

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No.D-555-DB of 2015

Date of Decision : September 24, 2015

Rimpi @ Navdeep Kaur

.....Appellant

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE T.P.S. MANN
HON'BLE MR.JUSTICE GURMIT RAM

Present : Mr. G.S. Jagpal, Advocate.

T.P.S. MANN, J.

The prosecutrix has filed the present appeal for challenging the judgment dated 5.1.2015 passed by learned Additional Sessions Judge, Ludhiana whereby respondents No.2 to 6 stand acquitted of the charges against them.

The prosecution case, in brief, is that the prosecutrix had got divorced and on asking of the accused persons, was living with them for the last 2/3 years. The accused were indulging in illegal activities and forced her into prostitution. They had been collecting money from the persons for her services and threatened her that if she refused from doing so, they would kill her. However, she managed to escape and went to a Dera where she was serving and looking after her child. Accordingly, on the basis of complaint submitted by the prosecutrix, FIR No.84 dated 18.5.2011 under Sections 420, 376, 506, 120-B IPC and Section 5 of the Immoral Traffic in Women and Girls Act, 1956 was registered at Police Station Sadar, Ludhiana.

During the investigation of the case, Narinder Kaur and Amanpreet Singh were arrested. Respondents No.2 to 6, alongwith Kuldeep Singh @ Bala, since deceased, Baljit Kaur @ Beena, Anju @ Rupinder Kaur, Mohan Singh @ Mohna @ Happy and Manjit Singh were also associated during the investigation of the case but all of them were, later on, found innocent and, accordingly, challan was presented against Narinder Kaur and Amanpreet Singh only. Subsequently, respondents No.2 to 6 were summoned under Section 319 Cr.P.C. as additional accused. The trial, thereafter, started against respondents No.2 to 6 as well as against Narinder Kaur and Amanpreet Singh, who were initially challaned, for offences under Sections 120-B, 376, 506 IPC and Section 5 of Immoral Traffic in Women and Girls Act, 1956. The trial of the case ended with the acquittal of respondents No.2 to 6. However, Narinder Kaur, Amanpreet Singh, Anju @ Rupinder Kaur, Baljit Kaur @ Beena, Manjit Singh and Mohan Singh @ Mohna @ Happy were convicted and sentenced for committing the offence under Section 5 of the Immoral Traffic in Women and Girls Act, 1956. Besides, Narinder Kaur and Amanpreet Singh were also convicted and sentenced under Section 506 IPC.

Having heard learned counsel for the appellant and on going through the impugned judgment, this Court finds that in the complaint Ex.PB, on the basis of which FIR was registered, statement Ex.DA made by the prosecutrix under Section 161 Cr.P.C. and statement Ex.PC of the prosecutrix recorded under Section 164 Cr.P.C. the names of respondents

No.2 to 6 were not mentioned. The explanation given by the prosecutrix in that regard was only an after thought and, therefore, cannot be accepted. As regards respondents No. 2 and 6, it may be noticed that they are the husband and son, respectively, of main accused Narinder Kaur. However, respondent No.2-Kashmira Singh had taken the plea that he had been a teacher and working as such in GHS School, Amloh Road, Khanna and permanent resident of village Kallugarh, Tehsil Amloh, District Fatehgarh Sahib. He also pleaded that he had been living separately from his wife Narinder Kaur and other son Amanpreet Singh from the last ten years. The factum of Kashmira Singh being a teacher and permanently residing at village Kallugarh was admitted by the prosecutrix during her cross-examination. The prosecutrix nowhere alleged that Kashmira Singh had ever forced her into prostitution. Moreover, it was highly improbable that Narinder Kaur would have forced the prosecutrix to develop sexual relations with her husband Kashmira Singh and son Jaspreet Singh. Even the prosecutrix did not allege that she stayed with Jaspreet Singh or that she was ever forced by Jaspreet Singh into prostitution or being criminally intimidated by him. Merely because the prosecutrix was brought from her maternal uncle's house by Amanpreet Singh and Jaspreet Singh, would not be sufficient to hold that at any point of time Jaspreet Singh connived with his mother Narinder Kaur and brother Amanpreet Singh for inducing the prosecutrix for the purpose of prostitution. For that reason, the trial Court was justified in observing that the prosecutrix had named Kashmira Singh

and Jaspreet Singh out of vengeance for the reason that they were closely related to Narinder Kaur and Amanpreet Singh.

In view of the above, no case is made out for any interference in the impugned judgment passed by the trial Court to the extent of acquitting respondents No.2 to 6 of the charges against them.

The appeal is without any merit and, therefore, dismissed.

(T.P.S. MANN)
JUDGE

(GURMIT RAM)
JUDGE

September 24, 2015
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