

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

**Crl. Misc. No. A-948-MA of 2016 (O&M)
Date of decision : 01.05.2017**

State of Haryana

....Applicant

versus

Dharmender

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Mahima Yashpal, AAG, Haryana
for the applicant

RITU BAHRI, J.

CRM-15192-2016

For the reasons mentioned in the application, delay of 140 days in filing of the present appeal is condoned.

The application stands disposed of.

CRM-942-MA-2016

State of Haryana has filed the present appeal challenging the judgment dated 25.09.2015 passed by learned Addl. Sessions Judge, Bhiwani, vide which the respondent was acquitted of the charges framed against him.

Heard.

A bare perusal of impugned judgment shows that the allegations against the accused-respondent was that he enticed away the daughter of the complainant who was 17 ½ years at the time of alleged incident. However, the prosecutrix in her statement stated that she herself accompanied the accused on account of friendship with her. She remained in Nari Niketan under the valid order of learned Judicial Magistrate. The prosecutrix was not recovered from the possession of the respondent-accused.

The learned Court below acquitted the respondent-accused while relying on the judgment of this Court in a case of *Gurjit Singh and anr vs. State of Punjab and others, 2013(1) Law Herald (P&H) 168* on the ground that prosecutrix herself stated that she was having friendly relations with the accused. Further PW7 Manju and PW8 Karampal have not seen the accused enticing away their daughter-prosecutrix. The prosecutrix was not recovered from the possession of the accused. She was found by her parents at Bus Stand, Bhiwani. In her statement recorded under Section 164 Cr.P.C, the prosecutrix was not willing to go with her parents. She further stated that she had gone with the accused on her own free will. There was no evidence on the record that the accused performed marriage with the prosecutrix.

In view of the findings given by the learned Court mentioned above, this Court feels that the judgment passed by the Court below has been passed by appreciating the evidence in the correct prospective and does not require any interference by this Court.

The appeal stands dismissed.

01.05.2017
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No