

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**Criminal Misc. No. M-13664 of 2023 (O & M)
Date of decision :-01.04.2024**

Jasvir Kaur**.....Petitioner****Versus****State of Punjab and others****.....Respondents****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. R.S. Bains, Sr. Advocate with
Mr. Mohan S. Chauhan, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

NIDHI GUPTA J. (Oral)

1. Prayer in this petition is for quashing of the impugned order dated 17.2.2023 (Annexure P-18) passed by the learned Judicial Magistrate 1st Class, Bathinda in case bearing No.CRM-84 of 2023, titled as 'Jasvir Kaur vs. State of Punjab and etc.'; whereby application moved by the petitioner under Section 156(3) Cr.P.C. for registration of FIR under Sections 354, 354-A, 354-B, 506, 509 and 120-B IPC at Police Station Civil Lines, District Bathinda has been converted into complaint case; and further issuance of direction to respondents to register FIR under the aforesaid sections at Police Station Civil Lines, District Bathinda against Rakesh Jindal, Veenu Jindal and Parminder Singh.

2. Learned Senior Counsel for the petitioner submits that vide order dated 08.5.2023 passed by co-ordinate bench of this Court,

learned State counsel was directed to file the reply after going through the CCTV footage.

3. Pursuant to the order dated 08.5.2023, learned State counsel has filed the short reply dated 24.7.2023 by way of affidavit of Gurpreet Singh, Deputy Superintendent of Police, City-II, Bathinda, wherein, in para 6 thereof, it has been stated that although the petitioner/complainant was touched by the accused, however, there was no malafide intention on the part of the accused in touching her.

4. It is further submitted by learned Senior Counsel for the petitioner that pursuant to the directions of this Court, statement of the petitioner was also recorded on 29.6.2023 (Annexure P-20), wherein she has stated as under :-

'Stated that I am resident of abovementioned address and posted as Law officer in Canara Bank, Amrik Singh Road, Bathinda. Today, I came present in the police Station to see the CCTV footage of the occurrence, as per order of the Hon'ble Punjab and Haryana High Court, Chandigarh. I have seen the footage of the CCTV camera located at the house of occurrence place, at the left side of the gate, related to date 27.12.2022, at about 8:01:15 seconds to about 8:52 PM. As per footage of the CCTV Camera, accused persons after hatching a conspiracy, has changed the position of the abovementioned CCTV camera at 8:25:37 seconds and changed his focus from the main gate to towards street. The footage of crime committed with me has been recorded for few seconds only. Later-on, by changing the

location of the CCTV camera towards street, with a purpose to disappearance of the crime scene, location has been changed towards street. After committing the offence, accused persons again at 08:25:17 seconds, made the focus of the CCTV footage towards main gate. After this, it can be seen clearly in the footage that accused persons had attacked me while I going towards my car. Statement has been got recorded, read it and found correct. I want to inform that as per CCTV footage, no alleged occurrence witnesses are present and from it is clear that the statements gave by them are totally false.'

5. Learned Senior Counsel prays that the present petition may be disposed of with a direction to the learned Magistrate concerned to re-examine the matter in view of the statement of the petitioner (Annexure P-20) alongwith the fresh status report to be filed by the State after going through the statement (Annexure P-20) of the petitioner.

6. I have heard learned counsel for the parties and perused the case file in detail.

7. In order dated 08.5.2023, statement of learned Senior Counsel is recorded that in case nothing is found in the CCTV footage, he will not press the present petition. In statement dated 27.12.2020 (Annexure P-1) petitioner had stated that "*The entire incident is recorded in the camera installed by Parminder Singh. And recording of camera be preserved.*" However, now in the statement dated 29.6.2023 (Annexure P-20) an entirely new case has been set up by the petitioner that angle of camera has been turned.

8. Be that as it may, in the interest of justice, as also in view of the nature of allegations of molestation made by the petitioner/complainant, the present petition is disposed of with a direction to the learned Magistrate concerned to re-examine the matter in view of statement of the petitioner (Annexure P-20).

9. Present petition stands disposed of, as above.

10. Pending application(s), if any, shall stands disposed of.

April 01, 2024

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No