

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(110)

CRM-M-3749-2021

Date of decision: 15.03.2021

Bittu @ Hanshu

...Petitioner

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Vikas Gulia, Advocate for the petitioner.

**SUVIR SEHGAL, J. (Oral)**

The Court has been convened through video conferencing due to Covid-19 Pandemic.

Instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 seeking quashing of FIR No. 425 dated 11.11.2020 under Section 376 (2) (n) and 506 of Indian Penal Code, 1860 and Section 6 of The Protection of Children from Sexual Offences Act, 2012, registered at Police Station Civil Lines Sonipat, District Sonipat (Annexure P-1) and subsequent proceedings thereto qua the petitioner.

Counsel for the petitioner prays for withdrawal of the petition.

Permitted to do so.

**Dismissed as withdrawn.**

It is clarified that the withdrawal of the instant petition shall not be construed to be a reflection of opinion on the merits of the case, which is pending before the trial Court.

From perusal of affidavit filed by the State, it has come out that the certain allegations were levelled by the petitioner in the petition regarding demand of bribe by the Investigating Officer and other police officials. Petitioner had placed reliance upon a video and audio recordings,

which he had placed on record by way of Compact Discs. (Annexures P-6 and P-7).

This Court vide order dated 29.01.2021 directed the Senior Superintendent of Police, Sonipat to examine the allegation levelled against the police officials in the petition and submit a report. In compliance with order dated 29.01.2021, an affidavit dated 26.02.2021 has been filed, wherein it has been deposed as under:-

*“ix) That in compliance of the directions of this Hon'ble High Court, a preliminary enquiry was ordered, which was entrusted to Ms. Nikita Khattar, IPS, Assistant Superintendent of Police, Sonipat, with the direction to enquire into the allegations in reflection of the CDs as well as the Annexures vide order dated 08.02.2021. A copy of order of preliminary enquiry is hereby annexed herewith as Annexure R-1, upon which said officer has submitted a report vide dated 12.02.2021, thereby recommended to conduct a regular departmental enquiry against two officials namely Lady Sub-Inspector Usha Rani and Head Constable Bijender. A copy of the preliminary enquiry report is annexed herewith as Annexure R-2.*

*x) That on receipt of the report of preliminary enquiry, with the recommendation to initiate regular departmental enquiry Lady Sub-Inspector Usha Rani,*

*who has been suspended with immediate effect and transferred to Police Lines, Sonipat, vide order dated 12.02.2021. A copy of suspension order is annexed herewith as Annexure R-3.*

*xi) That a regular departmental enquiry has also been ordered against the two officials namely LSI Usha Rani and HC Bijender, for their alleged role, vide order dated 12.02.2021 and has been entrusted to Deputy Superintendent of Police, Gohana, to conduct a day to day proceedings in accordance with law. A copy of order of commencement of regular departmental enquiry is annexed herewith as Annexure-R4, where in order to obtain a necessary concurrence of the District Magistrate, Sonipat in view of Rule 16.38 of the Punjab Police Rule 1934 (as applicable to State of Haryana) has also been sent for further action. A copy of the communication citing necessary concurrence with District Magistrate, Sonipat, is annexed herewith as Annexure R-5.”*

List on 12.07.2021.

Let fresh status report be filed before the next date of hearing.

15.03.2021  
Pardeep

(SUVIR SEHGAL)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |