

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41629-2015 (O&M).

Decided on: December 9, 2015.

Dastar Kaur and others

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

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**PRESENT Mr.Amit Rana, Advocate,
for the petitioners.**

M.M.S. BEDI, J. (ORAL)

Petitioner No.3 is stated to be 75 years of age and is stated to be distantly related to the prosecutrix as her matrimonial grand mother. Petitioner Nos.1 & 2 are the sister in law and cousin of the complainant Jagjit Singh whose daughter has allegedly been kidnapped and raped by non- petitioner Nirvair Singh son of petitioner Nos.1 & 2.

Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the case being related to the complainant and the accused.

I have heard the learned counsel for the petitioners. During the course of arguments, it has been informed that the challan has already been presented and that the charges have not yet been framed.

It is contended that no offence is made out against petitioner Nos.1 & 3 who are ladies and petitioner No.2 who is the husband of petitioner No.1.

Since copy of the report under Section 173 (2) Cr.P.C. is not available, it will not be appropriate for this Court to assess the culpability of the petitioners in context to the allegations in the FIR or the material which forms part of the report under Section 173 (2) Cr.P.C.

This petition is disposed of, at this stage, as premature with liberty to the petitioners to raise all the pleas before the trial Court in context to the report under Section 173 (2) Cr.P.C. In case the trial Court on appreciation of the material on the record arrives at a conclusion that no offence is made out against any of the petitioners, it will be open to the said Court to pass an appropriate order of discharge of the petitioner/petitioners. It will be appreciated in case a speaking order is passed while deciding the claim of the petitioners for discharge.

(M.M.S. BEDI)
JUDGE

December 9, 2015.
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