



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

**CRR-2693-2010 (O&M)
Date of Decision: 17.03.2026**

Bajo and another ...Petitioners

vs.

Sheela Devi ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Hemant Saini, Advocate with
Ms. Neha, Advocate and
Mr. Himanshu Monga, Advocate and
Ms. Kanishka, Advocate
for the petitioner.

Mr. Bhanu Pratap Singh, Addl. A.G. Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the present revision petition against the impugned judgment dated 31.08.2010 passed by the Additional Sessions Judge, Amritsar and the judgment of conviction and order of sentence dated 09.03.2006 passed by the Court of Judicial Magistrate 1st Class, Amritsar, whereby, the petitioners were convicted for commission of offences punishable under Sections 494 read with Section 109 of IPC and were sentenced to undergo rigorous imprisonment for a period of one year.

2. The complaint in the present case was filed by the respondent/complainant by alleging that the marriage of the respondent was solemnized with accused Surjit Chand in the year 1973 at Village Zafarwal, District Gurdaspur according to Hindu-Sikh rites and Dharminder, Sukhdev



Raj, Soma Rani and Nanki were born, who are presently residing with accused Surjit Chand. From the very beginning, the attitude of the accused towards the respondent was cruel. The accused used to make dowry demands as he was not happy with the scanty dowry brought by the complainant. Surjit Chand, petitioner No.2 used to demand colour television, refrigerator and Rs.20,000/- in cash. The respondent requested the petitioner No.2/accused No.1 that her parents had already given sufficient dowry and they were not in a position to give more dowry. Ultimately, in the month of October, 1992, the respondent was turned out of her matrimonial house. Accused No.2 Karam Chand was the father, while accused No.3 Bal Kaur was the mother, accused No.4 Tarsem Singh @ Tarsem Chand was the elder brother, whereas accused No.5 Santosh @ Toshi was the sister-in-law (bhabhi) of Surjit Chand, petitioner No.2/accused No.1. It was further alleged that Bajo, petitioner No.1 was the second wife of Surjit Chand, petitioner No.2 and accused Ambo Devi was the mother of accused Bajo, whereas, accused Vishno Devi acted as mediator for the marriage of petitioner No.2-Surjit Chand with petitioner No.1 Bajo. On 12.02.1994, the respondent came to know that petitioner No.2 was going to marry with petitioner No.1. She alongwith her brother Dharam Pal and Lakhwinder Raj son of Banta Ram requested all the accused not to perform second marriage of petitioner No.2 with petitioner No.1 but they flatly refused to accept the request of the respondent. It was further alleged that on 13.02.1994, respondent along with her brother Dharam Pal and Lakhwinder Raj again approached petitioner No.1 and accused Ambo Devi that she was already married with petitioner No.2 and no decree of divorce has been passed by any court of law. Therefore,



petitioner No.1 should not enter into a matrimonial alliance with petitioner No.2 but they did not pay any heed to the request of the respondent. On 16.02.1994, the respondent alongwith her brother Dharam Pal, Lakhwinder Raj and Mulakh Raj went to Gurudwara situated at Kathua, where all the accused were present and they were busy in performing second marriage of accused-petitioner No.2 with petitioner No.1. Accused-petitioner No.2 took four lawans with petitioner No.1 in the presence of holy Sri Guru Granth Sahib. The Lawan ceremony was performed by the Granthi of the Gurdwara. A writing was also prepared by the Granthi of the Gurdwara and the marriage was entered at Gurdwara Kathua and all the accused participated actively in performing the second marriage of petitioner No.2 with petitioner No.1. In this manner, the accused had committed an offence under Sections 148/494/109/149 of IPC. In the end, it was requested that the accused be summoned to face the trial and punished according to the law for having committed the aforesaid offences.

3. After the preliminary evidence, the petitioners along with other accused were summoned to face trial under Sections 494/109 of IPC.

4. Thereafter, the pre-charge evidence was led and the respondent-complainant examined Jasbir Singh Granthi of Kathua as PW-1, herself examined as PW-2, Kashmiri Lal, son of Megha Ram as PW-3, Samuel son of Kamal Masih as PW-4 and Dharam Pal son of Jailo Ram as PW-5 and closed her pre-charge evidence.

5. On the basis of pre-charge evidence, the trial Court found that there was a *prima facie* case under Section 494, 109 of IPC against the petitioners



and other co-accused and they were charge-sheeted, accordingly. The accused pleaded not guilty and claimed to be tried.

6. In post-charge evidence, only PW Kashmir Lal, Samuel Masih and Jasbir Singh were called for further cross-examination and thereafter, the prosecution evidence was closed.

7. After closure of the post-charge evidence, the statements of petitioners/accused were recorded under Section 313 Cr.P.C. and they pleaded their false implication in the present case.

8. To prove the in their defence, the petitioners examined Sardar Singh as DW-1, Tirath Singh as DW-2 and Mehnga Singh, Clerk in New Egerton Woollen Mills, Dhariwal as DW-3 and closed their defence evidence.

9. At the very outset, learned counsel for the petitioners submits that he does not wish to challenge the judgments of conviction, however, some leniency may be shown towards them, while awarding the sentence to them keeping in view the peculiar facts and circumstances of the present case. Even though, the petitioners have not challenged the judgments of conviction, still, this Court has examined the case on merits in the light of the evidence led by the petitioners.

10. I have gone through the documentary as well as the evidence produced on the file and examined the case on merits.

11. In the present case, Jasbir Singh PW-1 specifically stated that he had performed the marriage of petitioner No.1 with petitioner No.2 in a Gurdwara in the presence of Head Granthi, Mohinder Singh. He had asked petitioner No.2 as to whether, he was earlier married, to which he replied that



he was unmarried. Thereafter, he had performed four Lawans and a dispute arose at the spot. Even petitioner No.2 was supporting a turban on his head at the time of performance of Lawans. The respondent appeared as PW2 and had supported the case of the prosecution, as mentioned in the complaint in the present case. Still further, PW-3 Kashmiri Lal deposed that the respondent was his neighbour and was married with petitioner No.2 about 21 years ago and out of the said wedlock, five children were born. The petitioner No.2 was a drunkard and used to beat the respondent. He further stated that he was invited by petitioner No.2 for his second wedding and he had attended the said marriage. He further stated that petitioners No.1 and 2 had performed their 4 Lawan phere ceremony in the presence of Sri Guru Granth Sahib and it was the second marriage of both of them. PW4 Samuel Masih deposed on similar lines and supported the case of statement of PW3 Kashmiri Lal. Still further, PW-5 Dharampal also supported the case of the prosecution.

12. Even though, the petitioners tried to examine DW3 Mehnga Singh, Clerk to show that Kashmiri Lal and Samuel Masih were not present at the time of wedding and they were present in a Mill at Dhariwal. But the said statement does not help the petitioners in any manner as DW3, Mehnga Singh had admitted that he did not know Kashmiri Lal and Samuel Masih personally nor he had seen them signing at any point of time. On the other hand, the testimony of PW3 Kashmiri Lal and PW4 Samuel Masih appeared more truthful and from the perusal of the evidence led by the respondent, it stood establish that petitioner No.2 had performed second marriage with petitioner No.1 by way of Lawan ceremonies in a Gurdwara at Kathua and thereafter, both of them were



living as husband and wife after the wedding. Even otherwise, I have carefully perused the judgments of conviction passed by both the Court and find that there is no illegality, irregularity or perversity in the impugned judgments. Thus, both the petitioners have been rightly convicted for commission of the offence punishable under Sections 494 and 109 IPC.

13. Now, advertent to the quantum of sentence, this Court has noticed that the petitioners are facing prosecution since 02.03.1994 i.e. for the last about 32 years. Even it is also clear from the custody certificates that the petitioner No.1 has undergone 02 months of actual custody, whereas, petitioner No.2 has undergone more than 10 months of actual custody, out of total sentence of 01 year and they have not misused the concession of bail in any manner. This Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioners. Thus, the sentence imposed on the petitioners is reduced to the period already undergone by them. However, the amount of fine imposed on them shall remain same.

14. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the petitioners is reduced to the period already undergone by them and the amount of fine imposed on them shall remain same.

15. Pending applications, if any, stand also disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

17.03.2026
hemlata

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