

**N THE COURT OF MANMOHAN BHATTI, PCS
SUB DIVISIONAL JUDICIAL MAGISTRATE, RAJPURA
(UID-PB0429)**

CNR No. PBPTA1-001936-2019

C.I.S No : CHI-165-2019

Date of Institution : 14.06.2019

Date of Decision: 07.05.2026

State of Punjab

Versus

1. Baljit Singh son of Daler Singh
2. Daler Singh son of Malkiat Singh
3. Angrej Kaur wife of Daler Singh, all residents of Village Abdulpur, P.S. Kheri Gandian, Tehsil Rajpura, District Patiala.
4. Amandeep Kaur daughter of Daler Singh, wife of Gurcharan Singh, resident of Village Panodian, P.S. Sadar Patiala, Tehsil & District Patiala.
.....Accused

FIR No: 401 Dated 03.12.2018

Under Sections : 406, 498-A of IPC

Police Station: City Rajpura

Present : Ms. Megha Thakur, Addl. Public Prosecutor for the State.
Accused on bail with Sh. Kiranjit Passi, Advocate.

JUDGMENT

1. The above named accused have been forwarded by SHO, Police Station, City Rajpura to face trial for the offence punishable under Sections 406 and 498-A of IPC.

2. Briefly, the criminal law was set into motion on the complaint of complainant of Ravinder Kaur wife of Baljit Singh daughter of Sukhdev Singh, r/o House No.B-1/86, Mohalla Ghumiaran Wala, Old Rajpura, who stated that her marriage was solemnized on 15.05.2011 with Baljit Singh as per Sikh rites and ceremony and at the time of her marriage her parents have given sufficient dowry articles, Gold ornaments

and other articles as per demand of accused. Her parents have spent an amount of Rs.10-11 Lakhs on the marriage. After the marriage her in law's family started harassing and demanding more dowry from her. They started demanding more dowry. Due to which she moved an application dated 22.05.2013 to SP Rajpura and then the matter was compromised on 01.06.2013 and her husband started residing with her. Her husband asked to send him abroad, upon which her parents send her husband to Dubai but after 7 months her husband came back to India and stated living with her at her parental house. However, he started pressurizing her to send him abroad in a country like USA and he did not give her any maintenance, rather started beating her. Thereafter, she came to her matrimonial house and accused assured her, that they will change their behaviour and will not harass her. But they did not change their behaviour. Her brother Parwinder Singh is citizen of Spain and her husband pressurized her to send him Spain and started her harassing and torturing for sending him Spain. Accused demanded Rs.5 Lakhs from her, otherwise they will kill her by throwing her in Ganda-Kheri Canal. To settle her in the matrimonial house, her parents gave Rs.2 Lakhs to accused and requested them not to harass her. But accused did not change their behaviour and started demanding amount of Rs.5 Lakhs but when their illegal demand was not fulfilled, they planned to throw her out from the matrimonial house. On 07.07.2018 accused Amandeep Kaur left her to her parental house on the pretext of coming back to take her after two days. On 28.07.2018 she received phone call from neighbour of in law family that one lady is living with her husband. She immediately came to

her matrimonial house and saw her husband with one lady in compromising position. The accused threatened her to give Rs.5 Lakhs, otherwise they will remarry her husband with Khushreet Kaur. The accused locked her in a room and on next day she disclosed the matter to her parents. Her parents came and tried to make the accused understand but accused did not listen the request of her parents and turned her out from the matrimonial house. Thereafter, matter was compromised and accused agreed to pay Rs.3,50,000/- and file divorce petition with mutual consent. But accused failed to comply with the said compromise and refused to return her dowry articles and misappropriated the same. Further she prayed to arrest and punish the accused. On the basis of statement of complainant, the present FIR was registered against the accused. The accused were arrested in the present case. Thereafter, a thorough investigation culminated into presentation of the present challan against the accused U/s 406 and 498-A of IPC.

3. On appearance of the accused, the copies of the report under Section 173 Cr.P.C along with other documents were supplied to the accused free of costs under Section 207 Cr.P.C and their statements in this regard were recorded separately.

4. After hearing Ld. APP for the State and Ld. Defence Counsel, a prima facie case was made out against the accused for offence punishable under Sections 406 and 498-A of IPC to which they pleaded not guilty and claimed trial.

5. To prove its case the prosecution examined PW-1 Sukhdev Singh, PW-2 Ravinder Kaur, complainant, PW-3 ASI Amrik Singh, PW-4

LHC Paramjit Kaur, PW-5 ASI Rachhpal Singh, PW-6 Gurmeet Kaur, PW-7 DSP Gurcharan Singh and PW-8 ASI Jagat Singh. No other witness was examined by the prosecution. Thereafter, prosecution evidence was closed vide order dated 10.02.2026.

6. After closure of prosecution evidence, statements of accused under Section 313 Cr.P.C have been recorded in which all the incriminating material available in the statements of the witnesses of the prosecution was confronted to the accused to which they denied for the same and pleaded their innocence. They further stated that they are innocent and have not committed any offence. They have been falsely implicated in the present case. They opted to lead evidence in their defence but closed the same without leading any defence evidence.

7. I have heard the Ld. APP and the Ld. Defence Counsel and with their able assistance have gone through the case file, carefully.

8. In view of the prosecution case and arguments raised on both the sides, following point arise for the decision of present case:-

- 1. Whether in the intervening period of 15.05.2011 to 04.08.2018 in the area of Rajpura, accused were entrusted with Istridhan articles belonging to complainant Ravinder Kaur but accused dishonestly mis-appropriated and converted the same to own use and thereby committed an offence punishable under section 406 of IPC which is within my cognizance?*
- 2. Whether on the same date, time and place, you above named accused subjected to cruelty to complainant Ravinder Kaur by beating her and thereby committed an offence under Section 498-A IPC which is within my cognizance?*

9. The accused are denying the points of controversy whereas Ld. APP affirmed the same by striking into prosecution version. Learned APP for the state averred that the case of the prosecution is fully proved as PW-1 Sukhdev Singh, PW-2 Ravinder Kaur, complainant, PW-3 ASI Amrik Singh, PW-4 LHC Paramjit Kaur, PW-5 ASI Rachhpal Singh, PW-6 Gurmeet Kaur, PW-7 DSP Gurcharan Singh and PW-8 ASI Jagat Singh have deposed as per prosecution case and proved on record documents i.e. Complaint Ex.PW2/A, Marriage Certificate Ex.PW2/B, Recovery memo Ex.PW1/A, Inquiry report Ex.PW3/A, Arrest memos Ex.PW4/A, Ex.PW4/3, Ex.PW4/4, Ex.PW4/7, Personal search memos Ex.PW4/2, Ex.PW4/5, Ex.PW4/6, Ex.PW4/8, Recovery memo Ex.PW4/9, Endorsement of FIR Ex.PW5/1, Copy of FIR Ex.PW5/2, FIR Ex.PW5/3, Inquiry Ex.PW7/A and Ex.PW7/B.

10. Learned APP while referring the testimony of prosecution witnesses argued that the prosecution has succeeded to prove the guilt of accused beyond shadow of reasonable doubt and has proved the ingredients of Sections 406 and 498-A of IPC against the accused beyond any speck of doubt. He further argued that the testimony of prosecution witnesses is sufficient to prove the charges levelled against accused. He stated that the whole case of the prosecution is duly proved in the evidence of their witnesses who stood the test of cross-examination by the defence counsel.

11. Controverting the submissions raised by Ld. Addl. PP for the State, it has been averred by the Ld. counsel for the accused that the

accused have been falsely implicated in the present case and they never committed any offence as alleged by the prosecution. They never subjected the complainant to cruelty and never demanded any dowry from the complainant or her parents. The allegations of the prosecution are denied by the accused on the ground that the marriage between the complainant and accused no.1 was simple and no dowry was taken by the accused nor any demand was placed. It is the case of the accused that the father of the complainant was doing the work of sending the people abroad and an FIR was also registered against the father of the complainant and her mother for cheating people. It is also the case of the accused that present FIR is out come of statement of the complainant before the Family court in a mutual divorce application under Section 13-B of HMA wherein accused no.1 refused to give divorce to the complainant as he wants to continue with the marriage. It has been further averred by the Ld. Counsel for accused that this fact is duly admitted by the complainant and her parents in their cross-examination. It is also the case of the accused that complainant has already remarried and living at Dhakansu Road, Guru Nanak Colony, Rajpura near Gurudwara Sahib with her child from second marriage. It has also been averred by the Ld. Counsel for the accused that during investigation the complainant took away more gold ornaments from the accused and failed to produce the said case property, which she took on Sapurdari during her cross examination thereby causing loss to the accused. It has also been averred by the Ld. Counsel for the accused that present FIR was registered after a

delay of more than three years, which the prosecution failed to explain. Further, he prayed for acquittal of the accused.

12. After giving thoughtful consideration to the averments of Ld. APP for the State and Ld. Counsel for the accused and perusal of the documents on record, this Court is of the considered opinion that the present FIR was registered against the accused on the complaint moved by complainant Ravinder Kaur Ex.PW2/A to SSP Patiala and an inquiry was conducted by DSP Rajpura, which is Ex.PW5/1 and the present FIR was registered against the accused on the allegations of dowry harassment and misappropriation of Istridhan of complainant. To substantiate, its case prosecution examined PW-2 Ravinder Kaur, who is complainant in the present case and she deposed that she was married with accused Baljit Singh on 15.05.2011 as per Sikh rites at Rajpura. Her father spend more than his capacity and handsome dowry article were given to accused persons but the accused were not satisfied with the dowry articles and started taunting her for bringing less dowry and harassed her. From their wedlock one son Jaskirat Singh was born, who is now 12 years of age. Accused persons harassed her and demanded more dowry from her parents. Her parents sent Baljit Singh to Dubai by spending Rs.1 Lakh, who came back after one year and then all the accused started harassing her and pressurized her parents to send Baljit Singh to America. She moved applications against the accused but accused compromised the matter. But accused again started harassing her and demanded Rs.5 Lakh from her parents. In the year 2017, her father gave Rs.2 Lakhs to the

accused. In the year 2018 accused again demanded Rs.5 Lakhs from her parents and threatened in case the amount was not arranged they will remarry Baljit Singh with one Khushpreet Kaur and when her parents failed to fulfill the illegal demand of accused, they planned to throw out her from the matrimonial house and on 27.07.2018 her sister in law left her to her parents house. On 28.07.2018 she came to know that her husband is residing with one lady and when she reached her matrimonial house, she saw her husband in compromising position with Khushpreet Kaur. Thereafter, accused wrongfully confined her in a room and on next day she disclosed the matter to her parents and then her parents took her to her parents house. Accused openly threatened to remarry Baljit Singh with Khushpreet Kaur. She moved complaint Ex.PW2/A to SSP Patiala. She also proved her marriage certificate Ex.PW2/B and identified the accused present in the court. In her evidence she was duly corroborated by PW-1 Sukhdev Singh, her father and PW-6 Gurmeet Kaur, her mother who deposed as per case of prosecution and duly supported the version of complainant in their examination in chief.

13. The steps taken during investigation were brought on file in the evidence of PW-5 ASI Rachhpal Singh, who received inquiry report Ex.PW3/A and registered the FIR against the accused persons. In his evidence he was duly corroborated by PW-3 ASI Amrik Singh, PW-4 LHC Paramjit Kaur who were also part of investigating team and stood witnesses to the memos prepared by Investigating Officer.

14. PW-7 DSP Gurcharan Singh, who conducted the inquiry on the application of complainant and recommended for registration of FIR against the accused under Section 406 and 498-A IPC, has proved the Inquiry report as Ex.PW7/A.

15. PW-8 ASI Jagat Singh, has brought the record pertaining to complaint moved by complainant to SSP Patiala and inquiry conducted by DSP Gurcharan Singh and proved the endorsement Ex.PW5/1 on the complaint Ex.PW2/A.

16. Perusal of file shows that admittedly, marriage between the complainant and accused no.1 Baljit Singh was solemnized on 15.05.2011 and out of their wedlock one male child namely Jaskirat Singh was born. As per the allegations a dispute arose between complainant and accused immediately after their marriage and in this regard the complainant moved an application dated 22.05.2013 to the SSP Rajpura and a compromise dated 01.06.2013 was effected between the complainant and accused and they started living together at the parental house of complainant. The family members of the complainant also allegedly sent the accused No.1 to Dubai, who remained there for 7 months and after coming back to India he insisted to send him to a better country like USA. Since her brother was settled in Spain, accused no.1 insisted upon to send him to Spain, otherwise accused no.1 shall remarry to some other woman. It is also alleged by the complainant that one lady Khushpreet Kaur started living with accused no.1 and the family of accused openly threatened her that they will remarry accused no.1 with Khushpreet Kaur, if accused no.1 is

not sent abroad in a country like USA or Spain. On 28.07.2018 she received a telephonic call from one of her neighbour that one lady is living with her husband at her matrimonial house and when she reached to her matrimonial house, she saw the accused no.1 in a compromising position with that lady. Thereafter, accused started threatening the complainant and demanded that if an amount of Rs.5 Lakh is not paid to them they shall marry accused no.1 with other lady namely Khushpreet Kaur. In September 2018 a compromise was effected between complainant and accused for an amount of Rs.3,50,000/- which was to be paid up to 15.09.2018 but the accused failed to make the payment as per compromise and requested that they will pay the said amount on 18.10.2018 and shall file a petition for mutual divorce in the court and shall also return the Istridhan to the complainant on the said date. However, on 10.10.2018 accused stepped back from their compromise and since then complainant is residing at her parental house. The compromise executed between the complainant and accused is Ex.PW6/D-1 which implies that there were already dispute between the complainant and accused which was settled between them from time to time. However, it never culminated into a happy married life of complainant and accused Baljit Singh and complainant remained on suffering due to mental and physical harassment at the hands of accused and is sufficient to prove the offence of cruelty punishable under Section 498-A of IPC.

17. For the sake of brevity offence of cruelty as denied under Section 498-A IPC is reproduced as under :-

Section 489-A Husband or relative of husband of a woman subjecting her to cruelty:- Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty, shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation : For the purpose of this section, "Cruelty" means :-

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with the view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

18. Now, the major allegations against the accused are that they demanded money from the family of the complainant for sending accused No.1 Baljit Singh abroad. It is an admitted fact that the father of the

complainant was also doing the work of sending people abroad. Therefore, it can be construed that accused had prior intention for marrying the complainant so that accused no.1 could be settled abroad. During the trial it has come on record that the accused threatened the complainant of marrying accused no.1 with another lady which is harshest kind of mental cruelty for a married woman when her husband is threatening with second marriage while in subsisting of previous marriage. It is also an admitted fact that a compromise was effected between the parties and it was agreed that both the parties shall file a petition under Section 13-B of HM Act before the court of competent jurisdiction and the matter shall be settled between them. However, the accused retracted from their compromise Ex.PW6/D-1 and failed to make the payment of permanent anomaly as agreed between them. Therefore, the said compromise could not be materialized.

19. The allegations under Section 406 IPC for misappropriation and criminal breach of trust of Istri-dhan of the complainant family given to the accused at the time of their marriage are also proved as the recovery of Istridhan i.e. dowry article was duly effected during the investigation from the accused which has been taken on Sapurdari by the complainant. It has been seen that due to strained relation between husband and wife, distant relatives of husband are involved due to their grudge with the bridegroom. In the present case also accused no.4 Amandeep Kaur, who is already married and there is no direct evidence of cruelty and criminal

breach of trust against her. Accordingly, accused No.4 Amandeep Kaur stands acquitted from the charges levelled against her.

20. However, from the above detailed discussion, this court is of the considered opinion that the prosecution has prove the guilt of the accused Baljit Singh, Daler Singh and Angrej Kaur, beyond the shadow of reasonable doubt by leading cogent and convincing evidence on record. Accordingly, the accused Baljit Singh, Daler Singh and Angrej Kaur stands convicted under Section 498-A and 406 of IPC. Let, they be taken into custody and heard on the quantum of sentence.

Pronounced in open court
Dated: 07.05.2026

Rajesh-JW

Manmohan Bhatti, PCS
Sub Divisional Judicial Magistrate,
Rajpura (PB0429)

Quantum of Sentence:-

Present : Ms. Megha Thakur, Addl. Public Prosecutor for the State.
Convicts Baljit Singh, Daler Singh and Angrej Kaur are in custody assisted by Sh. Kiranjit Passi, Advocate.

21. On the point of quantum of sentence, the convict submitted that they have never been convicted for the commission of any offence previously. They are family members and are two of the convict Daler Singh is old aged person. Hence, a lenient view be taken against them.

22. After hearing the convicts on the quantum of sentence and after considering the fact that they are family members and the convicts remained present on every date of hearing throughout the protracted trial in the present case, the interest of justice demands that the purpose of administration of justice should be reformation of the accused to become a better citizen of the society. As the previous experiences shows that the first time offender in petty offenses becomes hardened criminals while being in jail for a longer period. Therefore, taking into consideration the above said facts, the convicts are sentenced to undergo imprisonment as under:-

Sr. No.	Accused	Under Section	Sentenced
1.	Baljit Singh	498-A of IPC	Rigorous imprisonment for One Year and to pay fine of Rs.500/- (Rupees Five Hundred only). In default, to undergo further R.I. For seven days.
		406 IPC	Rigorous imprisonment for Six Months only.
2	Daler Singh	498-A of IPC	Rigorous imprisonment for One Year and to pay fine of Rs.500/- (Rupees Five Hundred only). In default,

			to undergo further R.I. For seven days.
		406 IPC	Rigorous imprisonment for Six Months only
3.	Angrej Kaur	498-A of IPC	Rigorous imprisonment for One Year and to pay fine of Rs.500/- (Rupees Five Hundred only). In default, to undergo further R.I. For seven days.
		406 IPC	Rigorous imprisonment for Six Months only

23. Both the sentences shall run concurrently. The period of detention of the convict during investigation and trial of this case shall be set off towards substantive sentence awarded to them as per Section 428 of Code of Criminal procedure. Copy of judgment be given to the accused free of costs. File be consigned to the record room after due compliance.

Pronounced in open court
Dated: 07.05.2026
Rajesh-JW

Manmohan Bhatti, PCS
Sub Divisional Judicial Magistrate,
Rajpura (PB0429)

