

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

266

CRM-M-29935-2018

Date of Decision:05.02.2020

Surjit Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: None for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of appropriate and proper direction to the respondents especially respondent No.2 to protect the life and liberty of the petitioners at the hands of respondent No.4 and her family. Further to stop harassment of the petitioners at the hands of respondent No.3-SHO Sadar Kotkapura, District Faridkot, who is harassing them at the behest of respondent No.4.

Learned State Counsel while making reference to the reply filed on behalf of respondent Nos.1 to 3 by way of affidavit of Sh. Yadwinder Singh Bajwa, PPS, Deputy Superintendent of Police, Sub Div. Kotkapura, District Faridkot, submits that on 08.03.2018, respondent No.4 lodged a complaint with the Police Station Sadar Kotkapura against Sandeep Singh @ Sandeep Kumar son of Surjit Singh with the allegation of committing rape upon her on the false promise of marriage since 11.11.2017 till

11.12.2017. Accordingly, on the statement of respondent No.4, FIR No.22 dated 08.03.2018 under Sections 420, 366, 376 IPC was registered against Sandeep Singh at Police Station Sadar Kotkapura. During investigation, statements of the concerned witnesses and the prosecutrix were recorded and the prosecutrix was medico legally examined. On 09.03.2017, statement of the prosecutrix under Section 164 Cr.P.C. was recorded. On 31.03.2018, the court of Additional Sessions Judge, Faridkot has allowed the bail petition of accused Sandeep Singh under Section 438 Cr.P.C. directing him to join the investigation. But he did not come present before the police, so as to join the investigation and accordingly, the police of P.S. Sadar Kotkapura, in order to procure the presence of Sandeep Singh in the case and to join him investigation forwarded a letter dated 28.06.2018 to the senior officers of Army Unit of Sandeep Singh. Vide communication dated 05.07.2018 again intimation was given to the family members of Sandeep Singh to produce him before the police, but the petitioners refused to accept this notice which manifestly established that the present petitioners are hand in glove with Sandeep Singh. Since the accused has not come present before the police, despite communication sent to him on 31.03.2018 and violating the court order, the police has applied for cancellation of his anticipatory bail on 01.08.2018, which is pending before the court. In this manner, present petition has been filed by the petitioners with an ulterior motive and malafide intention, so as to circumvent the prescribed procedure of investigation and to delay the proceedings.

In view of the reply filed on behalf of respondent Nos.1 to 3, this Court finds that Sandeep Singh, who is son of petitioner Nos.1 and 2 and brother of petitioner No.3, is an accused in FIR No.22 dated 08.03.2018

under Sections 420, 366, 376 IPC, Police Station Sadar Kotkapura, prayer of the petitioners for protection is nothing, but a camouflage, so as to create hindrance in the investigation.

The present petition is dismissed accordingly.

February 05, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No