

In the High Court for the States of Punjab and Haryana at
Chandigarh

CRM-M-20791-2023

Date of Decision: *October 30, 2023*

Manpreet Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Manoj Kaushik, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Vivek Puri, J.

1. The petitioner is seeking issuance of directions to the respondents for transfer of the investigation of the case bearing FIR No. 10, dated 26.01.2020, under Section 376 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, registered at Police Station Dera Baba Nanak, District Batala.

2. Short reply by way of affidavit of Maninder Pal Singh, PPS, Deputy Superintendent of Police, Sub Division Dera Baba Nank Police, District Batala, on behalf of respondents no.1 to 4, is taken on record.

3. Learned counsel for the petitioner contends that the petitioner has been arraigned as an accused in the aforesaid case. At the earlier instance, the investigating

agency has submitted a cancellation report. The complainant had made a statement to the effect that she has no objection if cancellation report is accepted, but the Court of learned Judicial Magistrate First Class has erroneously rejected the cancellation report vide order dated 26.10.2020 (Annexure P-2). It has been submitted that after the passing of the order dated 26.10.2020, no fresh material is available to the Investigating Agency and directions are required to be issued to conclude the investigation at the earliest.

4. Para No.6 of the reply reads as following:-

“6. That it is humbly submitted that the raids are being conducted to arrest the accused and the PO proceedings has been initiated against the accused. The case is under investigation and after the completion of the investigation, the challan/final report will be submitted in the Id. Trial Court.”

5. Faced with this situation, learned counsel for the petitioner contends that the petitioner has availed the remedy of getting anticipatory bail and he has been granted interim bail.

6. It is significant to note that there is categoric assertion in the reply submitted by respondent nos. 1 to 4 that proceedings for declaring the petitioner as proclaimed offender have been initiated, the case is under investigation and after the completion of the investigation, the

challan/final report will be submitted in the learned trial Court. Furthermore, the petitioner is availing the remedy to get anticipatory bail. In view of the categorical assertion on behalf of respondent nos. 1 to 4 to the effect that the PO proceedings have been initiated against the petitioner and on conclusion of the investigation, the challan/final report will be submitted, nothing survives in the petition.

7. Disposed of.

October 30, 2023
vkd

(Vivek Puri)
Judge

Whether reasoned/speaking: Yes/No
Whether reportable : Yes/No