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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34939 of 2013

DATE OF DECISION: AUGUST 23, 2017

RAMANDEEP KAUR ...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

PRESENT: MR. A.S. BRAR, ADVOCATE
FOR THE PETITIONER.

MR. C.L. PAWAR, SR.DAG, PUNJAB.

MR. P.S. DHALIWAL, ADVOCATE
FOR RESPONDENTS NO.5.

MR. R.K. TRIKHA, ADVOCATE
FOR RESPONDENT NO.7.

1. Whether Reporters of local newspaper may be allowed to see the judement? Yes

2. To be referred to the Reporter or not? Yes

3. Whether the judgement should be reported in the digest? Yes

KULDIP SINGH, J.

The present petition has been filed by Ramandeep Kaur wife of deceased Resham Singh under Section 482 Cr.P.C. for issuance of directions to State of Punjab to hand over further investigation to CBI or some independent agency like Crime Branch or CID or any senior Police Authority not below the rank of DIG, Police pertaining to FIR No.38 dated 15.5.2013 under Sections 302, 449, 120-B, 201, 148, 149 IPC and Section

25 of Arms Act. 1959, Police Station Tapa Mandi, District Barnala under Section 173(8) Cr.P.C.

The short facts need to be mentioned are that Ramandeep Kaur had married Resham Singh against wishes of her parents on 16.2.2011. It is claimed that the family of Ramandeep Kaur was annoyed with the marriage. Therefore, their house was raided by Jarnail Singh, father of Ramandeep Kaur on 17.2.2011. However, on a petition filed by Resham Singh, protection was granted to them by this Court vide order dated 21.2.2011 passed in CRM-M-5462 of 2011. It further comes out that subsequently, Sanjeev Singla, respondent No.6 joined as SHO, Police Station Tapa on 6.6.2011. It is further stated that on 19.12.2012, a murderous attack took place on Resham Singh regarding which FIR No.96 dated 19.12.2012 was registered under Section 307/323/148/149 IPC and Section 25/27 of Arms Act, 1959. The claim of the petitioner is that on account of threat to life to Resham Singh, arms licence was granted to him and he had purchased a weapon. But Inspector Sanjeev Singla, respondent No.6 took away the weapon on 11.4.2013 and it is shown to have entered in the police record on 7.5.2013. Subsequently, on 15.5.2013, another murderous attack took place on Resham Singh in which he was murdered regarding which the present FIR No.38 dated 15.5.2013 under Sections 302, 120-B, 201, 148, 149 IPC and Section 25/54/59 of Arms Act, Police Station Tapa Mandi, District Barnala was registered.

Admittedly, in this case the challan has been presented against 15 persons after the investigation and later on supplementary challan against

2 persons was also presented. Undoubtedly, the trial is pending before the Court of learned Addl.Sessions Judge, Barnala. It is also not disputed that in an application filed under Section 319 Cr.P.C., one more additional accused, i.e. Sandeep Singh has been summoned, whereas the Court has refused to summon Sanjeev Singla, the then Inspector SHO, Police Station Tapa. A revision against the said summoning filed by Sandeep Singh is pending which is to be decided separately. The prayer of the learned counsel for the petitioner is that further investigation should be ordered so as to investigate the role of Sandeep Singh and Sanjeev Singla, Inspector, Police Station Tapa.

I have heard the learned counsel for the parties and gone through the case file carefully.

It comes out that after the investigation, the challan was presented against 15 persons and 2 persons were challaned supplementary. Learned counsel for the petitioner has referred to the complaint made by Resham Singh on 28.12.2012 to the Senior Superintendent of Police, Barnala against 6 persons stating that they have not been arrested. He had also apprehended that his father-in-law Jarnail Singh and Sandeep Singh have close relationship with Inspector Sanjeev Singla who is SHO, Police Station Tapa and that these three persons are planning to murder him on account of his marriage with Ramandeep Kaur, daughter of Jarnail Singh. Undoubtedly, subsequently, said Resham Singh was murdered on 15.5.2013.

Learned counsel for the petitioner has referred to the complaint dated 23.7.2013 (Annexure P-4) made by the petitioner to the Senior

Superintendent of Police, Barnala that her father murdered Resham Singh in which she had also levelled allegation that her father had paid ₹20 lakhs to Sanjeev Singla, SHO, Police Station Tapa. She has also levelled allegation that Sanjeev Singla, Inspector threatened her that she will be murdered by her father Jarnail Singh in the same way as her husband was murdered. She further alleged that Inspector Sanjeev Singla did not record some facts in her complaint. However, in Annexure P-4 Ramandeep Kaur has nowhere stated that Inspector Sanjeev Singla has entered into criminal conspiracy for the murder of her husband.

I am of the view that that admittedly as per the authority of *Dharam Pal* vs. *State of Haryana*, *2016(1) Recent Apex Court Judgements (R.A.J.) 644*, this Court even after the presentation of challan can order fresh investigation or fresh trial. However, it will depend on the facts of each case. Fresh investigation is not to be ordered on the same deposition of the petitioner particularly, when there is no preliminary material to show that Inspector Sanjeev Singla has entered into a criminal conspiracy for the murder of Resham Singh.

Learned counsel for the petitioner has also referred to the application dated 23.8.2013 submitted by Ramandeep Kaur to DGP, Punjab and DIG, Patiala Range wherein she has alleged that murder has been committed by Sanjeev Singla, Inspector, Punjab Police posted at Police Station, Tapa in connivance with the accused and her father.

The arm was got deposited by Police on account of elections. The issuance of arms licence was recommended by the police. The first case

of attempt to murder was registered by Inspector Sanjeev Singla in which challan has been presented. It is claimed that some of the accused were not arrested, but arrested later on. The dereliction of duty or misbehaviour is one thing but conspiracy to commit the murder is a entirely different thing. There must be some material to substantiate or make out at least a preliminary case for further investigation. In this case, the investigation was done by SIT and the challan has been presented. It being so, I do not find it a fit case to order further investigation under Section 173(8) Cr.P.C. and handing over the case to some independent agency as has been requested against Sandeep Singh and Inspector Sanjeev Singla.

In view of the above, petition is dismissed.

Before parting with the judgement, this Court has noticed that even during the trial, i.e. from 10.5.2017 to 11.6.2017, Inspector Sanjeev Singla was again posted as SHO, Police Station Tapa, but is now stated to be posted at Police Lines, Barnala. In order to ensure that said Inspector Sanjeev Singla, who is now apparently having bitter relation with complainant party on account of the complaints made by the petitioner, does not influence the on going trial or any other offence that may not be committed against the complainant party, he should not be posted in or around Tapa on active duty.

On the request of learned counsel for the petitioner a direction is also issued to to the Senior Superintendent of Police, Barnala that whenever requested, necessary protection be granted to petitioner Ramandeep Kaur and the family of Resham Singh and every independent

witness when they are to appear in the Court of learned Addl.Sessions Judge, Barnala to depose in the pending trial on the request of the petitioners and it will also be ensured that present petitioner and the family of deceased Resham Singh are not harmed by the accused party.

August 23, 2017 **(KULDIP SINGH)**
Gulati **JUDGE**

Whether Reportable : Yes

Whether Speaking/Reasoned : Yes