

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-801-2021 (O&M)

Date of order: 20.07.2023

Mohammad Malik

.....Petitioner(s)

Vs.

State of Punjab & Another

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. J.S. Jaidka, Advocate
for the petitioner.

Mr. Pankaj Khullar, AAG Punjab

Nidhi Gupta, J.

Present Revision Petition is filed against order dated 25.03.2021 whereby charge under Section 376-D IPC has been framed against the petitioner in FIR No.33 dated 11.02.2020 under Sections 376-D and 120-B IPC registered at Police Station Koom Kalan, Ludhiana.

Learned State Counsel refers to para 4 of the reply by way of affidavit of Simranjit Singh, PPS, ACP Industrial Area-A Ludhiana dated 24.09.2021, which is reproduced hereinbelow:-

“That the I.O. took the prosecutrix and inspected the place of occurrence at her instance on 11/02/2020. The police party and prosecutrix reached Kohara Road. One person was sitting on the Dhaba and the prosecutrix told the I.O. that this person is one of the accused who committed rape with her. That person was apprehended by the police party. That person told his name as Ram Narayan @ Thakur s/o Bhagwan Bakhsh r/o Parsoli Tehsil Akbarpur District Ambedkar Nagar U.P. now resident of Master Dhaba Kohara on Chandigarh Road. Identification memo

of the accused was prepared. He admitted to have committed the offense of this case. So he was arrested in this case on 11/02/2020.”

As regards the petitioner, Para No.8 of the status report filed by State-respondent No.1 states as follows:-

“8. That Aliman Lisa wife of accused Mohammad Malik submitted one application to the Commissioner of Police Ludhiana stating therein that her husband is innocent. This application was numbered as UID- 1756699 dated 24/02/2020. The Commissioner of Police Ludhiana marked this application to SIT consisting of ADCP-4, Ludhiana and SHO, P.S. Koom Kalan for enquiry. On this application enquiry was conducted by ADCP-4 Ludhiana and SHO, P.S. Koom Kalan and submitted enquiry report to the Commissioner of Police Ludhiana. The enquiry report reveals that Mohammad Malik was not found present at the place of occurrence and he was present in a marriage ceremony. The Enquiry Officers recommended that Mohammad Malik is innocent vide report dated 04/04/2020. The Commissioner of Police, Ludhiana approved this enquiry report. Case dairy was also recorded by the SIT. The police submitted application for discharge of the petitioner in the court of Ld. Illaqa Magistrate on the basis of this enquiry report. The Ld. Illaqa Magistrate, Ludhiana released the petitioner from custody vide order dated 30/06/2020.”

Accordingly, in view of the same, impugned order dated 25.03.2021 qua the petitioner is set aside in view of the above stand of the respondent-State.

Present petition stands disposed of.

Pending application(s) if any also stand(s) disposed of.

20.07.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No