

CRM NO. M-11018 OF 2015 (O&M)

[1]

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

Sr. No.242

**CRM NO. M-11018 OF 2015 (O&M)
DECIDED ON: May 09, 2016**

BHUPINDER KAUR

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: None for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

JASPAL SINGH, J

This is a petition under Section 482 Cr.P.C. preferred by Bhupinder Kaur seeking direction to respondents No.1 to 3 to take appropriate action, as per the police inquiry dated January 02, 2013 (Annexure P-3).

In response to notice of motion, a reply by way of affidavit of Gurpreet Kaur Purewal, PPS, Assistant Commissioner of Police, Rural (Gill), Ludhiana has been filed by learned State counsel.

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The preliminary submissions made in para 1 and 2 of the reply submitted by learned State counsel on behalf of respondents No.1 to 3 are relevant for the disposal of instant petition, which reads as under:

“It is respectfully submitted that the allegations mentioned in complaint bearing UID No. 358997 dated 01/08/2013 submitted by the petitioner were firstly enquired by Deputy Superintendent of Police, IVC Human Rights, Punjab, Chandigarh and he delivered his report **Annexure P-3**, which was forwarded to the Commissioner of Police, Ludhiana by the office of Additional Director General of Police, Investigation, Punjab, Chandigarh with the direction to take appropriate legal action in accordance with law at your own level. Thereafter, as per the directions of the then Commissioner of Police, Ludhiana, the allegations mentioned in the aforementioned complaint were enquired by Additional Deputy Commissioner of Police, Zone-3, Ludhiana and it has transpired during the course of enquiry that H.C. Surinder Kumar No. 1732/LDH, respondent No.5 attempted to mislead by producing fake medical certificate. It has also transpired that Bhupinder Kaur petitioner is innocent in FIR No. 21 dated 29/02/2012 u/s

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420/506/120-B IPC PS Sadar, Ludhiana and in this regard, a supplementary report is required to be submitted in the court of Ld. Illaqa Magistrate, Ludhiana. It has further transpired that respondent No.4 A.S.I. Balwinder Singh No.1786/LDH (now 530/LDH) and Gurpreet Singh were not found negligent in any manner and they were also found innocent qua the allegations leveled by the petitioner in her complaint.

That on the basis of the findings of Additional Deputy Commissioner of Police, Zone-3, Ludhiana, which has been duly approved by the Commissioner of Police, Ludhiana, a departmental enquiry has already been initiated against respondent No.5 H.C. Surinder Kumar No. 1732/LDH vide memo No.5455-59/PA dated 02/11/2015, which has been entrusted to Satvir Singh Atwal, PPS, Additional Deputy Commissioner of Police, Zone-4, Ludhiana, who has been directed to conduct the inquiry on day to day basis and submit his report within two months, hence the present petition is liable to be dismissed.”

A perusal of aforesaid paragraphs transpires that respondent No.4-ASI Balwinder Singh and one Gurpreet Singh were

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found innocent qua the allegations levelled by the petitioner in her complaint. As far as respondent No.5-H.C. Surinder Kumar Sharma is concerned, on the basis of findings given by Additional Deputy Commissioner of Police, Zone-3, Ludhiana duly approved by Commissioner of Police, Ludhiana, a departmental inquiry has already been initiated against him, which has been entrusted to Satvir Singh Atwal, PPS, Additional Deputy Commissioner of Police, Zone-4, Ludhiana with a direction to conduct an inquiry on day to day basis and submit his report within a period two months.

In view of the aforesaid aspects, instant petition has rendered infructuos and as such is disposed of.

However, petitioner shall be at liberty to have recourse to the other remedies available to her under law.

May 09, 2016
Ankur

(JASPAL SINGH)
JUDGE