

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

**CRA-S-4451-SB-2016
Date of decision: 04.05.2017**

Harpreet Singh

.....Appellant

Versus

State of Punjab

.....Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep Arora, Advocate,
for the appellant.

Ms. Manpreet Dhaliwal, AAG, Punjab.

Ritu Bahri, J.

CRM-39103-2016

Appellant is present in Court along with Simanjeet @ Kamaljit Kaur (daughter of complainant). She states that she has solemnized marriage with the appellant.

Mother of the appellant is also present in Court and admits that appellant has performed marriage with Kamaljit Kaur. She has been identified by ASI Shiv Singh.

In view of the said fact, the interim order dated 06.03.2017 is made absolute.

Since appellant and the prosecutrix have solemnized marriage and she is residing happily with her husband (appellant), this appeal is taken up today itself for disposal.

CRA-S-4451-SB-2016

This appeal has been filed against the judgment dated 18.11.2016

appellant (Harpreet Singh) has been convicted and sentenced as under:-

Offence	Sentence
U/S 363 IPC	To undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.10,000/-. In default of payment of fine, to further undergo rigorous imprisonment for six months.
U/S 366-A IPC	To undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.20,000/-. In default of payment of fine, to further undergo rigorous imprisonment for one year.

Brief facts of the case are that FIR No.32 dated 29.11.2015, under Sections 363 and 366-A IPC was registered at Police Station, Qadian, on the basis of statement made by Santokh Singh-complainant to the effect that he has two children i.e. one daughter and one son. Elder one is Kamaljit Kaur (aged about 13½ years), who is studying in 9th class in S.S. Bajwa, Memorial Senior Secondary School, Qadian. On 28.11.2015, at about 7.30 A.M., Kamaljit Kaur had left for school by bus, but she did not return home after school hours. Despite a thorough search, they could not find her anywhere. Complainant had a suspicion his daughter had been kidnapped by Harpreet Singh-appellant. Earlier also, he (appellant) used to harass the daughter of the complainant. In this background, the FIR was registered.

During the course of investigation on 02.12.2015, accused-appellant was apprehended along with the prosecutrix (daughter of complainant). Thereafter, statement of the prosecutrix under Section 164 Cr.P.C. was got recorded before the Illaqa Magistrate. On completion of investigation, challan was prepared and presented in the Court, which was later on, committed to the Court of Sessions.

Copies of challan and other documents were supplied to the accused-appellant free of costs, as envisaged under Section 207 Cr.P.C.

Thereafter, finding a prima facie case, charges under Sections 363 and 366-

A IPC were framed against the accused-appellant, to which, he pleaded not guilty and claimed trial.

In order to prove its case, the prosecution examined Santokh Singh-complainant (PW-1), Sarabjit Kaur (PW-2), ASI Anju Bala (PW-3), prosecutrix (PW-4), Dr. Rajiv Niryal (PW-5), Sh. G.S. Sekhon, then then JMIC, Batala (PW-6), Dr. Tejinder Kaur (PW-7) and Dr. Karan Sagar (PW-8). On conclusion of the prosecution evidence, statement of the accused-appellant under Section 313 Cr. P.C. was recorded, wherein entire incriminating evidence was put to him. However, he denied the same and pleaded false implication. In defence, accused-appellant had tendered into evidence birth certificate Ex.D1 and closed his evidence.

Trial Court, after going through the evidence led by the prosecution, convicted and sentence the accused-appellant in the aforesaid terms.

Learned counsel for the appellant, at the outset, does not challenge the conviction on merits and restricts his prayer to quantum of sentence.

In this view of the matter, the present appeal is dismissed. However, a lenient view can be taken on the quantum of sentence. In this case, the FIR was registered on 29.11.2015. The appellant has been facing the agony of a criminal trial for the last more than 1½ years. As per custody certificate, he has undergone 01 year, 02 months and 28 days in custody. Moreover, the appellant has already solemnized marriage with the prosecutrix and she is happily residing with him as his wife in the matrimonial home. In these circumstances, the sentence of imprisonment awarded to the appellant is reduced to the period already undergone.

With the above modification/direction, the present petition stands disposed of.

04.05.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No