

Sr.No.201-A

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

**CRM-M-16813 of 2020(O&M)
Date of decision:12.10.2020**

Kamal Kumar

... Petitioner(s)

versus

State of Punjab

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Lakhwinder Singh Mann, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

Jasgurpreet Singh Puri, J.(Oral)

Learned State counsel has referred to Status report which has been filed by Sukhnaaz Singh, PPS, Deputy Superintendent of Police, Raikot, Police District Ludhiana(Rural) in which it is stated in para No.5 that on 10.05.2020, prosecutrix had made a supplementary statement under Section 164 Cr.P.C and on the basis of the said statement the petitioner and some other accused also were found to be innocent by the police and only one accused, namely, Happy has been found involved in the offence. Para No.5 of the affidavit is reproduced as under:-

“That, however, on 10.05.2020, the prosecutrix made a supplementary statement in which she stated that in her earlier statement u/s 164 Cr.P.C., the present petitioner and others were named by her they being the relatives of the main accused Happy. It was further stated by the prosecutrix that earlier the present petitioner and others had refused the marriage proposal of the elder sister of the prosecutrix and therefore, the father of the prosecutrix was keeping grudge and

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at the asking of her father, the prosecutrix had named the petitioner and others in her statement u/s 164 Cr.P.C but only commission of offence is made out against accused Happy. It was further stated that the petitioner and the said persons have no fault. Accordingly, the present petitioner, Kamal Kumar, Jeetu, Amar Singh, Raju and Kaali have been found innocent and offence u/s 365 IPC has also been removed. However, commission of offence has been made out only against accused Happy. However, the said Happy has been arrested on 27.08.2019 and after completion of the investigation, Challan/Final Report u/s 173 Cr.P.C qua the said Happy has also been presented before the Ld. Court on 03.06.2020. However, the petitioner and others have been found innocent as mentioned above and they are not wanted by the police in the present FIR. Thus, the present petition has been rendered infuctuous.”

Learned counsel for the petitioner states that in view of the stand taken by the State, he does not wish to press the present petition and may be permitted to withdraw the same.

Dismissed as withdrawn.

12th October, 2020

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No