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2024 : PHHC : 010251

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-12315-2023
DATE OF DECISION : 24.01.2024

XXXXXXXXXX

... PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: None for the petitioner.

Ms. Himani Arora, AAG Punjab.

* * *

HARPREET KAUR JEEWAN, J. (ORAL)

Prayer in the present writ petition is for issuance of directions to respondent Nos. 2 and 3 to protect life and liberty of the petitioner at the hands of respondent Nos. 4 to 6 by taking into consideration the representation dated 13.12.2023 (Annexure P-2). Further prayer has been made for issuance of directions to the official respondents to conduct fair enquiry in FIR No. 513 dated 07.11.2023 under Sections 376 and 506 IPC, registered at Police Station City Barnala by transferring the investigation to some senior ranked officer.

Today there is no representation on behalf of the petitioner.

The State has filed status report by way of affidavit of Satvir Singh, Deputy Superintendent of Police, Sub Division Barnala. It is submitted in the status report that investigation in the said FIR has been conducted. FSL report is awaited. Accused Bhagwant Rai was arrested on 07.11.2023 and on conclusion of the investigation, challan has been

presented against him in the Court on 05.01.2024 and now the case is pending for 29.01.2024 for commitment to the Court of Sessions for trial. It is further alleged in the status report that the complainant had filed an application bearing No. 4304/VP dated 18.12.2023 (Annexure P-2). It is alleged that in order to associate the complainant/victim in the enquiry, efforts were repeatedly made and she was tried to be contacted through her mobile phone number which was mentioned in the said application but her mobile phone was found switched off. The allegations were denied that the petitioner was pressurized to effect the compromise in the FIR. It is further alleged that in case the petitioner comes present, her statement would be recorded and necessary appropriate action would be taken as per law. As such, no further police action is required to be taken on the representation (Annexure P-2). The relevant portion of the reply reads as under:

“On the basis of facts emerged during inquiry and after examination of statements of above said persons recorded during inquiry, the Inquiry Officer reached a conclusion that, due to not finding of whereabouts of complainant/petitioner (victim), it cannot be assessed that she would have any apprehension of danger of her personal life and liberty. Regarding the allegations levelled by the petitioner in Annexure P-2 about putting pressure upon her to compromise in the said FIR, implicating her in some false case and giving threats at the hands of respondents, there is no such technical evidence, solid proof, document and witness and also nothing has come forward in this regard during the inquiry. In the FIR got registered by the petitioner/victim, challan has been presented in the Court against the accused and the case is now under trial. However, in case, the petitioner is come present and get her statement recorded, then necessary appropriate action would be taken, in accordance with law. According to the said facts, no Police action is required to be taken on the representation (Annexure P-2) submitted by the petitioner. So, the same is recommended to be consigned to the record.” After agreeing with the said inquiry report of D.S.P. (D), Barnala, the matter has been seen by the S.S.P., Barnala on 19.01.2024.”

Since, there is no representation on behalf of the petitioner, as

such, it appears that the grievances of the petitioner have been resolved.

However, the petitioner is given liberty to pursue her representation (Annexure P-2), if at any stage, she finds any threat or apprehensions since she is the material witness.

With these observations, the present petition stands disposed of.

24.01.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No