

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1534-2015 (O&M)

Date of decision: 18.07.2017

Balkar Singh

.....Petitioner

versus

State of Punjab and others

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.G.S.Sandhu, Advocate for
Mr.K.B.S.Mann, Advocate for the petitioner
Mr.C.L.Pawar, Senior Deputy Advocate General, Punjab

1. *Whether Reporters of Local Newspapers 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?*

Kuldeep Singh, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for directing the respondent nos.2 to 4 i.e. Senior Superintendent of Police, Sri Muktsar Sahib, Superintendent of Police, Malout, Station House Officer, Police Station, City Malout to conduct proper investigation in FIR no.150 dated 15.10.2014 under Section 364/34 IPC registered at Police Station Malout, District Sri Muktsar Sahib. The petitioner also apprehends threat to the life and liberty from respondent nos.5 to 8, who are police officials posted at Police Station Sadar Abohar.

I have heard learned counsel for both the parties and have also carefully perused the record.

The allegations of the petitioner are that on 13.10.2014 his son namely Amrik Singh was kidnapped from Malout under the railway over bridge Malout by some police officials of Abohar. One police official was in uniform and other were in civil clothes. CCTV footage of one cloth shop situated on the road shows that Amrik Singh son of the petitioner is being

taken by the police official. Time was mentioned as 3.57 PM. Malout police registered FIR no.150 dated 15.10.2014 under Section 364/34 IPC. However, later on, Police Station Sadar Abohar registered an FIR No.133 dated 15.10.2014 under Sections 399 and 402 IPC and Section 25/54/59 of Arms Act and shown the arrest of Amrik Singh on 15.10.2014 at about 9.00 PM from some factory area in Abohar. It was recorded in FIR that they have received a secret information that five persons are making preparation to commit dacoity.

Reply of the respondent-State further shows that after the investigation, the offences under Sections 399 and 402 IPC were deleted and Amrik Singh was challaned only under Section 25 of the Arms Act and challan is since pending before Illaqa Magistrate for trial. Police also moved a cancellation report of FIR no.150 dated 15.10.2014 under Section 364/34 IPC registered at Police Station Malout.

The allegations of the petitioner are serious. According to him, his son was kidnapped from Malout on 13.10.2014 around 3.57 PM and FIR no.150 dated 15.10.2014 under Section 364/34 IPC was registered at Police Station Malout. However, Police Station Sadar Abohar also registered an FIR No.133 dated 15.10.2014 at 9.00 PM that they have received a secret information that said Amrik Singh son of the petitioner along with four others is making preparation to commit dacoity but on the raid only Amrik Singh was arrested. Therefore, allegations are that son of the petitioner was falsely implicated after being kidnapped from Malout and Police Station Sadar Abohar registered an FIR No.133 dated 15.10.2014 only after the registration of FIR no.150 dated 15.10.2014 under Section 364/34 IPC registered at Police Station Malout regarding kidnapping of son

of the petitioner. The matter involves rights of the son of the petitioner for life and liberty. Matter regarding false implication also needs to be investigated.

As such, the petition is allowed. The trial of FIR No.133 dated 15.10.2014 under Section 25 of Arms Act pending before Illaqa Magistrate Abohar is hereby stayed till the conclusion of the further investigation being ordered by this Court. The investigation of FIR no.150 dated 15.10.2014 under Section 364/34 IPC registered at Police Station City Malout, District Sri Muktsar Sahib is withdrawn from the concerned police station and further investigation of FIR No.133 dated 15.10.2014 registered at Police Station Sadar Abohar is entrusted to ADGP Crime, Punjab who is directed to entrust the investigation to a senior police officer of the rank of Superintendent of Police and an IPS officer, to find out whether son of the petitioner was actually kidnapped from Malout on 13.10.2014, as alleged and then falsely implicated on 15.10.2014 by Police Station Sadar Abohar? If it is found that police officials have committed the crime, necessary departmental and criminal action shall be taken against them and police may also take further action in the FIR lodged by the petitioner and follow up action for quashing of FIR No.133 dated 15.10.2014 registered at Police Station Sadar Abohar shall also be taken. Let inquiry be conducted and report be submitted to this Court within three months.

In the meanwhile, petitioner and his son Amrik Singh will not be called to the police station without prior permission of the Court.

18.07.2017

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No