

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**Sr. No.254**

**CRM-M-38433-2018(O&M)**  
**Date of decision: 13.07.2022**

**SANGEETA AND ANR**

....Petitioners

Versus

**STATE OF HARYANA AND ORS**

....Respondents

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present: None for the petitioners.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Adarsh Jain, Advocate  
for respondents No.7 to 9.

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**VINOD S. BHARDWAJ, J. (Oral)**

The instant petition has been filed under Section 482 of the Code of Criminal Procedure with humble prayer for issuance of appropriate direction to respondents No.1 to 4 to protect & ensure the life and liberty of petitioners and to save them from unnecessary harassment, undue threat or pressure by private respondents No.6 to 9 as well unlawful interference putting undue pressure by respondent No.5 Police official acting as I/O and in view of such to handover the investigation of the case to any other independent agency to meet the end of the justice.

Reply by way of affidavit of Balbir Singh, HPS, Assistant Commissioner of Police, Ballabgarh, District Faridabad has been filed on behalf of respondents No.1 to 4.

The relevant extract thereof, reads as under:-

*“That on the complaint made by Petitioner No.1, the case bearing FIR No. 61 dated 14-08-2018 U/s 323, 34, 342, 376-D, 379-A, 382, 506 IPC was registered at Women Police Station, Ballabgarh District Faridabad. The petitioner No. 1 alleged that she alongwith her husband Joginder Petitioner No.2 had gone to the house of Kishan Pal to take their amount. Already 4-5 persons were present there. Kishan Pal got back the Cheques from her husband and obtained signatures on some plain papers. Thereafter, he gave Rs. 17,00,000/ to her husband. When her husband was counting the amount, Rattan, Tarachand, Deepak, Vinod, Deshraj, Bhramjeet, Harikishan, Kishan Pal, Nathu and Geeta came there, they gave merciless beatings to the petitioners and kidnapped her husband. After 30 minutes, those persons also took away the petitioner No.1 at House No. F-60, Tirkha Colony, Ballabgarh. Her husband Joginder petitioner No.2 was also found there lying unconscious. Those persons also gave beatings to petitioner No.1 and confined her in the room of Geeta. During night, Ratan and Deepak used to commit rape on her. On 28-09-2017, her husband ran away from there and informed the Police Control Room. A Police Official from P.P Aggarsain Chowk, Ballabgarh came there but he did not got her released. However, she was released on 03-10-2017. The petitioner No. 1/complainant also made allegations against the police for not taking any action. However, the case was registered.*

*That during investigation, it revealed that the petitioner no.2 Joginder Singh is already a married person having three daughters and his first wife is still living. The petitioner no.1 came in contact with petitioner no.2 and alleges two have solemnized marriage with the petitioner no.2. The case FIR No. 1329 dated 02-11-2017 U/s 323, 494, 506 IPC has also been got*

*registered by the first wife Smt. Geeta at Police Station City Ballabgarh. The matter is pending adjudication. After framing of charge, the case is pending for prosecution evidence.*

*That the complainant/petitioner no.1 was got medically examined from BK. Hospital Faridabad and her statement U/s 164 Cr. P.C. was got recorded in the Court of Area Magistrate, Faridabad. The copy of DDR of P.P. Aggarsain Chowk was obtained and statements of the*

*ASI Sandeep CIA Staff, Sector - 65 and H.C. Jaspal P.P. Aggarsain Chowk were recorded. They stated that on the information of Joginder Petitioner no. 2, they had gone at house no. F-60, Tirkha Colony, Ballabgarh on 28-09-2017. The petitioner no.1 had specifically stated that she was residing with her husband Joginder and nobody had confined her. She was also not raped by any persons and used to talk with her husband on telephone. On 03-10-2017, the petitioner no.1 had also given in writing that she was living with her husband at a rented house on Khedi Pul. However, their car is parked at the house of Tirkha Colony, Ballabgarh. The call details of mobiles of Sangeeta and Joginder were also collected and the Car No. HR-29-AP-4860 make Kwid was produced by Tara Chand which was given into possession.*

*That Geeta first wife of Jogender stated that she was married in 1999. She has got three daughters. Jogender has married Sangeeta who also started residing with them. Jogender has sold his land for Rs. 70,00,000/-. Out of this amount, Jogender had transferred Rs. 21,00,000/- in the account of Sangeeta and had transferred Rs. 17,00,000/- in her account. Her husband Jogender is owner of a Car No. HR-29-AP-4860 which he parked in front of the house. Jogender is in possession of the key of the car. She also mentioned about the case FIR No. 1329 of 2017 U/s 323,*

494, 506 IPC. That due to these reasons, no truth was found in the allegations made by petitioner no.1. ASI Sandeep CIA Staff, Sector-65 and H.C. Jaspal P.P. Aggarsain Chowk specifically stated that on the information of Joginder Petitioner No. 2, they had gone at the House No. F-60, Tirkha Colony, Ballabgarh on 28-09-2017 where the petitioner no.1 was residing freely and nobody had confined her there. She was also not raped by any persons and used to talk with her husband (petitioner no.2) on telephone.

That after investigation and verification that the allegations made by the petitioner no.1 were not correct, a cancellation report was prepared by SHO Women Police Station, Ballabgarh on 18-09-2018 which is being sent to the Ld. Area Magistrate, Faridabad through Senior Police Officer.”

It has been pointed out that a cancellation report was prepared by the Investigating Agency which was submitted before the Illaqa Magistrate, Faridabad and the same has been accepted vide order dated 01.02.2019.

There is no representation on behalf of the petitioners on the last date of hearing and even today, nobody has put in appearance on behalf of the petitioners. It seems that the petitioners are not interested in pursuing the instant petition.

Dismissed for non-prosecution.

13.07.2022  
Amandeep

(VINOD S. BHARDWAJ)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No