

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

101

2023:PHHC:075770
CRM-M-26492-2023
DECIDED ON: 25.05.2023

Akashdeep Singh and othersPetitioners

VERSUS

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Ms. Rupinder K.Thind, Advocate, for the petitioners.
Mr. Jaiteshwar S.Bhandari, AAG, Punjab.

SANJEEV PRAKASH SHARMA, J (ORAL)

The offences registered against the petitioners and the main accused are essentially under Sections 363, 366, 376A, Section 6 of the POCSO Act and 120-B IPC. Although in the FIR, the case registered under Sections are 363 and 366 alone.

The allegations in the FIR are essentially of the boy having inticed the girl who is yet to attain majority and was 17 and ½ years on the day when she has eloped with the boy. The petitioners are apparently parents and brother and sister of the boy and the girl after having been recovered has refused to go back to her parents.

This Court finds that no custodial interrogation is required to be obtained from the petitioners. In view thereof, I am inclined to allow this petition for grant of anticipatory bail to the petitioner.

This Court expresses its concern on the manner in which the FIRs are being registered by the police authorities where they do not mention the alleged offences which are found to be made out from the

contents of the FIR. It reflects lack of knowledge and lack of application of mind and such offences should be dealt departmentally by the police authorities.

A copy of this order should be sent to the Director General of Police for taking appropriate action against the concerned officers and also to issue a general direction to all the concerned Station House Officers to see that as and when FIRs are registetred, the correct offences as made out *prima facie* from the allegations levelled, should be mentioned in the FIR.

(SANJEEV PRAKASH SHARMA)
JUDGE

25.05.2023
mamta

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