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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2322-2023

Date of Decision:- 17.02.2025

Sarabjit Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Arnav Kumar, Advocate
for the petitioners. (*through Video Conferencing*)

Mr. Kewal Singh, Addl. A.G. Punjab.

Mr. Imaan Singh Khara, Advocate
for the complainant.

AMARJOT BHATTI, J.(Oral)

1. Petitioners Sarabjit Singh and Mahinder Kaur have filed revision against impugned order dated 12.07.2023 passed by learned Judicial Magistrate First Class, Bathinda, vide which chargesheet has been framed against petitioners, which is defective and erroneous. In fact, no prima facie case is made out against petitioner No. 2 i.e. Mahinder Kaur. In chargesheet, there is no detail of any date and duration of commission of alleged offence. It does not depict the manner in which offence has been committed. Copy of FIR No. 0043 dated 10.11.2021 under Section 498-A of IPC registered at Police Station Women, District Bathinda (Annexure P-1) and challan report under Section 173 Cr.P.C. (Annexure P-2) are also annexed. Learned trial Court has framed chargesheet in a casual manner ignoring mandatory provisions of Section 211 of Code of Criminal



Procedure. It is pointed out that purpose of framing chargesheet is to serve notice/intimation to accused in a clear and specific language regarding nature of accusation against them, which in present case trial Court has failed. Hence, the present revision.

2. Learned counsel representing State assisted by learned counsel for complainant sought time to file reply but no reply has been filed. Learned counsel representing State pointed out that as per contents of FIR, there are specific allegations of maltreatment to complainant in matrimonial home and accordingly, after completion of investigation, both Sarabjit Singh and his mother Mahinder Kaur were challaned to face trial under Section 498-A/34 of IPC. Chargesheet framed against present petitioners does not require any interference.

3. I have considered the arguments and have gone through the record carefully. As per the contents of FIR, complainant Mandeep Kaur filed written complaint against her husband Sarabjit Singh, mother-in-law Mahinder Kaur, father-in-law Raghvir Singh, alleging that her marriage was solemnized on 05.02.2018 with Sarabjit Singh. Her parents had given dowry as detailed in FIR and had spent approximately Rs. 22 lacs on marriage. Soon after marriage, her husband and in-laws' family started ill-treating her for not giving gold jewellery and other articles to them as per their demand. Complainant has levelled allegations that she was beaten up by her husband on the provocation of her both in-laws and sister-in-law. Even during pregnancy, there was no change in their attitude. There was demand of Rs. 10 lacs from her parents. Even during pregnancy, she was beaten up and was finally admitted in hospital on 28.08.2018 and suffered



miscarriage. Expenditure of medical treatment was borne by her parents. During this period, she gave birth to a son on 15.10.2019. Even then, they were dissatisfied with gifts given by her parents. Matter was compromised with intervention of respectables. There was no change in behaviour of her husband and finally she filed a complaint with SSP, Bathinda. Again her father-in-law admitted his fault and it was assured that she will not be harassed. Even then there was no change in behaviour of her husband. Her husband did not return home in February, 2021 and she was continuously taunted and harassed by her mother-in-law and father-in-law. It was difficult for her to stay in matrimonial home. Thereafter, complaint was filed. Matter was investigated. Challan was presented against Sarabjit Singh and Mahinder Kaur (Annexure P-2).

In the light of aforesaid detailed facts mentioned in FIR, it cannot be said that no prima facie case is made out against present petitioners. However, learned Judicial Magistrate First Class is required to frame chargesheet as per the nature of allegations and keeping in mind provisions of Sections 211 and 212 of Code of Criminal Procedure. Firstly, in the case in hand, on chargesheet, date is mentioned as 21.02.2023 but on the next page where the statements of accused were recorded, date is mentioned as 12.07.2023. It is rightly pointed out that in chargesheet, date, duration and place of occurrence are not mentioned. Very purpose of framing chargesheet has been defeated by framing the same in a sketchy and casual manner.

In the light of this, revision preferred by present petitioners is partly allowed, with direction to learned trial Court that chargesheet be



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framed keeping in mind the provisions of Sections 211 to 214 of Code of Criminal Procedure.

4. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

17.02.2025

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(AMARJOT BHATTI)
JUDGE

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