

**SSCL 1ST INTER COLLEGE MOOT COURT COMPETITION,
2023
21st Feb, 2023**

MOOT PROPOSITION

Amrik Singh is a well settled engineer in Sector 68, Mohali, Punjab. Amrik married Sukhman Kaur in 2006. A female child named Gurleen was born to the couple on 5th May, 2010 after undergoing treatment. Unfortunately on 23rd January, 2014 Sukhman Kaur met with a road accident, in which she expired. Amrik Singh was finding it hard to carry on his job and take care of his 4 year old daughter. On persuasion of his relatives he entered into second marriage with one Sandeep Kaur on 12th February, 2015. Sandeep Kaur seemed to be good by nature and promised to take care of Gurleen after marriage. Everything was going on well. But with passage of time Sandeep expressed a desire to bear her own child. She always insisted that it will also be in Gurleen's benefit if they will have a male child as she will get company of her brother. Amrik Singh got convinced. However Sandeep failed to conceive. Even the best medical treatment failed in their case. Sandeep started visiting a number of Babas in her craving for male child. Amrik Singh accompanied Sandeep on one or two occasions. She also performed several rituals for bearing a male child on suggestion of Babas.

Due to Sandeep's pre-occupation with the desire to have the male child, Gurleen started feeling ignored and neglected. Gurleen complained about the neglect but there was no change in the behaviour of Sandeep. Finally, Gurleen found solace with her neighbour Dr. Mukesh Arora and his wife Dr. Swati Arora who were employed as senior doctors in Sanjeevni Hospital, Mohali. Dr. Mukesh and Dr. Swati were over affectionate towards Gurleen. As the couple was issueless, they started treating Gurleen as their daughter. Gurleen used to visit their residence whenever she felt lonely and stressed. On one or two occasions, Gurleen had even visited the doctor couple without informing her parents. On Amrik Singh's objection Gurleen responded that she preferred the company of the doctor couple rather than her father and step mother. In 2019, Sanjeevni Hospital was much in news for running an illegal kidney organ trade. Both Dr. Mukesh Arora and his wife, Dr. Swati Arora were interrogated by the police. However the clean chit was given to them by the authorities on the basis of benefit of doubt.

Suddenly from 5th July, 2022 onwards Sandeep started showing great love towards Gurleen and frequently kept on asking her to accompany her to an unknown place. However, Gurleen did not show any interest for the same. On 15th July, 2022 at about 1:30 p.m., Sandeep got annoyed and scolded Gurleen over the issue of not accompanying her to some Baba who had specifically asked Sandeep to bring Gurleen along with her. Gurleen left the house immediately. Sandeep informed Amrik Singh on the phone around 6:00 p.m. that Gurleen had left the house in anger after an argument with her in anger shouting that she will never return. Amrik Singh immediately started from his place of work and reached home at about 6:45 p.m. He searched for Gurleen

everywhere, but in vain. He also inquired about Gurleen from Dr. Mukesh over the phone, but Dr. Mukesh told Amrik Singh that both he and his wife are in Delhi for a conference and will return on 16th July, 2022 in the evening. Now Amrik Singh became more desperate. When all his efforts to find Gurleen got exhausted, Amrik Singh became suspicious that Gurleen might have been kidnapped.

Amrik Singh informed the police the next day at 9:15 a.m. The police registered an FIR and started their investigation into the matter. Police was working on all possible theories of disappearance of Gurleen. Amrik Singh, Sandeep, Dr. Mukesh and Dr. Swati fully cooperated with the police during investigation. During the course of investigation, a neighbour Mr. Kulkarni deposed before the police that he had seen Dr. Mukesh and Dr. Swati with a minor girl on the night of 15th July, 2022 near Sector 69, Mohali in their car. However, another person named Mr. Keshav Malhotra, coordinator of the conference in Delhi deposed before the police that he had seen the doctor couple on morning of 16th July, 2022 in the conference room. These revelations made Sandeep furious and she alleged that Dr. Mukesh and Dr. Swati had done something wrong with Gurleen. She accused the doctor couple of being involved in the illegal human organ transplant trade.

On 20th July, 2022 mutilated body parts of a young minor girl were recovered from the dumping ground of Sector 69, Mohali. This information was given to the police by one garbage picker of the area. From the same place, there was also recovered one coconut, a piece of red cloth and agarbattis. The body was identified as Gurleen's body through the iron bangle and shoes that she was wearing on 15 July 2022, when she left her house in a rage. Further, the medical examination revealed that organs i.e. heart, kidney and liver were missing from the body of Gurleen. On further investigation and after collecting various other evidences, the police filed charge sheet against Dr. Mukaesh and Dr. Swati under sections 302 and 364 read with Section 34 of Indian Penal Code and Section 18 of Transplantation of Human Organs Act, 1994 for alleged kidnapping and murder of Gurleen and involvement in illegal human organ transplant.

The Trial court acquitted both the accused giving them benefit of doubt on the basis of insufficient evidence. Aggrieved by the order of the trial Court, the State filed this appeal before Hon'ble Punjab & Haryana High Court. Argue the case for and against.