

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

CRA-S-4444-SB-2014

Date of Decision:- 19.01.2017

Avtar Singh

....Appellant

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Satbir Rathore, Advocate,
for the appellant.**

Ms. Manpreet Dhaliwal, AAG, Punjab.

RITU BAHRI, J. (Oral)

Present appeal has been filed against the judgment dated 28.08.2014, passed by the learned Additional District & Sessions Judge, SBS Nagar (Nawanshahr), whereby respondent Nos.2 to 7/accused have been acquitted from the charge.

As is evident from the record that daughter of appellant was a student of 12th standard and she went to Government Senior Secondary School, Nawanshahr for appearing in the examination but had not returned back home. The allegations were that one Gurpreet Ram alias Sunny (respondent No.2) along with co-accused (respondent Nos.3 to 7) had taken away appellant's daughter. After presentation of the challan and framing of charge, the trial Court has examined the witnesses and has acquitted the

accused. Further, the trial Court has observed that while recording the

statement under Section 313 Cr.P.C., accused Gurpreet Ram stated that the prosecutrix was his legally wedded wife and was living with him and the police did not record the statements of his wife intentionally. They have approached the Punjab & Haryana High Court and have been granted the protection as well. The age of the prosecutrix as per PW5 Kanta Devi, who brought the birth record, is 25.01.1994 and the prosecutrix has attained the majority in the year 2012. Consequently, the trial Court has acquitted the accused from the charge framed against them.

After hearing the learned counsel for the appellant, going through the judgment of acquittal, this Court is of the considered view that the appellant has miserably failed to produce any cogent evidence on record to prove the charge against the accused. Therefore, no interference is warranted in the impugned judgment. Such judgment, containing valid reasons, cannot possibly be interfered with by this Court, unless and until, the same is illegal, perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the learned counsel for the appellant, so, the impugned judgment deserves to be and is hereby maintained in the obtaining circumstances of the case.

In the light of aforesaid reasons, as there is no merit, therefore, the instant appeal is hereby dismissed as such.

January 19, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No