

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision: 11.07.2016

1.

CRM-M-4778-2015

Rupinder Kaur @ Arpinder Kaur @ Pindi

...Petitioner

Versus

State of Punjab

...Respondent

2.

CRM-M-6594-2015

Mandeep Kaur and another

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Daljeet Singh Kahlon, Advocate,
for the petitioner(s).

Mr. A.P.S. Gill, AAG, Punjab.

Mr. Rajeshwar Singh Thakur, Advocate,
for the complainant.

Ritu Bahri, J.

This order shall dispose of CRM-M-4778-2015 and CRM-M-6594-2015 together as both these petitions have arisen out of one FIR. For

reference, facts are being taken from CRM-M-4778-2015.

Petitioners (in both the petitions) are seeking anticipatory bail in case FIR No.212 dated 07.11.2014, under Section 366-A IPC (Section 363 & 376 IPC added later on), registered at Police Station, Chattiwind, District Amritsar Rural.

The F.I.R was registered on the basis of statement made by Jagtar Singh son of Natha Singh, resident of Varpal Patti Dheer Degi, District Amritsar alleging that on 10.10.2013, he met with an accident, in which his leg was broken. He was admitted in hospital. His wife-Amarjit Kaur and daughter used to look after him. After his discharge, he went to his house and came to know that one Rupinder Kaur @ Pinki-petitioner (in CRM-M-4778-2015) and her daughter Deepu along with brother-in-law Baljit Singh @ Ballu, after receiving huge amount of money, had forcibly married Amarjit Kaur, aged about 40 years, to one Santu @ Kashmir, Nambardar, resident of village Khara. His daughter namely, Hardeep Kaur @ Deepu, age about 13-14 years, had also been forcibly married to Sahib Singh @ Sabbu, resident of Gabra, District Tarn Taran.

Rupinder Kaur-petitioner is a widow having three children. She is residing in the neighbourhood of complainant-Jagtar Singh. The complainant had performed three marriages with different women earlier. Complainant used to maltreat his wife-Amarjit Kaur and daughter-Hardeep Kaur @ Deepu. His wife was very disturbed with his behaviour. On this account, they left the house of complainant and went to village Khara, where Amarjit Kaur performed her second marriage with Satnam Singh @ Santu. Thereafter, they performed the marriage of Hardeep Kaur @ Deepu with Sahib Singh on 07.07.2014. Copy of marriage certificate and photographs of the marriage are annexed as Annexures P-1 and P-2.

Learned counsel for the petitioner(s) has been argued that the allegation that the present petitioner had forced Amarjit Kaur to perform marriage is false.

As per affidavit (Annexure P-3) given by Darshan Singh, his son Saab Singh (Sahib Singh) is married to Hardeep Kaur @ Deepu, daughter of Amarjit Kaur. She was 18 years of age and he had not given any money to any middleman for the said marriage. Affidavit of Amarjit Kaur has been placed on record as Annexure P-4.

Earlier, the anticipatory bail filed by Rupinder Kaur @ Arpinder Kaur @ Pindi had been declined vide order dated 30.01.2015 passed by the Additional Sessions Judge, Amritsar on the ground that age of prosecutrix was 13/14 years when she was married to Sahib Singh. He has physically exploited her and the present accused-petitioner had taken the complainant's wife and daughter.

On notice, a status report dated 17.03.2015 has been filed by Inspector Sikander Singh, SHO Police Station, Chattiwind, District Amritsar (Rural), wherein it has been stated that statement of Hardeep Kaur-prosecutrix under Section 164 Cr.P.C. was recorded by the Judicial Magistrate, Ist Class, Amritsar, on 29.01.2015 (Annexure R-1/T). As perusal of this statement shows that Rupinder Kaur-petitioner and her son-Gopi took Hardeep Kaur and her mother-Amarjit Kaur to village Khare, where marriage of her mother was solemnized. Thereafter, she was taken to the house of Rupinder Kaur, where she was given beatings by Baljit Singh @ Babbu, his wife Deepu and mother Rupinder Kaur. After about 3-4 months, she was forcibly married with Sahib Singh @ Sabbu. Sahib Singh also restrained her from going out and did not allow her to go to her mother.

Thereafter, her father came and brought her back from the house of Sahib Singh. She further stated that Sahib Singh had raped during this period.

Another status report dated 25.03.2015, in the shape of affidavit of Sh. Daljit Singh Dhillon, Deputy Superintendent of Police, Sub-Division, Attari, District Amritsar (Rural) has been filed, wherein it has been stated that during investigation of the case, date of birth of Hardeep Kaur was obtained from the Head Teacher of Government Elementary School, Varpal on 28.12.2014. As per record, her date of birth was 10.05.2001. Medical examination of Hardeep Kaur was got conducted from the Civil Hospital, Amritsar on 29.12.2014, from where it revealed that her hymn was torn. Further, as per ossification test, age of Hardeep Kaur was between 16-18 years. Statement of Hardeep Kaur was recorded under Section 161 Cr.P.C. on 02.01.2015 and thereafter, offence under Section 376 IPC was added. On 29.01.2015, statement of Hardeep Kaur was recorded under Section 164 Cr.P.C. by the Judicial Magistrate Ist Class, Amritsar. During investigation, complainant was summoned to verify the name of the hospital, where he remained admitted and to enquire about the date on which the victim Hardeep Kaur came in care and custody of the complainant. It has been further stated that complainant-Jagtar Singh was not co-operating with the Investigating Officer. Despite repeated requests, he did not appear before the Investigating Officer.

Vide order dated 18.08.2015, a direction was given to the Senior Superintendent of Police, Amritsar to file his affidavit keeping in view that the girl, Hardeep Kaur, was recovered on 17.10.2014, but her statement under Section 161 Cr.P.C. was recorded only on 02.01.2015 and statement under Section 164 Cr.P.C. was recorded on 29.01.2015. The Senior

Superintendent of Police was to explain the delay in getting the statement of girl recorded.

In compliance of the above said order, an affidavit dated 03.09.2015 has been filed by the Senior Superintendent of Police, Amritsar (Rural), wherein it has been explained that the Deputy Superintendent of Police has submitted a report dated 01.09.2015 stating that Jagtar Singh-complainant got his statement recorded with ASI Lakhwinder Singh on 18.10.2014 to the effect that he had met with an accident on 10.10.2013, where his leg got fractured. Thereafter, he remained admitted in hospital from 19.11.2013 to 23.11.2013. After discharge from the hospital, he found that his wife-Amarjit Kaur and daughter-Hardeep Kaur were missing. He later on, came to know that his neighbour Rupinder Kaur @ Pindi, her daughter Mandeep Kaur @ Deepu and son-in-law Baljit Singh @ Ballu in connivance with each other had married his wife-Amarjit Kaur with Satnam Singh @ Santu. They have also married his minor daughter-Hardeep Kaur with Sahib Singh @ Sahba. In the preliminary investigation, ASI Lakhwinder Singh found that Hardeep Kaur, daughter of complainant-Jagtar Singh was living along with her mother Amarjit Kaur at village Khara for the last few months. Thereafter, pursuant to the opinion given by District Attorney (Legal), District Tarn Taran, the present FIR was registered.

Statement of Amarjit Kaur was recorded on 01.09.2015 in the presence of respectable persons of the area namely, Harjinder Singh, Member Panchayat, Harbans Singh, member Panchayat, Partap Singh and Jagdish Singh. She stated that her marriage was solemnized with Jagtar Singh-complainant about 20-22 years ago and two children were born out of this wedlock. The said Jagtar Singh had solemnized another marriage with

Harjinder Kaur resident of village Dhoolka, Police Station, Khilchian, District Amritsar and she (Amarjit Kaur) was maltreated and harassed by the said Harjinder Kaur. She told about the alleged maltreatment to her neighbour, Rupinder Kaur @ Pindi (petitioner), who introduced her with Satnam Singh @ Santu. Thereafter, Amarjit Kaur along with her daughter-Hardeep Kaur left the house of complainant-Jagtar Singh in the month of November, 2013 on her own free will after being fed up with the maltreatment meted to her. Thereafter, she solemnized marriage with Satnam Singh @ Santu at Gurdwara in village Khara at her own wishes. She further stated that her daughter-Hardeep Kaur stayed with her in village Khara for about 7-8 months. Hardeep Kaur used to visit Gurdwara in village Khara and came in contact with Sahib Singh @ Sahba, resident of village Sabhran, District Tarn Taran. Thereafter, she eloped with him, however, Amarjit Kaur brought her back to village Khara. Her daughter was adamant to solemnize marriage with Sahib Singh and she threatened to commit suicide. Therefore, she solemnized the marriage of her daughter-Hardeep kaur with Sahib Singh @ Sahba. Complainant-Jagtar Singh approached her daughter and told her telephonically that there was some land in her mother's name and called them to village Varpal. When Amarjit Kaur and Hardeep kaur came to village Varpal, Jagtar Singh-complainant again maltreated her and kept her in captivity for a month. But, she again left the house of Jagtar Singh and went to the house of Satnam Singh @ Santu in village Khara. Amarjit Kaur has categorically stated that she wanted to stay with Satnam Singh @ Santu in village Khara. There is no evidence to substantiate the allegation of abduction of Amarjit Kaur and her daughter-Hardeep Kaur from village Varpal. It is further stated that after a

detailed investigation, it was found that Amarjit Kaur had played a vital role in solemnization of marriage of her minor daughter-Hardeep Kaur with Sahib Singh @ Sahba on 07.07.2014. She has been nominated as an accused in the instant case and the offence under Section 4 of the Protection of Children from Sexual Offences Act, 2012, is to be added. The report of the DSP has been approved by the Senior Superintendent of Police, Amritsar.

It has been further stated that Rupinder Kaur @ Pindi, Mandeep Kaur Deepu and Baljit Singh @ Ballu-petitioners (in both the petitions) have joined the investigation on 28.03.2015.

After going through the affidavit filed by the Senior Superintendent of Police, Amritsar (Rural), it transpires that Amarjit Kaur, wife of complainant-Jagtar Singh, had taken a conscious decision to solemnize her marriage with Satnam Singh @ Santu and thereafter, she solemnized the marriage of her minor daughter-Hardeep Kaur with Sahib Singh. Keeping in view the age of her daughter, she has been arrayed as an accused and offence under Section 4 of the Protection of Children from Sexual Offences Act, 2012 has to be added.

In view of the above facts, since the petitioners (in both the petitions) have already joined the investigation, order(s) dated 25.03.2015 are made absolute.

Both the petitions i.e. CRM-M-4778-2015 and CRM-M-6594-2015 stand disposed of accordingly.

11.07.2016
ajp

(RITU BAHRI)
JUDGE