

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

**228**

**CRM No. M-27862 of 2015 (O&M)  
Date of decision: 08.05.2017**

**Akbar**

**...Petitioner**

**Vs.**

**State of Haryana and Others**

**...Respondents**

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Abhimanyu Singh, Advocate  
for the petitioner.

Mr. Himmat Singh, DAG, Haryana

Mr. J.S. Hooda, Advocate  
for respondent No. 4.

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**RITU BAHRI, J.(ORAL)**

Petitioner is seeking directions to hand over the investigation of F.I.R. No. 538 dated 10.08.2013 (Annexure P-1), registered under Section 376D IPC at Police Station Nuh, District Mewat, to some other agency.

Learned State counsel, on the instructions from Sub Inspector Karam Singh, submits that accused No. 4-Sakir has been arrested on 23.03.2017 and accused No. 5-Saheed has been arrested on 01.03.2017, whereas accused No. 6-Sehjad has been declared as proclaimed offender on 13.03.2014. He further submits that the challan is likely to be presented within 15 days.

As per earlier affidavit of DSP Mewat, statement of the prosecutrix under Section 161 Cr.P.C., was recorded and she was medically examined in CHC Punhana on 10.08.2013. Her statement under Section 164 Cr.P.C., was also recorded by the Illaqa Magistrate at Nuh, wherein she had supported the allegations of rape having been committed upon her by the accused. Parcel of the clothes of the prosecutrix was also taken into possession, which was later on sent for serological examination to the Forensic Science Laboratory (FSL) Madhuban.

As per school leaving certificate, her date of birth is recorded as 12.01.1997 and at

the time of incident, she was minor. The FSL report has been received, as per which semen was detected on the clothes of the prosecutrix.

Keeping in view the fact that one of the accused is yet to be arrested as he has been declared proclaimed offender and challan is likely to be presented within 15 days, no further direction is required to be given in this case.

Disposed of accordingly.

**May 08, 2017**  
Poonam (II)

**(RITU BAHRI)**  
**JUDGE**

Whether speaking/ reasoned: Yes

Whether Reportable: No