

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

CRM-M-10621-2016

Date of decision:-15.2.2018

Sukhwinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Vikas Gupta, Advocate
for the petitioner.

Mr.Ramandeep Sandhu, Sr.D.A.G., Punjab.

H.S. MADAAN, J.(ORAL)

This petition under Section 482 Cr.P.C. has been filed by petitioner Sukhwinder Kaur wife of Jaswant Singh, resident of village Basarke Gillan, Gharinda, Tehsil and District Amritsar against State of Punjab, Senior Superintendent of Police, Tarn Taran and SHO, Police Station Sadar, District Tarn Taran craving for grant of issuance of directions to respondents No.2 and 3 to conduct fair and impartial investigation into the alleged death of son of the petitioner on account of the accident caused by police officials, who later on in order to cover up their misdeeds falsely implicated the deceased son of petitioner in a criminal case FIR No.8 dated 30.1.2016 and further asking for issuance of directions to respondent No.1 to constitute a Special Investigation Team (SIT) for fair and impartial investigation of alleged killing of son of the petitioner by the accused persons and also for conducting fair and

impartial investigation, besides craving for issuance of a direction to respondent No.2 for registration of a criminal case in the shape of FIR against the alleged culprits for causing death of son of the petitioner.

Inter alia, in the petition, the petitioner has contended that son of the petitioner, namely, Vikram Singh @ Happy, who was working as a mason has died in a road side accident caused by the police officials but then a false and frivolous case has been registered against her deceased son as a cover up exercise; that in the representation submitted by the petitioner to the police authorities, the culprits are specifically named but the police has not taken any action against them. According to the petitioner, she had a talk with her son, namely Vikram Singh @ Happy when he was admitted in Civil Hospital, Tarn Taran in injured condition and he had informed her and her husband that police officials, namely ASI Charan Singh and Constable Sukhdev Singh had committed accident by striking their vehicle with his motorcycle.

On notice, the respondents appeared. In the joint written reply filed by them in the form of affidavit of Deputy Superintendent of Police, Sub-Division, Tarn Taran, it is contended that the petition has been filed without any valid ground on the basis of conjectures and surmises by concealing material facts and giving twist to the actual facts with a *mala fide* intention for creating the undue pressure on the local police; that as a matter of fact which came out during investigation of FIR No.8 dated 30.1.2016, under Sections 307/353/186/34 IPC, Sections 25 and 27 of Arms Act, Section 21 of NDPS Act, added Sections 379/411 IPC, Police Station Sarai Amanat Khan, District Tarn Taran as a result of inquiry conducted upon application given by petitioner,

Vikram Singh @ Happy son of petitioner and Amandeep Kaur alias Aman were involved in the illegal trafficking of drugs since long; that Vikram Singh was involved in following criminal cases:

1. FIR No.126/14 dated 15.7.2014, under Section 21 of NDPS Act, P.S. Gate Hakiman.
2. FIR No.230/14 dated 1.10.2014, under Section 21 and 22 of NDPS Act, P.S. Gharinda.

Whereas Amandeep Kaur was involved in following criminal cases:

1. FIR No.43 dated 29.7.2009, under Sections 406, 420 IPC, P.S. Gharinda, Amritsar-Rural.
2. FIR No.109 dated 31.8.2012, under Section 420 IPC, P.S. Gharinda, Amritsar – Rural.
3. FIR No.112 dated 13.9.2015, under Section 21 of NDPS Act, P.S. Bhikhiwind, Tarn Taran.

As per version put forward by the respondents, on 30.1.2016 at about 8:15 a.m., Vikram Singh @ Happy and Amandeep Kaur after taking consignment of heroin from village Chhina Bidhi Chand were coming on a stolen motorcycle make Hero Honda Splendor, without number plate, through link road village Dodhe; that when the motorcycle reached near village Kasel, there a police party headed by ASI Amrik Singh from Police Station Sarai Amanat Khan had laid a NAKA; that vehicles were being checked in connection with elections; that ASI Amrik Singh signalled the motorcycle being driven by Vikram Singh @ Happy with Amandeep Kaur as pillion rider to stop but Vikram

Singh @ Happy fired a shot from his .32 bore revolver on the police party with an intention to kill and sped his motorcycle by turning it towards Sarai Amanat Khan; that ASI Amrik Singh along with other police officials chased them; that Vikram Singh @ Happy drove his vehicle rashly and negligently with a great speed and while at a distance of about 1 k.m. from bus-stand village Gandiwind, a Mahindra pick-up vehicle bearing No.PB-46K-2466 was spotted coming from Jhabal side at its left hand side being driven at a very normal speed by Makhan Ram son of Phula Ram, Sansi Rajasthani, resident of Ramdev Colony, Mohalla Jhand Peer, Ward No.2, Tarn Taran; that the driver of the pick-up van on seeing the motorcycle being driven at a very fast speed had slowed down speed of his vehicle and took it to his left side on the edge of the road but even then motorcycle was driven at such a fast speed that it hit against right front outside of tyre of the pick-up vehicle; that Vikram Singh @ Happy and Amandeep Kaur @ Aman along with their motorcycle fell down on the road; that both got injured; that the police party reached there and called ambulance; however, while conducting personal search of Vikram Singh @ Happy, he was found to be in possession of a revolver .32 bore loaded with four rounds and one empty shell of same bore besides three Samsung mobile phones; that Amandeep Kaur @ Aman after taking out 16 gms. of heroin wrapped in polythene from pocket of her trouser threw it under the motorcycle; that the recovered articles were taken into possession by the police; that the injured were taken to Government Hospital, Tarn Taran for treatment; that FIR No.8 dated 30.1.2016 for the offences under Sections 307/353/186/34 IPC, 25 and 27 of Arms Act, 21 of NDPS Act was

registered with Police Station Sarai Amanat Khan, District Tarn Taran against Vikram Singh @ Happy and Amandeep Kaur; that they were referred to Sh.Guru Nanak Dev Hospital, Amritsar after giving first aid, however, Vikram Singh @ Happy succumbed to the injuries at hospital; that post-mortem examination on his dead body was got conducted; that during investigation, Amandeep Kaur, who had been discharged from the hospital was arrested in this case on 4.2.2016; that she was interrogated, which revealed that revolver of .32 bore recovered from deceased Vikram Singh @ Happy belonged to Amandeep Kaur since she had been granted arms licence from Police Commissionerate, Amritsar but revolver was not yet entered in her licence; that the motorcycle recovered from accused belonged to one Hardial Singh son of Gurmit Singh, resident of village Mari Megha, P.S. Khalra, which had been stolen on 1.12.2013, therefore offences under Sections 379/411 IPC was added; that after completion of investigation, challan has been presented against accused Amandeep Kaur in which charge has been framed and now she is facing trial before Additional Sessions Judge, Amritsar.

Regarding the petition in hand, it is stated that the petitioner had submitted an application, which was inquired into thoroughly by SHO Police Station Sarai Amanat Khan, Tarn Taran; that the petitioner was issued three notices to join inquiry and to produce evidence in her favour but she did not do so; that as per inquiry report, no fault on the part of Investigating Officer or other police official was found, rather they were only performing their duty; that call details of Vikram Singh @ Happy and Amandeep Kaur confirmed their presence at the spot; that

driver of Mahindra pick-up vehicle was not found at fault; that Vikram Singh was involved in drug trafficking and had been declared as proclaimed offender in a case under NDPS Act. In the end, respondents prayed for dismissal of the petition.

I have heard learned counsel for the petitioner and learned Sr.D.A.G. for the State of Punjab besides going through the record and I find that no fault can be found with the investigation/inquiry having been conducted into the matter by the police. The petitioner has failed to furnish any plausible or convincing reason, which might have put a question mark over the credibility of the police officials involved in the investigation of the case or who had conduct inquiry into the matter. Rather it comes out that Vikram Singh @ Happy had suffered injuries while driving the motorcycle in a rash and negligent manner hitting the pick-up vehicle, whose driver does not come out to be responsible for the accident. There does not come out to be any reason for the local police to save the driver of the pick-up vehicle or the police officials against whom the petitioner is levelling allegations.

The present petition comes out to be without any merit and is dismissed accordingly.

(H.S.MADAAN)
JUDGE

15.2.2018

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No