

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

CRM-M-27609-2015

Date of decision:-9.10.2018

Manpreet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Shivoy Dhir, Advocate
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

Mr.Sumit Verma, Advocate for
Mr.SPS Sidhu, Advocate for respondent No.4.

H.S. MADAAN, J.

This petition under Section 482 Cr.P.C. seeking direction to respondents No.1 to 3 to decide the representation of petitioner dated 19.1.2015 for conducting Narco, Polygraph and Brain mapping test of petitioner and respondent No.4 for conducting a fair investigation in FIR No.8 dated 15.1.2015, under Sections 376, 354, 506 IPC, registered at Police Station Meharban, District Ludhiana, has been filed by petitioner Manpreet Singh, who is an accused in the said FIR.

Briefly stated, the facts of the case are that the prosecutrix

had made a statement to the police on 15.1.2015 stating therein that accused Manpreet Singh, residing in her neighbourhood used to keep a bad eye upon her and had committed vulgar acts with her earlier and about a month earlier, he had committed sexual intercourse with the prosecutrix against her wishes and without her consent, while she was alone in her house and while leaving her house, the accused had threatened the complainant not to disclose the incident to anybody; that accused wanted to marry the prosecutrix though the prosecutrix was not ready for that; on 13.1.2015 at about 8:30 p.m. when the prosecutrix had gone to the house of her aunt, the accused went there and hugged the sister-in-law of the prosecutrix, who was working in the kitchen under the mistaken belief that she was the prosecutrix.

On the basis of such statement of the prosecutrix, formal FIR was registered. The investigation in the case was carried out and after completion of investigation and other formalities, challan has been filed against the accused in his absence since accused has been on run after registration of the FIR and could not be arrested despite raid being conducted by the police at various places.

Notice of the petition was issued to respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

It is contended that a representation had been submitted by brother of the accused namely Sandeep Singh to conduct Narco, Polygraph and Brain mapping test but the petitioner did not come forward to join the investigation despite repeated calls and intimations

sent by the Investigating Officer, as such representation was consigned to record room and further neither the accused nor the complainant are entitled to choose their own manner to investigate a crime in which they have got interest and cannot come or seek issuance of directions to the police as to how the investigation is to be conducted. In the written reply filed respondents No.1 to 3, the necessary facts of the case have been given and stand taken by such respondents is that the representation moved by brother of the accused has already been filed since accused did not come forward to join the investigation despite repeated calls. Nevertheless the investigation is not to be conducted as per wishes of the accused.

After hearing the learned counsel for the parties, I find that the petition is doomed for failure. The contentions put forward on behalf of the officials respondents discussed in detail above have got force. The investigation in the case is complete, the challan has been filed and the trial against the accused is going on. Only during the trial, the culpability of the accused can be determined.

The petition being without merit stands dismissed accordingly.

(H.S.MADAAN)
JUDGE

9.10.2018

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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No