came to the conclusion that no offence under Sections 307, 452 and 34 IPC was made out and the case was found to be false and discharge of the accused was recommended. However, later on the FIR in the present case was registered on 30.08.1999. After the registration of the FIR, the police recorded the statements of the complainant and prepared the rough site plan and statements of Kesar Singh, Sant Kaur and Raj Kumar @ Raju and other witnesses were recorded. The scaled site plan was got prepared from Chanan Singh Draftsman. Thereafter, the investigation was concluded and the respondents were *challaned* for committing the offences punishable under Sections 420, 467, 468, 471, 452, 307, 511, 506, 406 and 34 IPC. The Area Magistrate complied with the provisions of Section 207 Cr.P.C. and since the case was exclusively triable by the Court of Sessions, the Area Magistrate committed the case to the Court of Sessions Judge, Patiala. After perusing the documents attached with the *challan*, a *prima facie* case under Sections 307, 452 and 34 IPC was made out against the accused and they were charge sheeted for the same. However, when the contents of charge were explained to the accused, they pleaded their false implication and claimed trial. During the course of trial, the prosecution examined five witnesses, i.e., PW1 Ashok Kumar Gupta, Chief manager, State Bank of India,

Zonal Office, Haryana, Chandigarh, PW2 Santosh Bala complainant, PW3 Kesar Singh, PW4 Kuldeep Singh and PW5 ASI Vidaya Sagar.

4. After concluding the evidence, the entire incriminating material was put to the respondents in the shape of their statements under Section 313 Cr.P.C. and they pleaded their innocence. They had taken a defence that Kuldeep Singh Mann owed Rs. 21 lakhs to Baldev Singh and issued cheque in their favour, which was dishonoured. Baldev Singh served a notice to Kuldeep Singh Mann in this regard and filed a complaint against Kuldeep Singh Mann under Section 138 of the Negotiable Instruments Act 1881, which was pending in the Court of JMIC Patiala. However, in order to put pressure on Baldev Singh and other family members, the false case was planted against them in conspiracy with his wife and other relatives. However, they did not lead defence evidence in this regard.

5. Learned State counsel submits that the trial Court completely failed to appreciate that there was sufficient and cogent evidence against the respondents and they were erroneously acquitted by the trial Court. In fact, there was no hard or fast rule that any delay in lodging the FIR would technically render the prosecution case doubtful. In fact, it is inappropriate to doubt the veracity of the prosecution case only on the ground of delay. Rather, the trial Court had drawn wrong inference on account of delay in lodging the FIR. Moreover, the husband of the complainant was NRI and was not

aware of the technicalities of law and was not even aware of the police station, where case was to be registered. Apart from that, the law was well settled that it was not necessary to examine all the witnesses but the witnesses essential to unfolding of the narrative on which the prosecution case is based must be called by the prosecution and the prosecution examined all the essential witnesses in the present case. Still further, the trial Court had completely overlooked the testimony of PW2 Santosh Bala, which was duly supported by the testimony of her husband, i.e., PW4 Kuldip Singh. However, the trial Court committed the grave error in not putting the reliance on their statements. Thus, the impugned judgment is legally unsustainable.

6. On the other hand, learned counsel appearing on behalf of the respondents has referred to a compromise deed (Annexure P-1) and submitted that the complainant had entered into a compromise with the respondents and their close family members. Even, the amicable settlement had been arrived at between the parties with the intervention of their common relatives and respectables of the city. Still further, even all other disputes between the parties stood resolved and the present appeal is liable to be dismissed only on this short ground alone. In order to further give strength to his argument, he has also referred to a compromise deed (Annexure P-1) between the parties, in which Santosh Bala clearly stated that she had no objection if the compromise deed arrived at between the parties is given effect

to by this Court and the acquittal of the respondents may be maintained. Even otherwise, learned counsel for the respondents had extensively referred to the evidence led by the prosecution to contend that the trial Court had correctly appreciated the evidence and the respondents were rightly acquitted. Thus, the impugned judgment may be upheld.

7. We have heard the learned counsel for the parties and perused the record carefully.

8. It has been held by the Hon'ble Supreme Court in the matter of **"Bhaskarrao and others Vs. State of Maharashtra"**, 2018 AIR (Supreme Court) 2222; 2018 (5) RCR (Criminal) 228 as follows:-

"14. As the trial court and High Court, having appreciated the evidence on record, has come to diametrically opposite conclusions, mandating herein to observe certain witness statements which may have an important bearing in this case. In the processes of appreciating the evidence at the appellate stage, we need to keep in mind the views of this court as expressed in Tota Singh and Anr. v. State of Punjab, 1987(2) RCR (Criminal) 35 : 1987 CriLJ 974 -

"The High Court has not found in its judgment that the reasons given by the learned Sessions Judge for discarding the testimony of PW2 and PW6 were either unreasonable or perverse. What the High Court has done is to make an independent reappraisal of the

evidence on its own and to set aside the acquittal merely on the ground that as a result of such reappreciation, the High Court was inclined to reach a conclusion different from the one recorded by the learned Sessions Judge. This Court has repeatedly pointed out that the mere fact that the Appellate Court is inclined on a reappreciation of the evidence to reach a conclusion which is at variance with the one recorded in the order of acquittal passed by the Court below will not constitute a valid and sufficient ground for setting aside the acquittal. The jurisdiction of the Appellate Court in dealing with an appeal against an order of acquittal is circumscribed by the limitation that no interference is to be made with the order of acquittal unless the approach made by the lower Court to the consideration of the evidence in the case is vitiated by some manifest illegality or the conclusion recorded by the Court below is such which could not have been possibly arrived at by any court acting reasonably and judiciously and is, therefore, liable to be characterized as perverse. Where two views are possible on an appraisal of the evidence adduced in the case and the court below has taken a view which is plausible one, the Appellate Court cannot legally interfere with an order of acquittal even if it is of the opinion that the view taken by the Court below on its consideration of the evidence is erroneous."

9. *In Ramesh Babulal Doshi v. State of Gujarat, 1997(3)*

RCR (Criminal) 62 : 1996 CriLJ 2867, this Court observed:

"This Court has repeatedly laid down that the mere fact that a view other than the one taken by the trial Court

can be legitimately arrived at by the appellate Court on reappraisal of the evidence cannot constitute a valid and sufficient ground to interfere with an order of acquittal unless it comes to the conclusion that the entire approach of the trial Court in dealing with the evidence was patently illegal or the conclusions arrived at by it were wholly untenable. While sitting in judgment over an acquittal the appellate Court is first required to seek an answer to the question whether the findings of the trial Court are palpably wrong, manifestly erroneous or demonstrably unsustainable. If the appellate court answers the above question in the negative the order of acquittal is not to be disturbed."

10. Still further in **Criminal Appeal No(s.) 410-411/2015 [Ravi Sharma Vs State (Government of N.C.T. of Delhi) and another]**, decided on 11.07.2022, Hon'ble the Supreme Court has held as under:-

*"Before venturing into the merits of the case, we would like to reiterate the scope of Section 378 of the Code of Criminal Procedure (for short 'Cr.P.C.') while deciding an appeal by the High Court, as the position of law is rather settled. We would like to quote the relevant portion of a recent judgment of this Court in **Jafarudheen and Others v. State of Kerala (2022 SCC Online SC 495)** as follows:*

"25. While dealing with an appeal against acquittal by invoking Section 378 of the Cr.PC, the Appellate Court

has to consider whether the Trial Court's view can be termed as a possible one, particularly when evidence on record has been analyzed. The reason is that an order of acquittal adds up to the presumption of innocence in favour of the accused.

Thus, the Appellate Court has to be relatively slow in reversing the order of the Trial Court rendering acquittal.

Therefore, the presumption in favour of the accused does not get weakened but only strengthened. Such a double presumption that enures in favour of the accused has to be disturbed only by thorough scrutiny on the accepted legal parameters.”

11. In the present case, it is not in dispute that initially the entire machinery was set into motion by moving an application (Ex. PA) to DIG Patiala Range on 05.06.1999. Initially, the inquiry was marked to DSP (City-I) Patiala, who found that no offence under Sections 307, 452, 506 and 34 IPC was made out against the respondents. Then, again the case was investigated by SP (Special Investigation Branch, Crime Wing) Punjab, and as per report Ex.D12/1, the said official again held that no offence under Sections 307, 452 and 34 IPC was made out and it was found to be false. The said finding was also endorsed by DIG, Patiala vide Ex.D10, however, all of a sudden, the FIR Ex.P4 was registered against the respondents and the case was again marked to SHO, Police Station Kotwali, Patiala for further investigation.

12. Still further, in the present case, as per the allegations levelled by the complainant, at about 05.00 p.m. on 23.05.1999, both the respondents came to her house and threatened her. They also tried to throttle her neck, but she was saved by Raju and Kesar Singh, her maternal uncle, who was present at the spot. However, it is an admitted case that during the course of trial, no medical evidence was produced by the prosecution to prove even the strangulation marks on the neck of Santosh Bala. Rather, there was no medical evidence, which could suggest that even a bruise suffered by the complainant in the present case. Consequently, the oral testimonies of various witnesses bereft of any medical corroboration, have been rightly rejected by the trial Court.

13. Apart from that, it is also an admitted fact that the parties are close family members and they had already compromised the matter with each other. Even, there is no denial that a compromise deed (Annexure P-1) has been executed, which was duly signed by Santosh Bala, complainant. Even, the complainant had filed a Criminal Revision No. 1218 of 2003 before this Court, claiming similar relief. However, the said criminal revision was withdrawn by the complainant, which clearly establishes that the parties had arrived into a settlement. Even, no person had suffered injuries in the present case and this Court feels it appropriate that after a period of almost 26 years, the present matter must be given a quietus.

14. Even otherwise, we have carefully perused the findings recorded by the trial Court and find no reasons to deviate from the same. The trial Court has discussed the testimonies of various witnesses, which were found to be inconsistent and unreliable. Thus, we uphold the detailed findings recorded by the trial Court while acquitted the respondents.

15. All pending applications, if any, are disposed off, accordingly.

16. The case property, if any, may be dealt with as per the rules.

17. Records of the Court below be sent back.

(N.S.SHEKHAWAT)
JUDGE

(SUKHVINDER KAUR)
JUDGE

27.10.2025
amit rana

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