

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2015.02.06 17:07
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CRM No. M-31571 of 2014 (O/M)

Date of decision : 4.2.2015

Gurdev Kaur @ Debo

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Raj Kumar Gupta, Advocate, for the petitioner.
Mr. Nikhil K. Chopra, Deputy A.G., Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH, J. (ORAL)

Petitioner Gurdev Kaur @ Debo has filed this petition for directing respondent No. 2 to entrust the investigation of FIR No. 73 dated 26.7.2014, registered at Bakshiwala, District Patiala, to Special Investigation Team of Crime Branch or some other independent agency and also protect her life and liberty.

Briefly stated in the said FIR, it is alleged that 482 tablets of intoxicating capsules were recovered from the petitioner.

A perusal of the petition shows that the petitioner and her daughter were illegally detained by the Patiala Police. Dhanna Singh (petitioner in Crl.W.P. 1388 of 2013) filed habeas corpus petition for release of detenues i.e. Gurdev Kaur @ Debo etc. from the illegal custody of respondents No. 2 to 5. It is further alleged the the petitioner was given electric shocks. Now, in order to teach a lesson to the petitioner, this case has been planted upon her. The

petitioner has also placed on record the copies of the orders passed by this Court in Crl.W.P. No. 1388 of 2013, wherein the medical examination of the petitioner was got done from Medical Board, constituted at the PGI, Chandigarh.

Learned States counsel states that in this case, the challan has been presented and the charges have been framed.

However, the fact remains that the plea of the petitioner that this case has been planted upon her due to filing of earlier criminal writ petition i.e. Crl.W.P. No. 1388 of 2013 and has not been properly investigated by the police.

In these circumstances, a direction is issued to the Director General of Police, Punjab, to get the FIR No. 73 dated 26.7.2014, registered at Bakshiwala, District Patiala, further investigated under Section 173 (8) Cr.P.C from the Crime Branch of the Punjab Police at Chandigarh, to specifically investigate the version of the petitioner and find out whether this case is planted one or is a case of genuine recovery. Further investigation be completed within three months and a report be also submitted to the trial Court, which shall consider the same and pass appropriate orders thereon.

Petition is accordingly disposed of.

(KULDIP SINGH)
JUDGE

4.2.2015
sjks