

THE HIGH COURT OF PUNJAB AND HARYANA,  
AT CHANDIGARH

1.

CRA-S-279-SB of 2004  
Decided on : 10.02.2015

*Parkash*

*... Appellant*

*Versus*

*The State of Haryana*

*... Respondent*

2.

CRA-S-481-SB of 2004  
Decided on : 10.02.2015

*Rajo @ Rajwanit*

*... Appellant*

*Versus*

*The State of Haryana*

*... Respondent*

3.

CRA-S-280-SB of 2004  
Decided on : 10.02.2015

*Bane Singh and another*

*... Appellants*

*Versus*

*The State of Haryana*

*... Respondent*

4.

Crl.Revision No.775 of 2004  
Decided on : 10.02.2015

*Bane Singh*

*... Petitioner*

*Versus*

*Bane Singh and others*

*... Respondent*

**CORAM : HON'BLE MRS.JUSTICE SABINA**

Present : Mr.B.S.Saroha, Advocate  
for the appellant (CRA-S-279-SB of 2004)  
Mr.Rajinder Paul, Advocate for  
Mr.B.S.Rana, Advocate  
for the appellant (CRA-S-280-SB-2014)  
Mr.B.K.Bagri, Advocate  
for the appellant (CRA-S-481-SB-2004)

Ms.Indu Bala, Advocate for  
Mr.N.D.Achint, Advocate  
for the complainant in all appeals and  
for the petitioner in Crl.Revision No.775 of 2004

Ms.Dimple Jain, AAG, Haryana.

**Sabina, J.**

Vide this order, the above mentioned three appeals as well as Criminal Revision would be disposed of as they have arisen out of the judgment passed by learned Additional Sessions Judge dated 27.01.2004 in FIR No.21 of 30.01.2003, under Sections 363/366A/120-B, IPC, registered at Police Station Taoru, Gurgaon.

Prosecution story in brief is that Kishanwati daughter of Bane Singh went missing on 14.01.2003. She had been seen in the company of the appellants by Hari Ram.

After completion of investigation and necessary formalities, challan was presented against the appellants.

Trial Court vide judgment/order dated 27.01.2004/30.01.2004 ordered the conviction and sentence of the appellants qua commission of offence punishable under Section 363, 366A read with Section 120-B, IPC. Hence, the three appeals by the accused/appellants whereas the complainant has filed the revision petition for enhancement of the sentence.

I have heard learned counsel for the parties and have gone through the record available on the file carefully.

Complainant, Bane Singh while appearing in the witness box as PW-3 deposed that on 14.01.2003, he was informed by his wife that their daughter namely, Kishanwati was not traceable. When the complainant started searching for his daughter, he was informed by Hari Ram that on 13.01.2003, he had seen Kishanwati in the company of Rajjo, Parkash, Bansi and Lala. He further informed that Kishanwati had handed over a bag to Rajjo. On 14<sup>th</sup> night, complainant along with Lala left in search of Bir Singh as the complainant had doubt that Bir Singh might have taken his daughter. However, daughter of the complainant could not be recovered.

PW-4, Hari Ram while appearing in the witness box had corroborated the statement of the complainant qua the information given by him to the complainant.

Kishanwati, daughter of the complainant appeared in the witness box as DW-1 and stated that she had got married to Bir Singh of her own free will on 06.02.2003 in a temple at Rewari and on 14.01.203, she had gone to Jaipur with Bir Singh and was presently living with Bir Singh at Jaipur. She had gone with Bir Singh of her own free will and none had instigated or assisted her in that act. She wanted to live with her husband and was pregnant at that time.

DW-1 is a material witness. She is none other than the daughter of the complainant who had been allegedly assisted by the appellants to elope with Bir Singh. However, Kishanwati while

appearing in the witness box had denied the factum of instigation by the appellants. She further stated that she had performed marriage with Bir Singh of her own free will. It appears that appellants have been involved in this case merely because of their relationship with Bir Singh. It further transpires that Kishanwati had performed marriage with Bir Singh against the wishes of her parents which resulted in lodging of the FIR in question.

In view of the statement of DW-1, appellants are liable to be acquitted of the charges framed against them as statement of PW-4, Hari Ram stood duly rebutted by the statement of DW-1, Kishanwati.

Accordingly, all the aforesaid three appeals are allowed and appellants are acquitted of the charges framed against them. Judgment/order dated 27.01.2004/30.01.2004 are set aside. Consequently, revision petition is dismissed.

**[ Sabina ]**  
**Judge**

10.02.2015  
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