

2026:PHHC:034695



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

CRR-1900-2018

Reserved On: 16.02.2026

Pronounced on: 06.03.2026

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*Whether only operative part of the judgment is
pronounced or the full judgment is pronounced: operative part/full judgment*

VEERPAL KAUR

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Ms. Harpreet Kaur, Advocate for
Mr. Sukhvir Singh Sahu, Advocate
For the petitioner.

Mr. Omkar Singh Wahla, Sr. DAG, Haryana.

VINOD S. BHARDWAJ, J.

Challenge in the present revision petition is to the judgment dated 02.02.2018 passed by the Additional Sessions Judge-I, Fatehabad whereby the appeal filed by respondent No.2-Ranjeet Singh @ Rana against the judgment of conviction and order of sentence dated 27.07.2015/30.07.2015, passed by the Sub Divisional Judicial Magistrate, Ratia in case bearing FIR No. 599 dated 12.11.2013 registered under Sections 294, 323, 452 and 506 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') at Police Station Ratia by virtue

of which respondent No.2 was held guilty for the commission of offence punishable under Sections 294, 323, 452 and 506 of the IPC, has been allowed and respondent No.2 has been acquitted of the aforementioned offences.

2. Briefly stated, the instant case was registered on the complaint Ex.PW2/A given by Veerpal Kaur wife of Darshan Singh (petitioner herein), who reported therein that on 06.11.2013, Ranjeet Singh @ Rana son of Mukhtayar Singh (respondent No.2), came into her house and at about 5/5:30 PM, asked her to get him married to her sister. When the petitioner asked him to leave the spot, he became angry, started abusing her, and gave slap and fist blows. When the petitioner raised an alarm, the respondent No.2-accused ran away from the spot. While he was leaving, he threatened to kill the petitioner in future. Thereafter, the petitioner's son reported the matter to the parents of respondent No.2-accused. However, the latter came to the house of the petitioner/complainant and abused her.

3. On the complaint given by the complainant, the instant case was registered. After registration of the case, the necessary investigation was carried out, and the challan was filed in the Court. Copies of the challan and relevant documents were supplied to the accused free of cost under Section 207 of the CrPC.

4. A prima facie case was found to be made under Sections 294, 323, 452, 506 and 34 of the IPC against the accused. The accused were charge-sheeted on 03.05.2014, and they pleaded not guilty and claimed trial.

5. To prove its case, the prosecution examined PW1 HC Balwinder Singh, PW2 Veerpal Kaur, PW3 Balwinder Kaur and PW4 ASI

Rajveer Singh, and also produced the following documents in documentary evidence:

- Ex. PA: Police proceeding
 - Ex. PB: F.I.R.
 - Ex. PC: Endorsement
 - Ex. PD: Site plan
 - Ex. PE, Ex. PF and Ex. PH: Arrest memo
 - Ex. PG: Application given to medical officer
 - Ex. PW2/A: Complaint
 - Ex. PW4/A: Application given to medical officer
 - Ex. PW4/B: Report of P.S.Ratia
- Thereafter, the prosecution evidence was closed on 12.06.2015.

6. The accused were examined under Section 313 CrPC whereby they pleaded false implication, claimed innocence and opted to lead defence evidence. In defence evidence, the accused examined Roshan Lal as DW1 and proved document Ex. D1: Statement of Balwinder Kaur under Section 161 CrPC. The defence evidence was then closed by court order.

7. After going through the evidence on record and hearing the parties, the Sub Divisional Judicial Magistrate, Ratia, acquitted Sarwan Kaur and Mukhtayar Singh (parents of respondent No.2) of the charges levelled against them and held respondent No.2- Ranjeet Singh @ Rana guilty for having committed offences punishable under Sections 294, 323, 452 and 506 of IPC. The Sub Divisional Judicial Magistrate, Ratia, sentenced respondent No.2 as follows:

Sections	Sentence	Fine	Sentence in default of payment of fine
294 IPC	Rigorous imprisonment for	₹100/-	Simple imprisonment for

	three months		25 days
323 IPC	Rigorous imprisonment for one year	₹500/-	Simple imprisonment for three months
452 IPC	Rigorous imprisonment for three years	₹2,000/-	Simple imprisonment for nine months
506 IPC	Rigorous imprisonment for three years	₹2,000/-	Simple imprisonment for nine months

8. Aggrieved by the aforesaid judgment of conviction and order of sentence, respondent No.2 preferred Criminal Appeal bearing CIS No. CRA/207/2015 before the Court of the learned Additional Sessions Judge-I, Fatehabad. Vide judgment dated 02.02.2018, the learned Additional Sessions Judge-I, Fatehabad, allowed the aforesaid appeal and consequently set aside the judgment of conviction and order of quantum of sentence dated 27.07.2015/30.07.2015 passed by the Sub-Divisional Judicial Magistrate, Ratia. Hence, aggrieved by the said acquittal, the petitioner has preferred the present revision petition.

9. It is averred in the petition that the first Appellate Court critically erred in reversing the well-reasoned order of the Trial Court without considering the material available on record, based on which respondent No.2 had been convicted and sentenced. It is also averred that respondent No.2 entered the house of the petitioner, gave her slaps and fist blows and threatened to kill her in the presence of her Jethani Balwinder Kaur and her children. It is further averred that the first Appellate Court failed to appreciate the fact that the prosecution had examined PW-2 Veerpal Kaur (petitioner herein) as the complainant and PW-3 Balwinder Kaur; from their testimony, it is proved that respondent No.2, accused Ranjeet Singh @

Rana, came to the petitioner's house and asked for her sister's hand in marriage. When the petitioner refused, the accused became angry, caused injury to her and abused her. The prosecution successfully proved this fact by leading cogent evidence. It is thus prayed that the judgment of conviction and order of sentence passed by the Sub Divisional Judicial Magistrate, Ratia, be restored and the judgment of acquittal of the Additional Sessions Judge-I, Fatehabad, be set aside.

10. I have gone through the present petition as well as the case record.

11. Before proceeding further, it would be relevant to extract the reasoning of the Appellate Court while dealing with the arguments raised in the petition. The same reads as under:

“15. As per the prosecution version, the present occurrence took place on 06.11.2013 at about 5:00/5:30 P.M. whereas the matter was reported to the police on 12.11.2013 and thus, there is delay of six days in lodging the matter to the police. The complainant in her complaint Ex.PW2/A has tried to explain the delay in lodging the matter with the police by mentioning that till 12.11.2013 they convened panchayat but the matter was not resolved in the matter and therefore, she moved the application on 12.11.2013. However, on the file there is no document to show that when any such panchayat was convened and who and how many persons had attended the said panchayat in which the matter was not resolved. No person who had attended the so called panchayat has been examined in the present case by which the version of convening panchayat could be corroborated. When the alleged occurrence took place at about 5:00/5:30 P.M. on 06.11.2013 and even in the presence of sister-in-law of complainant and their children, then the first and foremost reaction of the complainant would have been to

get the matter lodged immediately with the police. Moreover, when the children of complainant went to the parents of accused to report the matter and the parents of the accused came to the house of complainant and instead of making understand the accused, they abused the complainant, then the complainant should have reported the matter to the police immediately in order to take help of the police, but no such effort was made by the complainant and she reported the matter to the police on 12.11.2013 after a delay of six days. Furthermore, when complainant Veerpal Kaur appeared in the witness box, she has nowhere stated in her evidence that after the alleged occurrence they got convened panchayat but the matter was not resolved in the panchayat. Had any panchayat been convened in the matter, then there must have been some record of convening any such panchayat. Moreover, in the cross-examination of PW3 Balwinder Kaur, who is Jethani of complainant, it has come that the husband of complainant did not convene any panchayat in his house with regard to the present quarrel and husband of complainant even did not visit the police station. Thus, from the statement of PW3 Balwinder it is also clear that no panchayat in the matter was convened and the complainant just tried to explain the delay in the complaint Ex.PW2/A in lodging the matter with the police. Thus, there is no just explanation on the part of the prosecution to explain the delay caused in lodging the matter to the police. Hon'ble Apex Court in case Meharaj Singh versus State of Uttar Pradesh 1994 (2) RCR (Criminal) 626 has held that FIR in a criminal case is a vital and valuable piece of evidence for the purpose of appreciating evidence laid at the trial and on account of delay the F.I.R. not only gets bereft of advantage of spontaneity, danger also creeps in of the introduction of a coloured version or exaggerated story. In the instant case also delay in lodging the matter with the police has resulted in embellishment, which seems to be a creature of an after thought. Thus, the

unexplained delay of six days in lodging the matter with the police is fatal to the prosecution case.

16. *Furthermore, there is no medical evidence on the file to corroborate that in the alleged occurrence, the complainant received any injury whether in the shape of swelling or abrasion and if the complainant had received any injury, she might have been medicolegally examined and she might have received some treatment for any such injury. Moreover, the complainant has not mentioned in the complaint Ex.PW2/A as to on which part of her body she was allegedly given slap and fist blows by accused.*

17. *In the complaint Ex.PW2/A the complainant Veerpal Kaur has mentioned that the accused had given her abuses, however, she has not mentioned what kind of abuses were given by the accused. For constituting the offence punishable under Section 294 of Indian Penal Code, the complainant must have mentioned specifically as to what was the abuse the accused allegedly given to her. Mere mentioning of hurling abuses does not constitute offence punishable under Section 294 of Indian Penal Code.*

18. *For constituting the offence punishable under Section 452 of Indian Penal Code, the prosecution has to show that the accused trespassed the house of complainant with intent to cause hurt to the complainant. However, in the complaint Ex.PW2/A the complainant has mentioned that the accused came to her house and asked her to get him married with her sister and when the complainant refused for the same, the accused became angry and hurled abuses and gave slap and fist blows to the complainant. From these contents of the complaint Ex.PW2/A it comes out that the intention of the accused was to ask the complainant to get him married with her sister and not to cause hurt to the complainant instantly. When*

the complainant Veerpal entered into the witness box as PW2 she deposed that accused came to her house at about 5:30 P.M. and asked her to get him married with her sister. She nowhere stated that the accused came to her house with intent to cause hurt to her. Thus, the commission of offence punishable under Section 452 of Indian Penal Code is also not proved.

19. *So far as the offence punishable under Section 506 of Indian Penal Code is concerned, the complainant in her complaint Ex.PW2/A has mentioned that the accused while leaving from her house extended threat to kill her and stated that on that day she was saved but in future she would be done to death. When the complainant appeared in the witness box as PW2, she deposed on the same lines. However, from the contents of the complaint Ex.PW2/A and from the evidence of the complainant, no offence punishable under section 506 of Indian Penal Code, is made out as mere boastful threats given by the accused does not fall under the mischief of this section. Empty threats do not make out a case under Section 506 of Indian Penal Code specifically when no enmity or motive or malice etc. is shown.*

20. *Besides this, there are several discrepancies and contradictions in the statements of prosecution witnesses which go to the root of the case. PW2 complainant Veerpal in her cross-examination has deposed that when the accused came to her house she was washing the clothes at the main gate of the house and her sister-in-law (Jethani) was sitting inside the house, whereas PW3 Balwinder Kaur, sister-in-law of the complainant in her cross-examination has deposed that the accused came to their house at about 5:30 P.M. on 06.11.2013 and at that time Veerpal was washing utensils. PW2 Veerpal complainant in her examination-in-chief has stated that she moved complaint Ex.PW2/A before the police at Bus Stand Chimmo and in her cross-examination that she deposed that she had gone to Chimmo on foot, whereas PW3 Balwinder Kaur*

has deposed that Veerpal had gone alone to move complaint and she had gone on motorcycle.

21. *All these facts go on to show that the prosecution has not 21. been able to prove its case against accused-appellant Ranjeet Singh @ Rana beyond shadow of reasonable doubt and he is liable to be acquitted of the charges levelled against him. As such the findings of learned trial court holding the appellant-accused guilty and sentencing him for the commission of offence punishable under Sections 452, 294, 323 and 506 of Indian Penal Code are hereby reversed.*

22. *In view of the above discussion, the present appeal is allowed and the impugned judgment of conviction and order of sentence passed by learned trial court are hereby set aside and appellant-accused Ranjeet Singh @ Rana is acquitted of the charges levelled against him. The amount of fine already paid by appellant-accused Ranjeet Singh @ Rana be refunded to him as per rules. Trial Court record be sent back alongwith a copy of the judgment. The appeal file be consigned to record room after due compliance.”*

12. It is evident from the above that the learned Additional Sessions Judge-I, Fatehabad, noted that there was a delay of six days in lodging the FIR and that there was no document to show that the complainant convened any panchayat to resolve the matter, which could have explained the said delay. Reliance was also placed on the judgment of the Hon’ble Supreme Court in the matter of **Meharaj Singh v. State of U.P.**, reported as **(1994) 5 SCC 188**, to hold that the FIR not only becomes bereft of spontaneity, but there is also a possibility of a coloured version or concocted story being introduced when there is a delay in its registration.

There was also no medical evidence in the file to corroborate that the

petitioner received any injury (whether in the shape of swelling or abrasion) in the alleged occurrence. The Learned Judge also went on to observe that the petitioner herself deposed in the witness box that the respondent No.2-accused only came to her house to seek her sister's hand in marriage, and it was not the case that he had come with the intention of hurting her. Learned judge further observed that there were material contradictions in the statements of prosecution witnesses, which went to the root of the case. The petitioner deposed that she had been washing clothes at the main gate of her house when the accused came there; however, Balwinder Kaur (her sister-in-law and PW3) deposed that she had been washing utensils. The petitioner had also stated in her cross-examination that she had gone to the police at Bus Stand Chimmo on foot, whereas PW3 Balwinder Kaur deposed that the petitioner had gone alone, to move the complaint, on a motorcycle.

13. These discrepancies were material and raised valid concerns with respect to the acceptability of testimony of prosecution witnesses. A conjoint reading of the evidence shows that the ingredients of the offence are not made out and have been rightly so noticed by the appellate Court. Neither the mens-rea nor the injury or the trespass are proved from the record.

14. In a revisional jurisdiction, High Court would not ordinarily interfere with the findings recorded, unless such findings are illegal, perverse, misconceived or unlikely to flow from a meaningful reading of the record. If the view recorded by the Court is legally sustainable on a meaningful reading of the evidence, the same would not be set aside merely because any other view is also possible.

15. Counsel for the petitioner has not been able to refer to any material to hold that the findings recorded and reasons given are unsustainable.
16. Consequently, the present petition fails and the same is accordingly **dismissed**.

MARCH 06, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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