

102+217 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12353-2023 (O&M)
DATE OF DECISION:-18.04.2023

Harjinder Kaur and another

...Petitioners.

Vs.

State of Punjab

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Tahaf Bains, Advocate for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Akshay Chadha, Advocate,
for the complainant.

HARKESH MANUJA, J.

CRM-16871-2023

Application filed on behalf of the complainant is allowed as prayed for. Photos, videos and documents (Annexures R-1 to R-5) are taken on record. Be tagged at appropriate place.

Main case

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners, in case FIR No.02 dated 13.01.2023, under Sections 302/34 IPC, registered at Police Station Sadar Raikot, District Ludhiana (Rural).

Status report by way of affidavit of Rachhpal Singh, PPS, DSP Raikot, District Ludhiana (Rural) dated 17.04.2023 has been filed by learned State counsel in court today, wherein, it has been recorded that the petitioners have been declared innocent in the aforementioned FIR.

CRM-M-12353-2023 (O&M)

Relevant para 11 of the status report dated 17.04.2023 is reproduced hereunder for reference:-

“That the petitioners have been declared innocent during investigation in this case. The petitioners are not wanted to the police in this case. So the present petition has become infructuous. In these circumstances, it is prayed that the present petition may kindly be dismissed.”

However, learned counsel representing the complainant vehemently objects to the investigation having been carried out by the investigating agency while submitting that the petitioners were proved to be present at the place of incident as per the video recording produced by the complainant before the investigating agency.

Having considered the submissions made on behalf of the parties and the fact that the petitioners have been found to be innocent by the investigating agency, no cause of action survives in the present petition, therefore, the present petition is disposed of as having been rendered infructuous. However, the parties shall be at liberty to avail their remedies in accordance with law.

18.04.2023
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No