

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

CRM-A-131-2019

Date of decision : 03.10.2019

Harpreet Kaur

....Applicant

V/s

State of Punjab &amp; anr.

....Respondents

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

Present: Mr. Ramandeep, Advocate for the applicant.

**RAJAN GUPTA J.**

This is an application under section 378(3) Cr.P.C. for grant of leave to appeal against the judgment of acquittal dated 09.10.2018 passed by Additional Sessions Judge, Patiala. Learned counsel has argued that applicant has a good case on merits. Trial court misdirected itself while appreciating the evidence. Thus, leave to appeal needs to be granted.

We have heard learned counsel for the applicant and given careful thought to the facts of the case.

It appears that FIR under section 376 IPC was lodged by prosecutrix alleging that she had been lured by the accused with the promise that he will enter into matrimonial alliance with her. According to her version, one Bimla introduced her to Hardial Singh and gave him her mobile number. Thereafter, Hardial Singh used to call her off and on. She developed physical relations with him which continued for six to seven months. He also promised her that he would buy a house for her in Ranjit Vihar valued about ₹23.00 lacs. However, said deal never matured.

According to prosecutrix, she was sexually exploited by Hardial Singh on

the promise of marrying her. In support of her plea, the prosecutrix herself stepped into the witness box and examined one Devinder Singh, Mohalla President and Surinder Kaur, who admittedly indulges in arranging matrimonial alliance. The trial court disbelieved the version of the prosecutrix. It observed that the complainant was a mature lady of 33 years having two daughters and strained relations with her ex-husband. It could not be said that she had been misled by her tender age. Besides, her earlier marriage with Parminder Singh was still subsisting. Having developed consensual relations with accused by no stretch of imagination it was a case falling within the ambit of section 375 IPC. We find no reason to differ with the findings arrived at by the court below. It is difficult to imagine that a thirty three old woman having two children could have been swayed by a promise made by a stranger for entering into a relationship and thus developed physical relations with her.

In view of above, we find no ground to grant leave to appeal. Even otherwise, we have examined the case on merits. The application is, thus, hereby dismissed.

(RAJAN GUPTA)  
JUDGE

October 03, 2019  
*Ajay*

(MANJARI NEHRU KAUL)  
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No