

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

CRM A-1086-MA of 2017

Date of Decision: August 29, 2017

Paramjit Singh	Versus	Applicant
State of Punjab and another		 Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present : Mr. Jasraj Singh, Advocate
for the applicant.

T.P.S.MANN, J.

The applicant, who is the father of the prosecutrix has filed the present application under Section 378(3) of the Code of Criminal Procedure for grant of leave to appeal against the judgment dated 17.1.2017 passed by Additional Sessions Judge, Hoshiarpur, whereby Harpreet Singh accused, respondent No.2 herein, stood acquitted of the charges under Sections 363, 366-A, 376 and 120-B IPC.

According to the prosecution, the youngest daughter of the applicant whose date of birth was 9.12.1992 and studying

in 10+1 class at DAV Secondary School, Patti went to her school on 4.9.2010 but did not return. On this, the applicant made inquiry from the school officials and came to know that she had not come to the school on that day. They started searching for her and DDR No.13 dated 6.9.2010 was recorded at Police Station Chabbewal. Lateron, the applicant came to know that his daughter was abducted by the accused in his Gypsy bearing registration No. DL-6CD-7123 in connivance with his three friends, namely, Rajbir Singh @ Lucky, Kranti Kang and Jasbir Singh @ Jassi and, accordingly, he wanted action to be taken against them.

During the investigation of the case, the statement of the prosecutrix under Section 164 Cr.P.C. was recorded by the Ilqa Magistrate. She was got medico-legally examined and samples were taken. Upon receipt of report from the Chemical Examiner, offence under Section 376 IPC was added vide DDR No.12 dated 27.2.2015. Vide order dated 2.4.2012, the Ilqa Magistrate declared the accused as proclaimed offender and the challan was presented only against Kranti Kang, Rajbir Singh @ Lucky and Jasvir Singh @ Jassi. The said trial ended in the acquittal of those three accused by the Sessions Judge, Hoshiarpur vide judgment dated 21.10.2013. Lateron, the accused, namely, Harpreet Singh was arrested by the police and, supplementary challan presented against him. He was, thereafter,

charged for the aforementioned offences. However, the trial ended with the acquittal of the accused/respondent No.2.

This Court has heard learned counsel for the applicant and perused the impugned judgment of acquittal.

While appearing the learned trial Court as PW3 the prosecutrix stated that on 4.9.2010, when she was going towards the school, one jeep was found parked in the street and four boys were sitting. When she was about to cross them, they came to her. One of them put something in her nose and she became unconscious. When she regained consciousness, she found herself in a room of a Hotel at Chandigarh. Harpreet Singh accused committed rape upon her and, thereafter, took her to Bihar and when she became major on 9.12.2010, took her to Gujarat and committed rape upon her. He also solemnized marriage with her by obtaining her signatures forcibly. He again took her to Bihar, where she became pregnant. On 8.3.2012, she gave birth to a child. After some days, the accused received a telephonic call that her statement was required to be made in a case and, accordingly, he brought her to Hoshiarpur and made her to depose in his favour and in favour of Kranti Kang accused. She was taken to Ludhiana and given beatings besides being kept confined in a room and on 17.7.2014, she escaped from the said room. However, in her cross-examination she admitted that

her statement was recorded in the Court in the case against Kranti Kang. She got recorded in her statement that she had left her parental house of her own sweet will. She also admitted that she got recorded in that statement that she was having love affair with Harpreet Singh accused and, accordingly, left her parental house. She had also got recorded in her statement that her parents were not agreeable with her marriage. However, she got married with Harpreet Singh accused at Allahabad on 15.12.2010 when she turned eighteen. She also admitted that she had stated in her previous statement about having given birth to a son, who was 1½ years old and none of the accused had enticed her away. She also stated that on that day, her parents were forcing her outside the Court to depose as per their wish. However, every time she had stated that she gave a statement as she was under the threat of the accused that he would destroy her family and her younger sister. However, the statement qua threat was nothing but a lie. She had been with the accused for such a long time and had visited various places, but she did not disclose anything to anybody during the said period rather, on attaining majority, she appeared before the Registrar of Marriages and obtained marriage certificate Ex.D1 and Ex.D2. Thereafter, she gave birth to a son and at that time she was alone in the room with the lady doctor.

The prosecutrix had approached the High Court seeking protection. Ex.D3 is the application which bore her signatures. Her explanation that the signatures were obtained without her knowledge is without any basis as her signatures appeared on the petition Ex. D4. She also admitted her photographs Mark DA and DB, which were presented before the High Court, showed her to be happy in the company of Harpreet Singh accused. She also admitted that Gujarat TV Channel people came to her and she gave the same statement to the channel. She did not file any complaint before any authority either in Gujarat or Punjab, rather she appeared before the learned trial Court and duly supported the accused.

This fact cannot be lost sight of that the three co-accused of Harpreet Singh accused, namely, Kranti Kang, Rajbir Singh @ Lucky and Jasvir Singh @ Jassi against whom the trial had proceeded earlier were acquitted by the trial Court on 21.10.2013. The said judgment of acquittal has not been challenged by the prosecutrix or her father, i.e. the present applicant. The evidence produced in the present case is the same as was earlier produced by the prosecution in the case against three co-accused of Harpreet Singh accused. No other view as had been taken in the earlier trial could be taken in the present trial against Harpreet Singh accused.

In view of the above, no case is made out for any interference in the judgment of acquittal. The application is without any merit and, accordingly, dismissed. Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

August 29, 2017

amit rana

(MAHABIR SINGH SINDHU)
JUDGE

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