



**CRR-3167-2016 (O&M)
& 01 connected case**

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**248 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of Decision: 13.02.2025

1. CRR-3167-2016 (O&M)

RIPUDAMAN SINGH ...Petitioner

Versus

DALJIT KAUR AND OTHERS ...Respondents

2. CRR-3338-2016 (O&M)

RIPUDAMAN SINGH ...Petitioner

Versus

SAROOP SINGH AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Avtar Singh Bharti, Advocate for the petitioner(s).

Mr. Rajiv K. Kapila, Advocate for respondent Nos.1 and 2
in CRR-3167-2016.

Mr. Jasraj Singh, Advocate for respondent Nos.1 and 2
in CRR-3338-2016.

Mr. Nitesh Sharma, DAG, Punjab.

Harpreet Singh Brar, J. (Oral)

1. This judgment of mine shall dispose of both the aforesaid revision petitions as they arise from similar factual matrix challenging the judgment of acquittal dated 20.05.2016. However, for the sake of brevity, the facts are taken from **CRR-3167-2016** titled as '**Ripudaman Singh vs. Daljit Kaur and others**'

2. The present revision petitions are preferred against the judgment of acquittal dated 20.05.2016 passed by learned Additional Sessions Judge, Hoshiarpur in criminal appeals No.67 dated 28.01.2015 and No.68 dated



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28.01.2015.

3. The facts of the present case are that the complaint was made by complainant-Ripudaman, who submitted that Smt. Daljit Kaur, wife of Jagmohan Singh used to tell him that he could be sent abroad if he arranged a sum of Rs.4,00,000/- as he was doing a small job here. His near relatives Saroop Singh and his wife Charanjit Kaur also told that aforesaid agent namely Jagmohan Singh and Daljit Kaur had sent their son abroad. They are well acquainted with Jagmohan Singh and Daljit Kaur and if he pays amount on their assurance, he will not be cheated. On their asking on 15.04.2001 Smt. Daljit Kaur took Rs.30,000/- along with passport from the complainant and told that remaining amount may be deposited on 08.06.2001. The complainant with his father came to village Kala and paid Rs.2,40,000/- to Daljit Kaur. On the next day, Daljit Kaur took him to Delhi and sent back on the next day, by saying that his flight is late. On 19.07.2001, Daljit Kaur called him on telephone at village Kala and told that they had paid Rs.3,00,000/- and Rs.1,00,000/- be paid by his father, after the complainant reaches abroad. Thereafter, they went to Delhi and aforesaid agent along with his wife kept him in Savita Hotel, Paharganj from 15.06.2001 to 21.06.2001. On 19.07.2001, Ramesh Sharma resident of village Gonspur took him from Delhi to Calcutta, where he was kept for two months. On 15.09.2001, above mentioned accused left him in the village from Calcutta by saying that his documents are not complete. They had promised him to send abroad and due to their promise, he lost his job. The complainant and his father met Saroop Singh and his wife Charanjit Kaur many times and demanded Rs.3,00,000/- as on their assurance, they had given the said amount to Daljit Kaur and Jagmohan Singh of village Kala but Daljit Kaur and Jagmohan Singh



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did not pay back the amount. It was further alleged that all the accused persons have defrauded him. On the basis of aforesaid allegations, FIR (*supra*) was registered.

4. Learned Sub Divisional Judicial Magistrate, Dasuya, vide judgment of conviction and order on quantum of sentence dated 30.09.2011 had convicted the accused persons for the offence punishable under Section 420 of Indian Penal Code and awarded them rigorous imprisonment for 06 months and fine of Rs.500/- each along with default mechanism. The respondents-accused preferred an appeal against the judgment and order dated 30.09.2011, which was allowed and respondents-accused were acquitted by learned lower Appellate Court vide impugned judgment dated 20.05.2016.

5. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that incident is stated to have happened in the year 2001, however, written complaint was made after two years. Further, in the complaint, nowhere, it has been mentioned that complainant or his father had arranged an amount of Rs.3,00,000/- by taking loan or by arranging the same from their relatives. As such, complainant has failed to prove the source of money in this case. Further, as per the version of the complainant, he was to be sent abroad, however, he has nowhere mentioned in the complaint or testimony that any of the accused had completed his documentation or had taken him to Embassy for getting VISA and if the version of the complainant is to be believed that accused Daljit Kaur is travel agent, then her normal conduct would have been that after receipt of amount, some days would have been consumed for getting the documentation completed. Further,

there are material contradictions and improvements in the statements of



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witnesses of the prosecution and version of the complainant is doubtful. Furthermore, nothing has been brought on record to show that any travel agency is being run by the accused persons. The prosecution has neither proved source of amount nor the fact that who induced the complainant to pay the amount and to whom the payment was made. As such, the prosecution has failed to prove its case beyond the shadow of reasonable doubt.

6. 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* 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.

7. In view of the facts and circumstances of the case, this Court finds that learned counsel for the petitioner has failed to point out any perversity or illegality in findings recorded by the learned lower Appellate Court, which warrants interference by this Court. As such, there is no merit in the present petitions and both petitions stand dismissed.

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8. Pending miscellaneous application(s), if any, shall also stand disposed of.
9. A photocopy of this order be placed on the file of other connected case.

13.02.2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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