

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CRM-M-43755-2018

Date of Decision:21.01.2019

Harbhajan Singh @ Bhajan Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. G.N. Malik, Advocate for
Mr. Kuldeep Singh, Advocate,
for the petitioner.

Mr. Jagmohan Ghumman, D.A.G., Punjab.

Mr. G.S. Bains, Advocate,
for respondent No.5.

Mr. G.S. Jagpal, Advocate,
for respondent Nos.6 and 8.

Mr. Tarun Sharma, Advocate for
Mr. Ramandeep Singh, Advocate,
for respondent No.7.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for transfer of investigation of FIR No.151 dated 31.08.2018 under Section 376-D IPC, registered at Police Station Guruharsahai, District Ferozepur, to some senior police officer of other District or to any other independent agency.

Power of attorney(s) filed on behalf of respondent Nos.5 to 8 are taken on record.

Learned counsel for the petitioner states that not only the petitioner has been falsely implicated, rather respondent No.5, who is complainant in the present case, is in the habit of lodging such like FIRs for similar offences. He states that there is a gang of persons, who extract money from innocent people by lodging such false FIRs, for which the matter requires deep probe. Since the complainant has misused her position, therefore, the matter be transferred to some other District or some independent agency or an SIT be constituted to look into the serious allegations.

Learned State Counsel has filed reply by way of affidavit of Sh. Jasvir Singh, PPS, Deputy Superintendent of Police, Guru Harsahai, District Ferozepur, on behalf of respondent Nos.1 to 4, which is taken on record. He states that the petitioner and one unknown person committed rape upon the complainant in the fields and after committing rape, both the accused ran away from the spot. The complainant had informed all these facts to her husband over phone. Thereafter, husband of the complainant got her admitted in the Civil Hospital, Ferozepur. The medical examination of the complainant was conducted on 29.08.2018 and swab in the present case was deposited in the FSL on 23.10.2018. The report of the FSL is awaited. Statement of the complainant under Section 164 Cr.P.C. was recorded in the court of Illaqa Magistrate on 22.10.2018. The petitioner and one other unidentified person has been named by the complainant in her statement recorded under Section 164 Cr.P.C.

I have heard learned counsel for the parties.

Without commenting anything on merits of the case and considering the allegations made by the petitioner which are serious in

nature, the present petition is disposed of with a direction to respondent No.2-Senior Superintendent of Police, Ferozepur, to constitute an SIT under his direct supervision to look into the allegations so made in the present petition. The SIT shall submit a report to the Inspector General of Police of the concerned range for necessary information, preferably within six months from today.

Disposed of accordingly.

January 21, 2019

seema

(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No