

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42086-2015

Date of Decision:- 20.02.2017

Hamid

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.K. Panwar, Advocate,
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Mr. Mohd. Arshad, Advocate,
for respondent No.2.

RITU BAHRI, J. (Oral)

Petitioner has filed the present petition for quashing of FIR No.194 dated 15.12.2013, under Sections 363, 366, 376D, 506 and 201 IPC, registered at Police Station Nagina, District Mewat, Haryana and all the consequential proceedings arising therefrom.

Briefly facts of the case are that Tabassum daughter of Aslam (respondent No.1) and one Inam having in love relations and both had gone to Chandigarh for performing marriage and on the way to Chandigarh, they

both stayed in a Hotel at Sarita Vihar, Delhi. Thereafter, they approached to

the parents of Tabassum and her other family members, they flatly refused to accept this demand of Tabassum and Inam.

After registration of the FIR, investigation was conducted by Ashish Chaudhary, the then DSP (HQ), Nuh, in which, the petitioner Hamid and other accused, namely, Isha, Wasim, Abbas and Asif were found innocent. The challan was presented against accused Inam. Thereafter, the prosecution moved an application under Section 193 Cr.P.C. dated 03.04.2014 to summon the petitioner and other accused and the same was dismissed, vide order dated 10.06.2014, passed by learned Additional Sessions Judge, Mewat. Thereafter, during the pendency of trial against co-accused Inam, another application under Section 319 Cr.P.C. was moved on 16.10.2014 for summoning the present petitioner along with other co-accused to face trial, which was also dismissed, vide order dated 18.12.2014 (Annexure P-2), passed by learned Additional Sessions Judge, Mewat.

The prosecution thereafter made an application for investigation before the police official and subsequent investigation was conducted by ASI Balwan Singh and the vehicle used in the commission of offence was taken into custody. Thereafter, the petitioner was made an accused in the present case and the warrants were issued for his arrest by the learned trial Court. However, the petitioner was granted the concession of anticipatory bail, by the learned Additional Sessions Judge, Mewat, vide its order dated 31.01.2015 (Annexure P-3).

Learned counsel for the petitioner vehemently argued that once application under Section 193 Cr.P.C. had been dismissed for summoning the petitioner as additional accused and in the further investigation

conducted by ASI Balwan Singh, even if the vehicle had been taken into custody, the petitioner had no role to play in the abduction of the prosecutrix.

Learned State counsel has argued on the basis of reply filed by DSP, Crime against Women, Nuh that during the investigation, accused Inam was arrested on 18.12.2013, challan was presented against him and all the other co-accused found innocent. In further investigation conducted by Yad Ram, Deputy Superintendent of Police, Head Quarter, Nuh, and the involvement of petitioner Hamid driver of the Bolero vehicle bearing No.HR-27-G-7964 was found and thereafter, the detailed investigation was conducted by ASI Balwan Singh and during the course of investigation, the above-said bolero was taken into police possession in front of Oriental Bank of Commerce, Badakli Chowk, Nagina but the accused could not be arrested as he was intentionally evading his arrest. After that, the petitioner was granted anticipatory bail, vide order dated 31.01.2015, passed by learned Additional Sessions Judge, Nuh. Thereafter, the petitioner was arrested in some other case and confined in District Jail, Neemka. He has joined the investigation on production of warrant and during interrogation he suffered his confessional statement and admitted his guilt. On completion of the investigation, the challan was prepared on 19.02.2015 against the petitioner and submitted before the learned Illaqa Magistrate.

After hearing the learned counsel for the parties, going through the facts of the present case, this Court is of the considered view that the challan has been presented against the petitioner after he has given his confessional statement and admitted his guilt. Thereafter, the vehicle in question in which the prosecutrix was being carried by the accused has been

recovered. Since the specific role has been attributed to the petitioner, therefore, no ground of quashing the FIR is made out in the present petition and the same is hereby dismissed, in the obtaining circumstances of the case.

February 20, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No