

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7832 of 2016
Date of Decision: 28.02.2017

Ramandeep Kaur @ Randeep

.....Petitioner

Vs.

State of Punjab and Ors.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.G.S.Nahel, Advocate, for the petitioner.

Mr.A.P.S.Gill, AAG, Punjab.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for issuance of directions to the respondents No.1 to 4 to submit status report of the case FIR No.164 dated 13.09.2015 registered under Section 376/34 IPC, P.S.Samana, District Patiala as the police is sitting over the matter and has not taken concrete action against the respondents No.5 and 6 and these respondents pressurizing the petitioner to compromise the matter.

On notice, status report has been filed by way of affidavit of Rajesh Kumar, DSP, Circle Samana, District Patiala on behalf of respondent-State. The same is taken on record.

As per reply, the investigation was carried out by ASI Chajju Singh, Police Station, who raided the houses of the accused persons on 13.09.2015 and on 15.09.2015, but the accused persons were not found present. Then, the petitioner was got medically examined on 15.09.2015 and samples of her two vaginal swabs, two slides and public hair were sent to Chemical Examiner, Punjab. Statement of Ramandeep Kaur under Section 164 Cr.P.C. was got recorded on 18.09.2015. Thereafter, during the course of investigation, Baljinder Singh son of Gian Singh, resident of Kheri Mallan, Police Station Sadar Samana, District Patiala moved an application dated 22.09.2015 that his son Amandeep Singh was falsely and wrongly

involved in present case. Hence, on the basis of his application, the investigation was handed over to Sh.Arshdeep Singh, the then DSP (Investigation) Patiala, who recorded statement of some of the witnesses. Even during enquiry, time was orally sought for compromise between the parties by way of counseling the respectable persons appeared before Sh.Arshdeep Singh, from both the sides, but the compromise was not arrived at. Thereafter DSP Arshdeep Singh was transferred on 24.12.2015 and later on Sh.Manpreet Singh, joined as DSP (Investigation) on 11.01.2016. The newly posted DSP Patiala Sh.Manpreet Singh issued summons to both the parties for joining them in investigation, but during his posting no one came present. Then, on transfer of Sh.Manpreet Singh DSP (Investigation), Patiala on 27.02.2016, the investigation was entrusted to Sh.Ramandeep Singh, DSP (Investigation), Patiala, who joined on 29.02.2016, who from his open and secret investigation, reached on the conclusion while examining all the aspects of the case that both Amandeep Singh and Robby Singh are found culprits behind the occurrence and hence DSP (Investigation), Patiala recommended the SHO PS Sadar Samana to arrest the accused in the case and carry out necessary action as per law. True translated copy of the reports as (Annexure R-1/T). The report was duly approved/agreed by the Senior Superintendent of Police, Patiala on 05.04.2016. The copy of report of Chemical Examiner Punjab was attached as Annexure R-2. Thereafter, the Investigating Officer, has moved an application for obtaining arrest warrants of the accused persons from the learned Illaqa Magistrare, Samana on 30.04.2016 and the Court had issued warrant of arrest of the accused person on 30.04.2016 but during raid, the accused were not traceable. Thereafter father of accused Amandeep Singh moved an application regarding the innocence of his son and then detailed investigation was conducted by Superintendent of Police (Investigation), Patiala who submitted the report on 15.06.2016 with the result that the case was rightly registered and the accused are liable to be arrested. Thereafter, on 22.06.2016, the Investigating Officer again raided the houses of the accused but the accused were absconding and were not traceable. Afterwards, against Baljinder Singh father of Amandeep Singh moved an application

with Director, Bureau of Investigation, Punjab, Chandigarh, with regard to innocence of his son. Then on his application, IG Zone-1, Patiala sent the investigation to S.P.(HQ) Mohali, who called the case file on 02.07.2016 which was again transferred to Director, Bureau of Investigation, Punjab, Chandigarh.

As per separate status report dated 09.11.2016, pursuant to the investigation conducted by Director, Bureau of Investigation, Punjab, Chandigarh dated 26.09.2016 (Annexure R-1), it has been found that the FIR No.164 dated 13.09.2015 for the offence under Sections 376/34 IPC was registered at Police Station Sadar, Samana, on the statement of complainant-Hardeep Singh against respondents No.5 and 6. This case has been found to be registered falsely, because the complainant-Hardeep Singh got registered this case after five months from the date of occurrence. Apart from this, occurrence mentioned in the FIR, that has been alleged two months prior to date of registration. In case both the above noted persons would have committed rape upon Randeep Kaur on different intervals, then she would have got registered the case at that time. Apart from this after registration of the above noted case, it has been proved that Randeep Kaur and her husband Hardeep Singh grabbed Rs.4 Lacs from Kiranjit Singh S/o Gurmit Singh to get involved his Bolero vehicle in this case. From it is clear that Randeep Kaur and her husband under a conspiracy had got registered above noted case after fabricating a false story after 5 months from the alleged occurrence against respondents No.4 and 6 to grab heavy amount. So, Director, Bureau of Investigation, Punjab, Chandigarh, has recommended to cancel case FIR No.164 dated 13.09.2015 for the offence under Sections 376/34 IPC, Police Station Sadar, Samana, District Patiala and it was recommended to register a case against the Hardeep Singh and his wife Randeep Kaur under Section 383/195 IPC for grabbing Rs.4 Lacs from Kiranjit Singh.

As per recommendation of the inquiry officer in his enquiry report dated 26.09.2016 (Annexure R-1), cancellation report had been moved in case FIR No.164 dated 13.09.2015 for the offence under Sections 376/34 IPC, Police Station Sadar, Samana, and case FIR No.179 dated 03.11.2016 under Section 383/195 IPC at Police Station Sadar, Samana, against the

In view of the above, no further orders are required to be passed in the present case and the present petition is disposed of as such.

(RITU BAHRI)
JUDGE

28.02.2017
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No