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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39453-2024 (O&M)
Date of decision: 14.08.2024

Krishan Kumar

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vikas Arora, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in the present petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 is for issuance of directions to respondents
No.1 & 2 to constitute a Special Investigation Team to conduct investigation in
FIR No.63 dated 03.08.2024 under Sections 64, 62, 78, 109 of Bharatiya
Nyaya Sanhita, 2023 and Section 12 of the Protection of Children from Sexual
Offences Act, 2012, registered at Police Station Nurpur Bedi, District
Rupnagar.
2. Learned counsel for the petitioner, *inter alia*, contends that
daughter of the petitioner was gangraped by accused persons on the

intervening night of 01/02.08.2024. The petitioner is working as labourer and he reaches the home late in the evening. After committing rape, the accused persons have put some poisonous substance in the mouth of daughter of the petitioner, due to which she became very serious. She was referred to PGIMER, Chandigarh. On 02.08.2024, after receiving intimation from PGIMER, Chandigarh, the police officials from Police Station Nurpur Bedi reached Chandigarh and recorded statement of daughter of the petitioner. It is further contended that statement of the prosecutrix was not correctly recorded for the reasons best known to the police officials. The statement was never read over to the prosecutrix and after recording the statement on 02.08.2024, FIR (*supra*) was not registered immediately and it was registered on the next day i.e. 03.08.2024 and even copy of the FIR has not been supplied to the petitioner. As such, a prayer for constituting an SIT has been made.

3. On the other hand, learned State counsel, on instructions from SI Balbir Singh, submits that the jurisdictional police authorities are performing their duty earnestly and immediately after receiving the information from PGIMER, Chandigarh, statement of the prosecutrix was recorded in the presence of her aunt (*bua*) and on 03.08.2024, FIR (*supra*) has been registered. The prosecutrix has been discharged from PGIMER, Chandigarh yesterday evening, as per the petitioner. Learned State counsel submits that the prosecutrix would be produced before the jurisdictional Magistrate and her

statement under Section 164 Cr.P.C. would be recorded. Moreover, one of the accused has already been apprehended and the investigation is being conducted in a very fair and transparent manner.

4. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that daughter of the petitioner was discharged from PGIMER, Chandigarh yesterday evening and the investigating agency has already arrested one of the accused and they are in the process of getting her statement recorded under Section 164 Cr.P.C. and also to take into possession all the medical evidence.

5. In view of the above, no directions are warranted in the present petition and the same is disposed of.

14.08.2024
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No