

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

CRM-A-1254-2019 (O&M)

Decided on : 16.11.2019

State of Haryana

..... Appellant

Versus

Kulbir Singh

..... Respondent

**CORAM : HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Vishal Garg, Addl. AG, Haryana.

Rajan Gupta, J.(Oral)

CRM-20067-2019

For the reasons mentioned in the application under Section 5 of the Limitation Act, delay of 10 days in filing the application under Section 378(3) Cr.PC is condoned.

CRM stands disposed of.

Main case

State has moved this application under Section 378(3) Cr.PC seeking leave to appeal against the judgment of acquittal dated 17.12.2018 passed by the Special Court-cum-Addl. Sessions Judge, Ambala.

Brief factual matrix of the case are that on 08.01.2017 complainant, who is father of the prosecutrix, made a statement before the police, when he woke up in the morning, he found that his daughter was missing. She left along with the jewellery and cash without disclosing anything. He gave the description of his daughter. On his complaint, the police registered a case under Section 346 IPC. However, prosecutrix was later recovered and her statement under Section 164 Cr.PC was recorded. On the basis of her statement, offence under Section 376(1) and 506 IPC were added. After compliance of provisions under Section 207 Cr.PC,

case was committed to Sessions Court, Ambala. In support of its case, prosecution examined as many as 15 witnesses and produced documentary evidence Exs. P-1 to P-22. Defence pleaded false implication at the time of recording of statement under Section 313 Cr.PC. The accused also stated in the said statement that he knew prosecutrix since long. He had been falsely implicated at the behest of the family members of the prosecutrix. From the deposition of the prosecutrix herself, it came on record that on the night of 07.01.2017, she herself accompanied the accused on motorcycle to the Railway Station, Ambala and from there boarded a train for Bathinda. She stayed in a hotel with the accused at Bathinda. PW-8 ASI Omi stated that she had enquired about the behaviour of the prosecutrix from the manager of the hotel. He stated that it was quite normal. PW-14 Sukhjot Singh, owner of the hotel stated that he had seen the CCTV footage of the prosecutrix and the accused and did not find her in any fear. On the other hand, she was happy and enjoying the company of the accused. Trial Court thus, came to the conclusion that on the basis of this evidence and other material on record that no case is made out and the accused is entitled to acquittal and ordered accordingly.

Thus, present application is hereby dismissed. We have examined the appeal on merit as well. We find no ground to interfere with the findings arrived at.

(RAJAN GUPTA)
JUDGE

16.11.2019
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No