

IN THE COURT OF SH. DEEPAL SINGH CHHINA, PCS,
JUDICIAL MAGISTRATE 1st CLASS, Zira.

PBFZA10005002018



CIS. No.CHI 70-2018

CNR No.PBFZA1-000500-2018

Decided on : 13.02.2025

State

Versus

1. Surjit Kaur wife of Balvir Singh (since deceased).
2. Veeri @ Jaspal Kaur wife of Partap Singh, daughter of Balvir Singh, resident of village Dheru, Tehsil and District Ferozepur.
3. Suman wife of Avtar Singh, daughter of Balvir Singh, resident of village Rupewala, Tehsil Nakodar, District Jalandhar.
4. Avtar Singh son of Gurdeep Singh, resident of village Rupewala, Tehsil Nakodar, District Jalandhar.
5. Harjinder Kaur wife of Balvir Singh, resident of Talwandi Mange Khan, PS Sadar Zira.
6. Beant Kaur wife of Paramjit Singh, resident of village Fatehgrah Panjtoor, Tehsil Dharamkot, District Moga.
7. Navneet Kaur daughter of Partap Singh, resident of village Dheru, Tehsil and District Ferozepur.

.....Accused.

F.I.R.No. 154 Dated 03.10.2016

Under sections 498-A, 323 IPC

P.S. Sadar Zira.

Present: Sh.Karan Dhingra, APP for the state assisted by Sh.JS Grewal, Advocate.

Proceedings against accused Surjit Kaur abated.

Remaining accused on bail with counsel Sh.GS Virk, Advocate.

JUDGMENT:-

1. Brief facts of the prosecution story are that present case was registered on the basis of statement recorded by complainant Surjit Kaur. In

her statement she stated that she got married with Tarsem Singh son of Balvir Singh, resident of Talwandi Mange Khan on 18.01.2016. After 10-15 days of their marriage her husband Tarsem Singh, her mother-in-law Surjit Kaur, her sisters-in-laws namely Veeri @ Veer Kaur, Beant Kaur, Suman and Harjinder Kaur and daughter of Veeri namely Navneet Kaur, husband of Suman namely Avtar Singh started harassing her on the pretext of demand of car and Rs.15 Lacs cash otherwise. In February, 2016, her husband Tarsem Singh put of poisonous substance in her mouth and they also tortured the complainant and threatened her to make statement and also recorded the video and threatened her if she disclosed these facts to her parents then they will gave her more beatings and they called one doctor at their house and medically treated the complainant. In March 2016 complainant became pregnant and her husband went abroad to Spain in the last week of March, 2016. Thereafter, her mother-in-law and sisters-in-laws started torturing the complainant and said that you are going to deliver a baby girl and go and get Rs.15 Lacs and car from your parents otherwise go and get abort then sisters-in-law of complainant Harjinder Kaur along-with mother-in-law took the complainant towards her parental house on scooty and they put her down from the scooty at some distance of her house and then complainant walked towards her parental house. Parents of complainant requested them many times to rehabilitate her in their house but the accused did not bother their requests. Thereafter father-

in-law of complainant namely Balbir Singh was admitted at Jalandhar and complainant along-with her parents and relatives visited to Jalandhar to see him and on return from Jalandhar her parents took her to her in-laws house but accused refused the complainant to enter into her in-law house. Then, her parents took her to her parental house. Then father-in-law of complainant died. Then, parents of complainant sent her to her in-laws house due to death of her father-in-law but on the Choutha ceremony of her father-in-law her father become ill. Due to this reason her mother took her to her parental house. On 17.08.2016 father of complainant died. Her other relatives visited to her house due to death of her father but husband of complainant did not call her and later on she came to know that her husband went back to Spain after the Bhog ceremony of her father-in-law, but her husband did not bother to inform regarding this. They sent Panchayat to the house of accused and date was fixed as 29.09.2016 to sought out the matter in presence of Panchayat. Accused refused to open gate of their house to Panchayat members. Then sisters-in-law of complainant namely Harjinder Kaur received a telephonic call from her husband and then Navneet Kaur daughter of Veer Kaur and Partap Singh grabbed the complainant from her hairs and Suman and Veer Kaur started dragging her by grabbed her from her arms. Harjinder Kaur and Beant Kaur started giving kicks in her stomach and she received injuries. Mother-in-law of complainant and Avtar Singh husband of Suman started

shouting that “ drag Surjit Kaur complainant out from our house as we had disinherited her and her husband Tarsem Singh”. Then, Panchayat members came entered due to noise and they rescue the complainant from the clutches of accused. Then, brother of complainant got admitted her at Civil Hospital Zira, where she was medically treated. Whole occurrence was captured in the CCTV but the same are in possession of the accused. Then, complainant got recorded her statement to the police. On the statement of complainant instant F.I.R.No. 154 Dated 03.10.2016 under sections 498-A, 323 IPC was registered against 5 accused namely Surjit Kaur, Veeri @ Jaspal Kaur, Suman, Harjinder Kaur and Tarsem Singh. However, after conclusion of investigation challan was filed in the Court only against accused Surjit Kaur wife of Balvir Singh and all the other accused were kept in column no.2. Subsequently vide order dated 07.03.2022 six accused namely Veeri @ Jaspal Kaur, Beant Kaur, Suman, Avtar Singh, Harjinder Kaur and Navneet Kaur were ordered to be summoned to face trial in this instant case.

3. On appearance of the accused in the court, complete copies of the documents as required under section 207 Cr.P.C. were supplied to them, free of costs.

4. Finding a prima facie case, charge was framed against the accused under sections 498-A, 323 IPC, which was read over and explained to the accused, to which accused pleaded not guilty and claimed trial.

5. The prosecution in support of its case examined following evidence:-

(I) Oral Evidence:-

Sr. No.	Name
Prosecution witness no.1	Surjit Kaur, complainant
Prosecution witness no.2	Angrej Singh
Prosecution witness no.3	ASI Amarjit Singh

(II) Documentary evidence:-

Statement of complainant	Ex.PW1/A
Rapat	Ex.PW1/C
FIR	Ex.PW3/A
Site plan	Ex.PW3/B

6. Complainant and her brother are examined in this present case and they are turned hostile. Other material witnesses of the present case i.e. ASI Amarjit Singh Investigating Officer was also examined in this present case. The examination of other official witnesses would have futile exercise as they were not material witnesses. Hence evidence of prosecution closed by order.

7. Statement of accused under Section 313 Cr.P.C. recorded, putting them the entire incriminating circumstances appearing in prosecution evidence against them to which they pleaded innocence and stated that a false case has been planted upon them. However, they, opted not to lead any evidence in defence.

8. Learned APP for state argued that from the evidence led on file

the guilt of the accused has been clearly established and prayed that accused be punished as per law. In rebuttal, learned defence counsel stated that the testimony of complainant has not supported the case of the prosecution and there are material contradictions in the testimony of prosecution witnesses. He thus prayed that the guilt of the accused has not been sufficiently established and that the accused deserves to be acquitted.

9. I have heard the contentions of both the counsels and have perused the record carefully. The allegations against accused are that on 18.01.2016, in the area of village Talwandi Mange Khan, all the accused in furtherance of common intention of each other being in laws family of complainant Surjit Kaur had subjected her cruelty for bringing less dowry and caused simple hurt on the person of complainant. On the basis of these allegations, charges were framed against accused under Sections 498-A, 323 IPC.

10. In order to prove the allegations against the accused, prosecution has examined Prosecution witness no.1 Surjit Kaur and she deposed as per the version of prosecution story. During cross-examination she stated that accused present in the Court are not the persons, who assaulted her or subjected her to any cruelty. She further stated that they have not demanded any dowry from her. Earlier she deposed in the Court on 08.05.2019 and 13.12.2023 as she was tutored by police official, who was standing outside the court complex. She does not know his name, rank and posting. This

witness was declared hostile and re-examined by the Learned APP for the state, who confronted the witness with her statement suffered to the police during the course of investigation, but witness categorically denied to have suffered such statement.

11. Prosecution witness no.2 Angrej Singh also deposed as per the version of prosecution story in his examination-in-chief. During cross-examination he stated that accused present in the Court are not the persons, who assaulted Surjit Kaur or subjected her to any cruelty. He further stated that accused have not demanded any dowry from Surjit Kaur. Earlier he deposed in the Court on 04.03.2024 as he was tutored by police official, who was standing outside the court complex. He does not know his name, rank and posting. This witness was also declared hostile and re-examined by the Learned APP for the state, who confronted the witness with her statement suffered to the police during the course of investigation, but witness categorically denied to have suffered such statement.

12. Thereafter prosecution has examined Prosecution witness no.3 ASI Amarjit Singh, who stated that on 29.09.2016, he was posted at PS Sadar Zira. On that day, MLR No. 51/AKS/CHZ/2016 of Surjit Kaur was received, then he visited the Civil Hospital, Zira, where complainant told him that respectable persons and panchayat of village tried to make compromise, if compromise not effected she will got recorded her statement. In this regard

rapat was registered in police station. Prosecution witness no.3 further stated that on 30.09.2016, he alongwith HC Shamsheer Singh and other police officials visited the Civil Hospital, Zira, where complainant Surjit Kaur got recorded statement Ex. PW1/A to him on admitted the same and she signed the same and verified by him and Angrej Singh. Prosecution witness no.3 further stated that due to the doubt, he registered raport Ex.PW1/C. Then on 03.10.2016, SHO verified the facts of the case and found correct. Then FIR Ex.PW3/A was registered by SI Davinder Parkash. Prosecution witness no.3 further stated that on 05.10.2016, he recorded the statement of witnesses. On 06.10.2016, he prepared site plan Ex.PW3/B. He conducted raid for arrest of accused. On his transfer, remaining investigation was conducted by other I.O.

13. In the considered and confirmed opinion of the Court accused deserves to be acquitted as prosecution has miserably failed to prove its case against the accused. The present FIR was registered on the statement of Surjit Kaur. On the basis of statement of complainant FIR was initially registered against the accused Surjit Kaur, Veeri @ Jaspal Kaur, Suman, Harjinder Kaur and Tarsem Singh under sections 498-A, 323 IPC. However, it is pertinent here to mention that charge sheet was filed by the police only against accused Surjit Kaur. So prosecution agency/police had only found allegations of complainant prima facie truthful against Surjit Kaur. Said accused Surjit Kaur has since demised. The complainant in this instant case initially deposed as

per story put out in prosecution case and challan. Her brother also deposed as per the case set up by the prosecution, but strangely both of them destroyed the prosecution case in their cross examinations. They had categorically stated that accused present in the court have never assaulted Surjit Kaur nor subjected her to any cruelty and they have even never demanded any dowry from them. They further categorically stated that previously they deposed in their examination in chiefs as per the tutoring given to them by police officials standing outside the Court. They were even re-examined by Learned APP for the State, but they categorically refused to have suffered any statement against the accused. The only other alleged private witness in this case was Gurcharan Singh son of Jagat Singh and he was reported to be demised. Except these witnesses IO ASI Amarjit Singh were also examined in this instant case and he too, in his examination in chief itself stated that prima facie the version of complainant was not found truthful by him, and that's why straightway after recording her statement FIR was not registered against the accused and only after verification by other police official FIR was registered against the accused. As stated in earlier part of this judgment already during investigation, police had negated the contention of the complainant and had only filed charge sheet against accused Surjit Kaur and accused Harjinder Kaur, Suman and Veeri were declared innocent by the police. So now complainant and her brother has also failed to prove their case and version in

their testimonies. Hence there is virtually no evidence against the accused in this instant case and accused deserves to be acquitted by giving them benefit of doubt. Consequently, accused Veeri @ Jaspal Kaur, Suman, Avtar Singh, Harjinder Kaur, Beant Kaur and Navneet Kaur are hereby acquitted of all the charges framed against them due to lack of evidence against them. Their bail bonds and surety bonds furnished already will continue for a period of 6 months as per the provisions of Section 437-A Cr.P.C. If any appeal or revision has not been filed within a period of 6 months, the bail bonds and surety bonds would discharge automatically and no separate order in this regard would be passed. Case property, if any is ordered to be released to the registered owner as per rules, after awaiting the result of appeal/revision, if any. File be consigned to Judicial Record Room, Zira after due compliance.

Pronounced.

Dated: 13.02.2025
Sunny Arora
(Stenographer-II)

(Deepal Singh Chhina), PCS,
Judicial Magistrate Ist Class,
Zira. UID-PB0468.