

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

CRM-M-27781-2016

Date of decision:-28.5.2018

Harpal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Argued by :Mr.Gurmandeep Slar, Advocate for
Mr.H.S.Brar, Advocate
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

Mr.Gagandeep Singh, Advocate
for respondent No.7.

H.S. MADAAN, J.

This petition under Section 482 Cr.P.C. has been filed by petitioner Harpal Singh craving for issuance of appropriate directions for initiation of criminal action as well as disciplinary proceedings against Inspector Parvesh Chopra, Sub-Inspector Jagtar Singh and Assistant Sub-Inspector Ravi Kumar, all posted at Police Station Gate Hakima, Amritsar arrayed as respondents No.4 to 6, who had statedly tortured

and injured son of petitioner during alleged illegal detention in connivance with Gagandeep Kaur alias Simranjit Kaur, Saifie and Seetu (respondents No.7 to 9), also praying for taking of action against Dr.Sudhir Arora, Emergency Medical Officer, Civil Hospital, near Civil Lines, Amritsar and Dr.Charanjit Singh, D.P.H. & H.(Delhi), PCMS-1, Senior Medical Officer, Civil Hospital, near Civil Lines, Amritsar (respondents No.10 and 11) for the reason that they had refused to treat son of petitioner in violation of directions issued by the Apex Court.

Inter alia in the petition, it is contended that Surinderjit Singh son of petitioner got married with Gagandeep Kaur @ Simranjit Kaur (respondent No.7) on 11.12.2013; that the couple was blessed with a baby girl child named Gursirat Kaur; that soon after the marriage the behaviour of respondent No.7 was very bad towards son of the petitioner and she used to pick up fight on each and every petty issue; that she had been pressurizing the son of the petitioner to live separate from his family but being only son of his parents, he could not do so; that on 1.7.2015, respondent No.7 went to her parental house after picking up a fight with her husband and throwing minor daughter Gursirat Kaur and despite earnest efforts, she refused to return to the matrimonial home till her demand were met; that after some days, respondents No.8 and 9 forcibly picked up minor Gursirat Kaur by giving threats; that the petitioner and his son kept on visiting the police station but to no effect; that on 12.7.2016 at about 3:30/4:00 hours when son of petitioner was present in his house, he received a phone call from his wife that their daughter Gursirat Kaur was unwell and Surinderjit Singh should come there, accordingly Surinderjit Singh went to his in-laws house, where

respondents No.7 and 9 along with respondent No.4 Inspector Parvesh Chopra, respondent No.5 Sub Inspector Jagtar Singh and respondent No.6 Assistant Sub Inspector Ravi Kumar from Police Station Gate Hakima, Amritsar were present; that they forcibly took away Surinderjit Singh to Police Station Gate Hakima, gave beatings to him and forcibly obtained his signatures on blank papers; that as a result of torture at the hands of such policemen, Surinderjit Singh suffered a lot of injuries on his body; that some of the injuries were grievous in nature; that the policemen took cash from the pocket of Surinderjit Singh and threw him out at night while he was unconscious; that Surinderjit Singh barely managed to contact his family members; that the petitioner went there and rushed him to a private hospital and thereafter taking him to Government hospital for the purpose of admission but on account of influence of respondents No.7 to 9 and their connivance with police officials respondents No.4 to 6, Surinderjit Singh was not treated in Government Hospital; that the doctors there respondents No.10 and 11 failed to perform their duty and flatly refused to treat Surinderjit Singh for want of police docket; that respondents No.10 and 11 were reluctant to examine the injuries suffered by Surinderjit Singh and simply admitted him but no treatment was given to him; that the petitioner submitted several representations to the higher police officers and filed an application under Section 156(3) Cr.P.C.; that on 14.7.2016, JMIC passed an order giving a direction that in case Surinderjit Singh appeared before any Government Hospital/Doctor, he would not be refused for treatment; that Surinderjit Singh went to Civil Hospital, Civil Lines, Amritsar, where respondents No.10 and 11 admitted him but did

not give any treatment for three days; that the petitioner got his son admitted in Med Care Multispeciality Hospital, Tarn Taran Road, Amritsar; that Surinderjit Singh had requested respondents No.4 to 6 to inform any of the relatives about his arrest but to no effect.

The petitioner prays that the petition be accepted.

On notice, the respondents put in appearance. Assistant Commissioner of Police, Central, Amritsar City by way of furnishing an affidavit has filed a reply on behalf of respondents No.1 to 3, inter alia making preliminary submissions that petitioner has not come to the Court with clean hands inasmuch he has concealed material facts and made many misrepresentations for taking undue from this Court; that he is exerting pressure on the local police and other official respondents with a malafide intention to achieve his nefarious design of getting his daughter-in-law and her family members implicated in some false criminal litigation so that his estranged daughter-in-law may not pursue any legal action against son of the petitioner and others due to the agony being tolerated by her at the hands of her husband, who is son of the petitioner; that as a matter of fact Surinderjit Singh @ Shinda was married with Gagandeep Kaur @ Simranjit Kaur (respondent No.7) on 11.12.2013, who gave birth to a baby girl from the loins of Surinderjit Singh; that according to Gagandeep Kaur @ Simranjit Kaur, she was harassed by her husband and other members of her in-laws family and then thrown out of the matrimonial house, as such she along with her two years old daughter has been living at her parental house; that on 29.6.2016 Surinderjit Singh along with his unknown companions forcibly entered the house of his in-laws family, damaged the household

articles and had forcibly picked up his daughter after snatching her from his wife – respondent No.7, as such respondent No.7 had moved a complaint on PPHL 181, which was marked to respondent No.4 being SHO Police Station Gate Hakima, respondent No.4 called both the parties, who appeared along with prominent persons from their respective sides and with the intervention of prominent persons, their dispute was resolved amicably inasmuch as Surinderjit Singh had returned his daughter to his wife, therefore, the application was consigned to the office; that on 12.7.2016, respondent No.7 had informed respondent No.4 on his mobile phone that her husband Surjinderjit Singh had again snatched her daughter by entering her parental house forcibly; that respondent No.4 along with respondents No.5 and 6 and other police officials in response to the information given by respondent No.7, moved towards the place of occurrence, then he noticed that many people had gathered near Gate Hakima Chowk, then they immediately rushed to that place and found that two young persons i.e. Surinderjit Singh and Raghu had fallen on the road due to their motorcycle hitting against a tempo and crowd coming behind was pulling them; that both Surinderjit Singh and Raghu slipped away on seeing the police party; that in the meanwhile respondent No.7 along with prominent persons reached at the spot and apprised the respondent No.4 of the whole episode; that respondents No.4 to 6 took Surinderjit Singh and Raghu along with respondent No.7 to Police Station Gate Hakima for verifying the facts; that at that time, an application was also given by respondent No.7 to respondent No.4 against her husband Surinderjit Singh; that in the meanwhile many prominent persons and

relatives from both sides came to the police station; that after holding talks for about 2 hours and with the help of prominent persons as well as relatives of both the parties, the dispute was again resolved amicably, which was reduced into writing and it was witnessed by both the parties; that the baby girl was handed over by the petitioner to respondent No.7; that both the parties had returned from the police station; that the matter was closed and thereafter petitioner and his son Surinderjit Singh had moved applications dated 14.7.2016 and 28.7.2016 to the Commissioner of Police, Amritsar against respondents No.4 to 9 alleging therein that they all by conniving with each other had beaten up Surinderjit Singh by taking him to police station and got his signatures on some documents forcibly; that those applications were marked to the then Assistant Commissioner of Police, Central, Amritsar for inquiry; that during the course of inquiry, the then Assistant Commissioner of Police, Central, Amritsar had issued repeated notices to the petitioner and had informed him telephonically also asking him to join the inquiry and to produce the evidence but it was not so done; that consequent upon the facts revealed during the enquiry conducted by Assistant Commissioner of Police, Central, Amritsar and according to the statements of relatives of the petitioners, independent prominent persons, who had taken Surinderjit Singh and Raghu along with them from PS Gate Hakima after getting effected compromise between both the parties, the allegations levelled by petitioner and his son in the applications did not get substantiated, rather it came out that injuries had been suffered by Surinderjit Singh and Raghu as a result of their bike hitting against a tempo and due to beatings given by the crowd since they were running on a motorcycle

after snatching the baby girl from her mother; that Assistant Commissioner of Police, Central, Amritsar vide his inquiry report submitted to the Commissioner of Police, Amritsar had recommended to consign the applications to record; that it is stated that Surinderjit Singh was admitted in Medcard Multispeciality Hospital, Tarn Taran Road, Amritsar on 19.7.2016 at 2:04 p.m. and while being admitted in that hospital, he had complained about severe pain in shoulder and injury on the left hand and cut and abrasions and pain on both ankles and minor swelling since a few hours ago. On merits, these very assertions were reiterated while controverting the submissions in the petition.

An additional affidavit of Inspector Pravesh Chopra, SHO, Police Station Gate Hakima, Amritsar City has been filed on behalf of respondents No.3 and 4 mentioning therein that during pendency of the present petition, the present petitioner had filed an application under Section 156(3) Cr.PD.C. seeking registration of an FIR against respondents No.4 to 9 under Sections 341, 382, 379-B, 323, 325, 506, 120-B IPC on 14.7.2016 in the Court of Judicial Magistrate Ist Class, Amritsar, however, the answering respondents had appeared before the trial Court and placed on record relevant material; that the petitioner did not appear there and he did not produce any evidence, therefore, the application filed by him has been dismissed for non-prosecution.

I have heard learned counsel for the parties besides going through the record and I do not find any merit in the petition.

Basically it is a matrimonial dispute between son of petitioner, namely, Surinderjit Singh @ Shinda and his wife Gagandeep Kaur @ Simranjit Kaur arrayed as respondent No.7. Gagandeep Kaur @

Simranjit Kaur does not come out to be so influential and well-connected so as to make the local police act as per her wishes going to the extent of indulging in illegal activities like torturing Surinderjit Singh @ Shinda and illegally confining him. Similarly, she could not possibly manage the Government doctors not to examine and treat Surinderjit Singh @ Shinda and to ignore the injuries found on his person. The story set up in the petition that on receipt of telephone talk from Gagandeep Kaur @ Simranjit Kaur that Gursirat Kaur minor was not keeping well and he should come to enquire about her well being, Surinderjit Singh @ Shinda had gone to her in-laws house where Inspector Parvesh Chopra, Sub-Inspector Jagtar Singh and Assistant Sub-Inspector Ravi Kumar from Police Station Gate Hakima caught hold of him, given him beatings, took him to Police Station Gate Hakima and obtained his signatures on blank papers and took out cash amount from his pocket and threw him out of police station at 9:30 p.m. when he was unconscious, appear to be highly unconvincing and not believable. The version given in the written reply by official respondents appears to be much more plausible and worthy of reliance. The explanation rendered for injuries on the person of Surinderjit Singh @ Shinda is that he had fallen on the road due to his motorcycle hitting against a tempo. Surinderjit Singh @ Shinda and his companion Raghu both of them having suffered injuries in the road side accident were taken to Police Station Gate Hakima for verifying the facts. Several people had gathered. Respondent No.7 Gagandeep Kaur @ Simranjit Kaur had given an application there and written compromise Annexure R-5/T and Annexure R-6/T were arrived at. These compromises falsify

the story set up by the petitioner. Assistant Commissioner of Police, Central, Amritsar is reported to have conducted an inquiry into the matter issuing notice to the petitioner and had even informed him on mobile but he did not join the proceedings. Assistant Commissioner of Police, Central, Amritsar came to the conclusion that Surinderjit Singh @ Shinda had suffered minor injuries in the road side accident and allegations levelled by him and his father, the petitioner are wrong. The stand of the official respondents is that Surinderjit Singh @ Shinda was admitted in Medcard Multispecialty Hospital, Tarn Taran Road, Amritsar on 19.7.2016 at 2:04 p.m. and as per history disclosed by Surinderjit Singh @ Shinda that was on account of slipping of bike on the road. A complaint under Section 156(3) Cr.P.C. seeking registration of FIR against respondents No.4 to 9 is said to have been dismissed, copy of Annexure R-15/T and copy of order Annexure R-16 have been placed on record.

Under the circumstances, the respondents doctors cannot be blamed for dereliction of duty and the police officials from Police Station Gate Hakima cannot be said to have acted at the behest of respondent No.7 Gagandeep Kaur @ Simranjit Kaur. Respondent No.7 had submitted complaints to the police feeling aggrieved by wrongful acts of her husband and in-laws. Therefore, since there is nothing on record to show that Surinderjit Singh @ Shinda was tortured by respondents No.4 to 6 or illegally detained in connivance with respondents No.7 to 9 or that respondents No.10 and 11 have refused to treat Surinderjit Singh @ Shinda, no penal action is required to be taken against them. Furthermore, they are not liable to face disciplinary action

on administrative side.

The petition does not have any element of merit and is dismissed accordingly.

28.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No