

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28831 of 2016
Date of Decision: 30.01.2017

Pooja Kaur

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.S.K.Singla, Advocate, for the petitioner.

Ms.Manpreet Dhaliwal, AAG, Punjab.

Mr.Ravi K.Matoo, Advocate, for respondents No.5 to 7.

RITU BAHRI, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for directing the respondents No.1 to 3 to conduct the proper and impartial inquiry/investigation in FIR No.70 dated 20.07.2016 under Section 363, 366, 376, 506, 120B IPC, registered at P.S.Women Cell, Patiala (Annexure P-1), which has already been registered against the respondents No.4 to 7 at the instance of the petitioner.

On notice, reply has been filed by DSP, Patiala dated 16.09.2016, stating therein that the FIR has been registered with the allegations that respondent No.4 who was maternal uncle of petitioner had abducted her from the residence of her mother Rani Kaur without disclosing anything to her, then respondent No.4 took her to Vikas Nagar, Patiala and started harassing her. Then the petitioner narrated the whole occurrence to neighbour Binder Kaur wife of Jagtar Singh and Binder Kaur made communication to her mother and adopted her. The petitioner further alleged that on 17.07.2016, when Binder Kaur was not at home, respondent No.4 along with respondents No.5 to 7

forcibly took her in a white car and taken to her to Village Raipur Mandlan in a house where they kept her for 2/3 hours and then they took her to pacific resort, Factory Area, Patiala where, respondent No.4 forcibly raped her. She was left near PS Tripuri and then she went to the Police Station of Tripuri and narrated the whole occurrence to the police. Hence, the above mentioned FIR was registered.

During the Course of investigation, the statement under Section 164 Cr.P.C. of petitioner-Pooja Kaur was also got recorded, wherein she reiterated the version of FIR. The copy of statement under Section 164 Cr.P.C. of petitioner was attached as Annexure R-1 and its true english version was Annexure R-1/T. As per statement of the petitioner under Section 164 Cr.P.C., petitioner was forcibly abducted by respondent No.4 from the house of her mother without her approval and she also alleged that respondent No.4 forcibly took her to Amritsar and then to Patiala and forcibly raped her. It was also revealed by the petitioner that Binder Kaur resident of Vikas Nagar, Patiala, is running a brothel and prostitution. Hence offence under Section 376 IPC and Immoral Trafficking Act were added in the FIR. The copy of FIR No.182 was attached as Annexure R-2 and its true copy was Annexure R-2/T. Copy of statement under Section 164 Cr.P.C. recorded in FIR is attached as Annexure R-3 and its true english version is Annexure R-3/T.

It is further submitted in the reply that earlier the investigation of case FIR No.70 was with ASI Mohinder Singh of P.S.Women, Patiala, who raided the house of respondent No.15.08.2016, 21.08.2016 and 02.09.2016 but respondent No.4 who was a daily labourer was absconding and was not found present in his house. Since the respondent No.4 was absconding and application for his warrant of arrest was moved so that proceedings under

innocence of respondent No.5 to 7 is pending with SP (Investigation), Patiala and proceedings in accordance with law would be initiated against them as per investigation.

As per status report filed in connected case No.CRM-M-43092 of 2016 titled Binder Kaur Vs. State of Punjab, dated 27.01.2017, wherein, enquiry in the above noted case was conducted by the Superintendent of Police (Investigation), Patiala and submitted his report (Annexure R-1). As per report Annexure R-1, it has been found that above noted case has been wrongly registered because as per statement of Pooja in the intervening night of 17/18.07.2016, Gurpal Singh alias Palli intercourse with her at the house of Shanti Devi at Village Raipur Mandlan. In the case FIR No.182 dated 10.10.2015 under Sections 363, 366-A IPC was registered at Police Station Sadar Samana. After getting medical examination conducted on the petitioner, Section 376 IPC was added. Binder Kaur and Gurpal Singh alias Palli (respondent No.4) were arrested in this case and challan has been presented against them in the learned trial Court on 14.12.2016. So, Bachittar Singh-respondent No.5, Ramji Dass-respondent No.6 and Jeet Singh-respondent No.7 were found innocent in the case FIR No.70 dated 20.07.2016 under Section 363, 366, 376, 120-B, 506 IPC, Police Station, Patiala by the enquiry officer and recommended to move cancellation in this matter.

Keeping in view the above, no further directions are required to be passed in the matter and the present petition is dismissed as such.

(RITU BAHRI)
JUDGE

30.01.2017
anil

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No