

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Appeal No.S-4771-SB of 2014

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Date of decision:8.9.2015.

Kulbir Singh

...Appellant

v.

Jarmanjit Singh and others

...Respondents

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Harkaran Singh, Advocate for Mr. B.S. Bhalla, Advocate
for the appellant.

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Inderjit Singh, J.

This criminal appeal has been filed challenging the impugned judgment dated 27.8.2014 passed by learned Additional Sessions Judge, Amritsar, vide which all the accused have been acquitted of the charges framed against them by giving benefit of doubt.

I have heard learned counsel for the appellant and have gone through the record.

The brief facts of the case are that FIR in the present case has been registered on the statement of complainant-Kulbir Singh to the effect that he is doing the work of cultivator and is having four brother and sisters. The complainant is eldest one among all the brother and sisters. The prosecutrix was missing from home since 3.9.2011 and till date they were

tracing her, but could not succeed. The complainant further stated that his cousin Jarmanjit Singh was studying with her sister and he has apprehension that said Jarmanjit Singh had kidnapped the prosecutrix with the active connivance of his father Sukhjit Singh, mother Rajinder Kaur and Alambir Singh with an intent to marry the prosecutrix. After the investigation, the challan was presented in the Court against the accused-respondents.

On presentation of challan, the trial Court finding prima facie case against accused-respondents, framed charges for the offences under Sections 120-B, 363 and 366 IPC, to which they pleaded not guilty and claimed trial.

In support of its case, the prosecution examined PW-1 Sharanjit Kaur, who was posted as Headmistress, Government High School, Gharinda, who issued certificate regarding date of birth of the prosecutrix to the Police. PW-2 ASI Sukhdev Singh is the Investigating Officer. PW-3 Sub Inspector Daljit Singh deposed regarding the arrest of the accused Alambir Singh and Jarmanjit Singh. PW-4 Kulbir Singh-complainant deposed as per prosecution version. PW-5 Major Singh also deposed as per the prosecution version. PW-6 Gurmeet Kaur also deposed that on 3.9.2011 the prosecutrix went missing.

At the close of prosecution evidence, the accused were examined under Section 313 Cr.P.C. and were confronted with the evidence of the prosecution, but they denied the correctness of the evidence and pleaded themselves as innocent. They raised a plea stating that they were innocent and have been falsely implicated in this case.

After appreciating the evidence produced on record, the learned trial Court vide its impugned judgment acquitted all the four accused/respondents.

After hearing learned counsel for the appellant and after going through the record, I find that firstly the prosecutrix went missing on 3.9.2011 as per the evidence on record and the FIR was registered against the present respondents on 12.5.2013 only. A perusal of the judgment also shows that even the matter was not reported to the Police within a reasonable time and the missing report was given after about 45 days regarding missing of the girl and there was no allegation against the present respondents in that missing report. First time, the allegations were levelled on 12.5.2013 while recording the statement of the complainant. The Court discussed the unexplained delay for about 20 months in recording the FIR. The Court also discussed the cross-examination of complainant-Kulbir Singh where he admitted that the matter was reported to the Police regarding missing of his sister after about 45 days of her missing and even in that report he had not named any of the accused/respondents nor facts mentioned in Ex.PA were disclosed in the said report. The prosecutrix was major as per the birth certificate. The photographs which are Mark-A to Mark-D were not proved on the record. There is material improvement in the version given, which was reported first time regarding missing of the prosecutrix and the version given in the FIR. The Court also discussed the statement of the Investigating Officer, who admitted that during the entire investigation nothing had come against the accused persons and it has not

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been proved that the accused had kidnapped or abducted the prosecutrix at any point of time. Even the statement of Investigating Officer also shows that even during the investigation not a single clue was found against the accused. The learned Additional Sessions Judge further discussed the motive of the complainant against two accused as it was admitted that property dispute is going on between them.

In view of the above discussion, I find that the learned Additional Sessions Judge, Amritsar, vide impugned judgment dated 27.8.2014 has given the findings while correctly appreciating the evidence on record. Nothing has been pointed out as to how the findings given by the Court below are perverse. Nothing has been shown by the learned counsel for the appellant as to whether any material evidence has been misread by the Court and which material evidence has not been discussed by the trial Court.

Therefore, from the above discussion, I find that the impugned judgment dated 27.8.2014 passed by the learned Additional Sessions Judge, Amritsar is correct, as per evidence and law and does not require any interference from this Court and the same is upheld.

Finding no merit in the present criminal appeal, the same is dismissed.

September 8, 2015.

(Inderjit Singh)
Judge

hsp