

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
241 **CRM-M-48133-2019 (O&M)**
Date of decision: 21.09.2023

Surjit Singh

...Petitioner(s)

Vs.

State of Punjab & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Amaninder Singh Sekhon, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG Punjab.

NIDHI GUPTA, J.

Present petition under Section 482 Cr.P.C. is filed with a prayer for directing respondents in case FIR No.157 dated 15.08.2019 under Sections 376-D and 506 IPC registered at Police Station Guruharsahai, District Ferozepur (Annexure P1) for submitting DNA sample reports before the SDJM/Illaq Magistrate, Guruharsahai, District Ferozepur Illaq Magistrate, Ferozepur as DNA samples of the petitioner and the complainant/respondent No.5 have been taken on the directions of SDJM/Illaq Magistrate Guruharsahai, District Ferozepur Illaq Magistrate, Ferozepur vide order dated 10.09.2019 (Annexure P4).

Learned State Counsel files status report by way of affidavit of Yadwinder Singh, PPS, Deputy Superintendent of Police (Sub Division) Guruharsahai, District Ferozepur dated 21.09.2023, which is taken on record and copy of the same is supplied to counsel opposite.

Learned State Counsel submits that in the present case, cancellation report has been filed before the learned Illaqa Magistrate on the ground that as per FSL report, “..on observation of the MLT the result was as follows: “No spermatozoa were detected in the contents of exhibit 1 (a.b) & 2.”. Learned State Counsel further states that after registration of the present FIR, respondent No.5/prosecutrix has failed to get her statement recorded under Section 164 Cr.P.C. and also to give her blood samples for comparison. It is stated that it is therefore, clear that respondent No.5/prosecutrix has concocted a false story and for these reasons, cancellation report has been filed.

In view of submissions made by learned State Counsel and reply filed by him, learned counsel for the petitioner seeks to withdraw the present petition.

Permitted to do so.

Dismissed as withdrawn.

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

21.09.2023

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No