

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

CRM-M-15486-2017

Date of decision:-1.10.2018

Balraj Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present : Mr.L.S. Sidhu, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.DAG, Punjab.

Mr.Ramandeep Partap Singh, Advocate
for the complainant.

H.S. MADAAN, J.

This petition under Section 482 Cr.P.C. has been filed by petitioner Balraj Singh with a prayer that order dated 22.3.2017 passed by the Court of Additional Sessions Judge, Gurdaspur be set aside/modified whereby directions have been issued requiring the police to submit supplementary challan under Section 173 Cr.P.C. against him.

Briefly stated, the facts of the case are that criminal

machinery in this case was set into motion by complainant Khazan Singh by making statement to the police in which he stated that his sister Kulwinder Kaur was married with Gurmukh Singh son of Sarwan Singh; that both husband and wife were being harassed by Balwant Singh, adoptive father of Gurmukh Singh in connivance with Nishan Singh and Satnam Singh by threatening them to get them implicated in a false criminal case; that earlier also such persons had got transferred land measuring 22 kanals 14 marlas in their names and had received cash amount of Rs.16 lakhs from Kulwinder Kaur and her husband Gurmukh Singh; on the previous night Kulwinder Kaur made a call to her brother, the complainant, that she had met ASI Gurbhej Singh about 2/3 days earlier and had informed him about harassment and threats given by her father-in-law Balwant Singh as well as Nishan Singh and Satnam Singh but instead of taking any action, ASI Gurbhej Singh threatened Kulwinder Kaur and Gurmukh Singh of dire consequences and ASI Gurbhej Singh misbehaved with Kulwinder Kaur at the instance of Balwant Singh and others, in that way Kulwinder Kaur was under stress. According to the complainant, he had made a telephonic call to Kulwinder Kaur, who did not attend the same, as such he went to her house and found that Kulwinder Kaur was lying in her house in an unconscious condition inside the gate and gate was locked from inside; the complainant accordingly informed his relatives and friends besides SHO, Police Station Civil Line, Batala; the police party reached at the spot and broke the lock of the gate; a suicide note was found lying near Kulwinder Kaur and she had written names of Balwant Singh, Nishan Singh, Sandhu palace Wala on her hand, foot and arm. The complainant

has further stated that his sister had committed suicide note by consuming poisonous substance.

After registration of the FIR against Balwant Singh son of Kehar Singh, Nishan Singh, Satnam Singh, Sandhu Palace Wala and ASI Gurbhej Singh, the matter was investigated and observing that names of Nishan Singh, Balwant Singh and Sandhu Palace Wala were mentioned in the suicide note and in the writings on the arm, hand and foot of the deceased, challan was presented only against accused Nishan Singh and Balwant Singh and with regard to Sandhu Palace Wala, it was mentioned in the challan that police could not know the whereabouts of Raju c/o Sandhu Palace Wala, whose name was mentioned in the suicide note and as and when the police came to know about such name or the complainant brought it to notice of police, then further investigation would be conducted and supplementary challan would be filed. In the trial Court the complainant mentioned name of Raju @ Balraj Singh son of Sawinder Singh (c/o Sandhu Palace Wala), a resident of House No.75, Urban Estate, Batala. Copy of voter list was produced in the Court. Vide order dated 1.3.2017, the trial Court had directed SHO, Police Station Civil Lines, Batala to submit further report about Balraj Singh son of Sawinder Singh allegedly known as Raju c/o Sandhu Palace Wala. On presentation of challan, charge was framed against accused Nishan Singh and Balwant Singh. Thereafter, statement of complainant was recorded as PW2. He named such accused along with Satnam Singh, ASI Gurbhej Singh and Raju c/o Sandhu Palace Wala. He produced some photographs of dead body of his sister Kulwinder Kaur pointing out that on the hand, arm, leg and foot, she had written

names of accused persons. A suicide note was also attached.

Learned trial Court observed that there was no evidence of involvement of Satnam Singh and ASI Gurbhej Singh for abetting suicide by Kulwinder Kaur. So request for summoning of Satnam Singh and ASI Gurbhej Singh as additional accused was declined. However, with regard to Raju c/o Sandhu Palace Wala noting that his name is mentioned in the suicide note and in photographs also, such name is visible mentioned on the leg, hand and arm of deceased Kulwinder Kaur and further that in challan SHO had mentioned that as and when they came to know about identity of Raju c/o Sandhu Palace Wala or the complainant informed about his whereabouts then the police would submit supplementary report against him and that applicant/complainant had disclosed the real name and address of said Sandhu Palace Wala as Balraj Singh son of Sawinder Singh, resident of House No.75, Urban Estate, Batala, District Gurdaspur, therefore, the trial Court directed that the police would submit supplementary report against him.

This order left the petitioner aggrieved and he has filed the present petition, notice of which was given to respondent/State, who is being represented by State counsel. The complainant has also appeared through counsel.

I have heard the learned counsel for the parties besides going through the record and I do not find any illegality or infirmity with the impugned order passed by the trial Court. The matter has to be looked into in light of the fact that the identity of the culprit mentioned as Sandhu Palace Wala in the suicide note by Kulwinder Kaur and as written on various parts of her body, could not be established during the

initial investigation by the police. Therefore, challan could not be filed against him and police had observed that and when the complainant informed about his particulars or that the police came to know about the same, then supplementary challan would be filed. During the trial, the details of such person came, as such, the trial Court had directed the local police to file supplementary challan against such person and there is nothing wrong about it. The petitioner seems to be trying to take advantage of the order by adopting hyper technical approach, which is not called for under the given circumstances.

I do not see any reason to interfere with such order while exercising jurisdiction under Section 482 Cr.P.C.

Therefore, the petition stands dismissed.

1.10.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No