

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(216)

CRM-M-11416-2020(O&M)

Date of decision:- 12.12.2022

Archana

...Petitioner

Versus

State of U.T., Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sanjeev Sharma, Advocate
Legal Aid Counsel for the petitioner.

Mr. Rajeev Anand, APP, U.T., Chandigarh
for respondent No.1.

...

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 439(2) of the Code of Criminal Procedure, 1973 seeking cancellation of bail granted by this Court to respondent No.2 in CRM-M-17942-2019 vide order dated 12.07.2019, Annexure P-2, in FIR No.71 dated 19.03.2019, registered for offence under Section 376(2) of the Indian Penal Code, 1860, at Police Station South Sector 34, Chandigarh, Annexure P-3.

In response to the notice issued by this Court, reply by way of an affidavit dated 30.10.2021 has been filed on behalf of respondent-U.T., wherein it has been submitted as under:-

“5. That it is apposite to mention here that the petitioner filed another complaint before the SSP, UT Chandigarh regarding reinvestigation of FIR No.71 dated

19.03.2019, under Section 376(2) IPC, Police Station South, Sector 34, Chandigarh wherein she stated that the accused (respondent No.2) after being granted the concession of regular bail by this Hon'ble Court vide order dated 12.07.2019 started threatening and calling her through unknown mobile numbers and started pressurizing her to withdraw the present case.

During the course of enquiry, the complainant (petitioner) was called and her statement was recorded in which she stated that she received calls from unknown mobile numbers after the accused (respondent No.2) was granted the concession of regular bail, but, since last two months she did not received any calls. Furthermore, she stated that she does not want any police action and wants to withdraw the complaint.

6. That even when the evidence was lead before the trial court during the proceedings of the present FIR, the petitioner never stated that she is receiving calls from unknown numbers though she has been regularly appearing before the Ld. Trial Court alongwith her counsel.”

Still further, upon instructions, learned Additional Public Prosecutor, U.T., Chandigarh submits that the prosecutrix has been examined and she has not submitted any complaint to the authorities during her examination or thereafter.

In view of the above, there is no merit in the instant petition, which is hereby dismissed.

12.12.2022

(SUVIR SEHGAL)

JUDGE

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No