

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRR 3897 of 2015

Date of Decision: October 13, 2015

Kanwaljeet Singh and another

.....Petitioners

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.Rakesh Gupta, Advocate
for the petitioners.

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M.M.S. BEDI, J. (ORAL)

Petitioners have been charged under Sections 363, 366 A and
120 B IPC for abducting Manpreet Kaur.

Counsel for the petitioner submits that Manpreet Kaur is
married to petitioner No.1 and the FIR has been registered at the instance of
the father of said Manpreet Kaur. Next date of hearing before the trial Court
is stated to be October 17, 2015.

The trial Court vide impugned order dated June 1, 2015 has
taken into consideration all the factors that the prosecutrix is residing with
the petitioners and has also given birth to a baby boy on December 16, 2014.

Considering that the date of birth of prosecutrix is February 22, 1998, the trial Court has opted to frame charges.

It appears debatable at this stage whether a minor girl voluntarily staying with the accused and having given birth to the child out of the relationship which is claimed to be that of husband and wife, could be said to have been kidnapped against her wishes. The above said controversial propositions are to be decided by the trial Court.

This petition is disposed of as not maintainable at this stage. However, a direction is issued to the trial Court to make earnest endeavour to examine Manpreet Kaur on next date of hearing or within a period of one month thereafter and conclude the trial within a period of three months after the next date of hearing. The petitioners will be entitled to claim the benefit of any favourable statement made by the prosecutrix in the Court. It will be open to the trial Court to acquit the petitioners by giving benefit of doubt.

October 13, 2015
sanjay

(M.M.S.BEDI)
JUDGE