

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

CRM-M-3339-2019
Decided on : 14.01.2020

Dilbag Singh

..... Petitioner

Versus

State of Haryana & ors.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.K.Nehra, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Haryana.

Manjari Nehru Kaul, J.

Prayer in the instant petition filed under Section 482 Cr.PC is for issuance of directions to respondents No.1 to 3 for further directions to respondents No.4 to 6 for conducting fair investigation and providing care and protection, and conducting the medical examination of the victim i.e. daughter of the petitioner.

Upon notice, learned State counsel filed reply by way of affidavit of Dy. Supdt. Of Police, Ellenabad on behalf of respondents No.1 to 6. As per the reply filed, after investigation, challan for the offences under Sections 363, 366-A, 506 and 34 IPC was filed in the Court below on 01.01.2019 against accused Rupinder Singh, Manjit Singh, Mandeep Kaur, Manjinder Singh. Accused Karamjit Kaur was not found involved in the abduction of the victim Arshdeep Kaur @ Harshdeep Kaur and hence, she was declared innocent. It is further submitted that upon notice in CRWP

No.480 of 2018, Arshdeep Kaur @ Harshdeep Kaur was produced in Court and her statement under Section 164 Cr.PC was recorded by the Court wherein she expressed her desire to go with accused Manjinder Singh and his family. In view of the same, she was handed over to accused Manjinder Singh and his family. It has also been submitted that the victim Arshdeep Kaur @ Harshdeep Kaur was taken to Civil Hospital(CHC) Ellenabad for her medical examination but she declined to get herself medically examined as a result of which her medical examination was not conducted. On failing to produce the victim before the Child Welfare Committee despite notice being served upon accused Manjinder Singh & others for compliance of Section 27 of Juvenile Justice Act, no medical examination could be got conducted upon Arshdeep Kaur @ Harshdeep Kaur. In the absence of any medical examination, Section 6 of POCSO Act or Section 376 IPC could not have been added.

In the circumstances, no ground is made out for this Court to exercise its extraordinary jurisdiction under Section 482 Cr.PC for issuing directions to official respondents as prayed for.

Since the final report under Section 173 Cr.PC already stands presented, the present petition stands dismissed. Needless to say that the petitioner is at liberty to raise all the pleas involved in the instant petition at the time of trial.

(MANJARI NEHRU KAUL)
JUDGE

14.01.2020

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No