

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11885-2018

Date of Decision: 15.05.2018

Gurdev Kaur

...Petitioner

V/S

State of Punjab & Ors

..Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Kanchan, Advocate for
Mr. Amit Dhawan, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab

Mr. Divjyot Singh Sandhu, Advocate
for respondents No. 8 and 10 to 12.

ARVIND SINGH SANGWAN, J. (Oral):

Prayer in this petition is for issuance of a direction to respondent No. 1 to 3 to protect the life and liberty of the petitioner at the hand of respondents No. 8 to 12 and further for issuance of a direction to respondents No. 1 to 3 to conduct the fair investigation in case FIR No. 22 dated 31.01.2018.

Reply by way of affidavit of DSP Sub-Division, Kapurthala on behalf of respondents No. 1 to 3 and separate reply on behalf of respondent No.4 have been filed.

As per paragraphs 6 and 7 of reply of respondents No.1 to 3, it is stated as mentioned below:-

“6. That the petitioner submitted a representation dated 02.02.2018 to the Inspector General of Police Jalandhar Zone Jalandhar. The inquiry of the aforesaid representation was made by Superintendent of Police (HQ) Kapurthala. He held that there is no truth in the

representation and the case FIR No. 22 dated 31.01.2018 U/s 341/324/323/427/379/148/149 IPC Police Station City Kapurthala was rightly registered on the real facts. Thereafter the SP/HQ Kapurthala sent his inquiry report to the Respondent No.3 the Senior Superintendent of Police, Kapurthala for his approval, who agreed with the findings of inquiry report.

7. That Gurpreet Kaur the daughter of the petitioner had filed CRM Misc No.M-7706 of 2018 before the Hon'ble High Court but the same was disposed of vide order dated 22.02.2018. Thereafter the petitioner has filed the present petition.

Under the circumstances the present petition is not maintainable and the same is liable to be dismissed.”

It is also stated by learned State counsel, on instructions from ASI Harjinder Singh, that the investigation is being carried out in accordance with law by ASI-Harjinder Singh (Respondent No.5).

Learned counsel appearing for respondents No. 8, 10 to 13 has also submitted that prior to filing of this petition, daughter of petitioner Gurpreet Kaur had filed a petition bearing CRM-M-7706-2018 in this Court with identical prayer and that petition was also filed by the same counsel representing the present petitioner, however, it has not been disclosed by the petitioner that her daughter has already filed a petition which was disposed of on 22.02.2018. The operative part of the order is reproduced as below:-

“FIR has been registered against the petitioner and the petitioner has also lodged an FIR against the other party. The petitioner has approached the trial Court for anticipatory bail. Representation, Annexure P-8 has been made to the Senior Police Officer on 18.02.2018 to hold a fair investigation. The FIR is

*recent. No directions are required to be given especially
when the petitioner has already approached the Senior
Police Officer.*

Disposed of.”

In view of the same, it is apparent that respondents are
investigating the case in a proper manner. However, it is directed that after
the investigation is complete, the same will be verified by Superintendent of
Police, Kapurthala, before submission before the trial Court.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

15.05.2018
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Whether speaking/reasoned : Yes/No.

Whether Reportable : Yes/No