

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No. D-343-DB of 2015

Date of Decision : April 09, 2015

Baby

.....Appellant

VERSUS

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MRS. JUSTICE SNEH PRASHAR

Present : Mr. Gurinderjit Singh, Advocate

T.P.S. MANN, J.

The prosecutrix has filed the present appeal for challenging the judgment dated 12.11.2014 passed by the Sessions Judge, Rupnagar whereby respondent No.2- Sukhwinder Singh was acquitted of the charges under Sections 376, 420, 323 and 506 IPC.

The case of the prosecution, in brief, is that the prosecutrix was working as a Peon in Municipal Committee, Ropar and respondent-Sukhwinder Singh was having physical relations with her for the last eight years on the promise that he would marry her. His brother Gurdeep Singh also helped him in this regard. She used to be threatened by them of being killed in case she disclosed about this fact to anyone. Later on, she came

to know that Sukhwinder Singh had performed marriage with some other woman. When the prosecutrix asked him in this regard, he gave her beatings and also threatened her.

Having heard learned counsel for the appellant and on going through the impugned judgment of acquittal, this Court finds that the prosecutrix was earlier married and on the death of her husband she had been given job in the Municipal Committee. In the year 2006, she came across the accused and both of them started talking to each other on telephone. On the death of her father in the year 2007, the accused became close to her and developed physical relations with her. Both of them took rented accommodation and started residing there. She lived with the accused till November 2011 and during that period, both of them had physical relations. The family members of the prosecutrix knew that she was living with the accused but did not approve of the same. The land-lady of the house admitted in her cross-examination that the victim and the accused lived together in her house as tenants for 7/8 years. The prosecutrix had also told her that she was married with the accused. During their stay in her house, there was no dispute between them and the prosecutrix was residing with the accused with her free consent. To the same effect were the stands taken by Pargat Singh and Ranjit Kaur, who were examined by the prosecution as PW4 and PW5,

respectively. It has also come in the evidence that the victim and the accused had been representing themselves as a married couple to the society. In the year 2008, she had become pregnant but her pregnancy was terminated on account of some medicine administered to her by the accused. Even, thereafter, the prosecutrix kept on living with the accused till they separated in November, 2011. In the background of such facts, it could not be said that the accused had promised to marry the prosecutrix and on that account she had been living with him. The victim, who was earlier married and her husband had died, was mature enough to know the consequences of her consenting to stay with the accused and maintaining physical relations with him.

Resultantly, the appeal is without any merit and, therefore, dismissed.

**(T.P.S. MANN)
JUDGE**

**(SNEH PRASHAR)
JUDGE**

April 09, 2015
satish