

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

**CRM-A No.83-MA of 2013 (O&M)
Date of decision: 29.03.2017**

Prithi Singh

.....Applicant/appellant

Versus

State of Punjab and another

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. B.S. Saini, Advocate, for the applicant-appellant.

Mr. J.S. Sekhon, AAG, Punjab.

Mr. S.S. Siao, Advocate,
for respondent No.2.

Ritu Bahri, J.

Challenge is to the judgment dated 21.03.2012 passed by the Sessions Judge, Fatehgarh Sahib, whereby accused-respondent No.2 has been acquitted of the charges framed against him under Sections 363/366 IPC.

FIR No.56 dated 12.07.2006, under Sections 363, 366, 120-B IPC was registered at Police Station, Amloh, on the basis of complaint made by Pirthi Singh to the effect that on 09.06.2006, at about 11.30 A.M., his daughter (aged about 25 years) had gone to throw the household garbage outside the house. After sometime, his nephew Sukhchain Singh, who was standing at a distance, informed the complainant that his daughter had been taken away by two persons on their motorcycle towards village Haibatpur. Upon this, complainant searched his daughter, but could not find her. On 12.07.2006, he came to know that she had been taken away by Lal Singh

(respondent No.2) and his brother Kulwant Singh on a motorcycle bearing registration No. PB-23-B-7293. After registration of the aforesaid FIR, investigation was conducted and accused Jarnail Singh and Kulwant Singh were arrested. However, Lal Singh (respondent No.2) could not be arrested by the police. Accordingly, he was declared as proclaimed offender. Daughter of the complainant could not be traced. On completion of investigation, challan was presented against Kulwant Singh and Jarnail Singh. On conclusion of trial, they were acquitted of the charges framed against them vide judgment dated 11.04.2008.

Thereafter, accused Lal Singh was apprehended and supplementary challan was presented against him on 22.12.2010. Later on, the case was committed to the Court of Sessions vide order dated 21.01.2011. Finding a prima facie case, charges under Sections 363/366 IPC were framed against Lal Singh, to which, he pleaded not guilty and claimed trial.

In order to prove its case, the prosecution examined Gobinder Kaur (PW-1) and thereafter, closed its evidence.

Gobinder Kaur wife of Lal Singh, while appearing as PW-1, had deposed that her parental village was Naraingarh. Pirthi Singh-complainant was her father with whom, she was residing. She had studied upto BA. She had further deposed that accused Lal Singh (respondent No.2) was resident of village Haibatpur, which was adjoining to their village. In the year 2006, they came close to each other. Therefore, they decided to solemnize marriage with each other. However, she was afraid of her parents as they would not agree to this marriage. On 09.06.2006, she had left her house and had gone with Lal Singh-respondent No.2 out of her own free will and

without any pressure. Thereafter, she performed marriage with him. She specifically deposed that accused-Lal Singh had never kidnapped her. Since the day of her marriage, she was living with her husband. Despite a lengthy cross-examination by the Public Prosecutor, nothing substantial favouring the prosecution could be elicited.

Trial Court, after going through the deposition of Gobinder Kaur (PW-1), acquitted accused-respondent No.2 of the charges framed against him.

Learned counsel for respondent No.2 has informed the Court that daughter of the complainant is residing happily with her husband i.e. respondent No.2 in her matrimonial house for the last 10 years. Moreover, they have a child from this wedlock.

In view of the said fact, no ground is made out to interfere in the impugned judgment of acquittal.

Dismissed.

29.03.2017
ajp

(RITU BAHRI)
JUDGE

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