

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

**CRM-M-40303-2017
Date of decision: 20.04.2018**

Babu Ram

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Sunita Gupta, Advocate for
Mr. Mohammad Arshad, Advocate
for the petitioner.

Mr. P. P. Chahar, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure praying for issuance of direction to respondents No. 3 and 4 to investigate the matter fairly and expeditiously in FIR No. 189 dated 28.05.2017, registered under Sections 379-A, 342 and 506 of the IPC and Section 6 of the POCSO Act at Police Station Punhana and in alternative to transfer the investigation to some other independent agency.

Upon notice, reply by way of affidavit of Mr. Ashok Kumar, HPS, Deputy Superintendent of Police, Punhana has been filed.

In reply, it is submitted that pursuant to the registration of the aforesaid FIR, Sections 3/33/89 of the SC/ST Act were added. The prosecutrix was recovered and got medico-legally examined in Govt. Hospital, Gurugram and thereafter, clothes and swabs were handed over by the medical officer and were taken into possession by the Investigating Officer. The same were sent to FSL, Bhondsi for chemical examination and report. After the proposed accused joined investigation, Sections 3/33/89 of

the SC/ST Act were deleted. One Sunil son of Prabhu was arrested in the case on 15.06.2017. Thereafter, Section 379 IPC and Section 6 of the POCSO Act were deleted and Sections 363, 366-A, 384, 342 and 506 of the IPC and Section 4 of the POCSO Act have been added in the present case. In the affidavit, it is further averred that the case is now pending for prosecution evidence in the Court of Smt. Shashi Chauhan, Additional Sessions Judge, Nuh.

Mr. P. P. Chahar, DAG, Haryana, on instructions from HC Gulab Singh, submits that prosecution evidence has started and an application under Section 319 Cr.P.C., seeking to summon additional accused, has been filed which is fixed for arguments on 19.05.2018.

I have heard learned counsel for the parties and perused the affidavit so filed.

In view of the fact that detailed investigation has been carried out and the trial has commenced, no further orders are called for in the present petition and the same is disposed of accordingly.

20.04.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No