

127.

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

CRM-M-18352-2018

Date of decision:21.01.2019.

BHUPINDER SINGH AND ORS

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vikas Gupta, Advocate,
for the petitioners.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.39 dated 23.04.2017 registered under Sections 365/342/323/376(D)/506 of IPC at Police Station Goindwal Sahib, District Tarn Taran (Annexure P-1).

Learned counsel for the petitioners states that petitioners have wrongly been arrayed as accused by the complainant for the reason that Sandeep Kaur, who is the sister of petitioner No.1-Bhupinder Singh, has got an FIR bearing No.22 dated 09.04.2016 under Sections 376D/120-B IPC (Sections 366/342/506 IPC added lateron), Police Station Goindwal Sahib, District Tarn Taran, registered against Baljit Singh, who is brother-in-law of the complainant-Baljit Kaur. He has argued that the allegation against the petitioners are that the petitioners and other co-accused came to the house of the complainant at about 10 PM on 25.11.2016 and abducted her from the house. He states that on the relevant date when the alleged incident took

place, the petitioners were already working as “khalasi” in Bhutan. He refers to Annexure P-2 (colly).

Notice of motion only to respondent No.1 at this stage.

At the asking of the Court, Mr. Tanvir Joshi, AAG, Punjab, accepts notice on behalf of the respondent No.1-State.

Let a copy of paper book be given to learned State counsel during the course of the day.

Without observing anything on the merits of the case, the present petition is disposed of with a direction that during the course of investigation, the Investigating Agency shall consider the document (Annexure P-2 colly) as submitted by the petitioners, wherein they have claimed that on the relevant date, they were not in India even.

However, in case the petitioners feel that they are not satisfied with the investigation, they are at liberty to invoke the remedy in accordance with law.

(HARI PAL VERMA)
JUDGE

21.01.2019
sanjeev

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