

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

CRM-M-41742-2015

Date of decision:-22.5.2018

Rani

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present : Mr.Saurabh Arora, Advocate as
Legal Aid Counsel, for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 482 Cr.P.C. has been filed by petitioner – Rani against State of Punjab through Principal Secretary, Department of Home, Director General of Police, Punjab, Senior Superintendent of Police, District Nawan Shahar, SHO Police Station Banga, District Nawan Shahar and Gurdarshan Singh, Home Guard with Police Station Banga, District Nawan Shahar (respondents No.1 to 5) craving for issuance of directions to respondents No.1 and 2 to decide the complaint dated 1.12.2015 submitted to respondents No.2 and 3 in

accordance with law, further praying to protect the life and liberty of the petitioner including her son.

Inter alia in the petition, the petitioner has contended that she is a housewife; that her only son Gurcharan Singh was picked up by the police party from Police Station Banga on 27.11.2015 while he was playing outside in a play ground; that he was mercilessly beaten up by Gurdarshan Singh, Home Guard along with other police officials at Police Station Banga on 27.11.2015 and he was allowed to go after Rs.1 lakh was given to Gurdarshan Singh, Home Guard, Police Station Banga in presence of Jasbir Kaur, sister of the petitioner, who had arranged the money by pledging her gold ornaments with the bank on 29.11.2015. It is further contended that Gurdarshan Singh, Home Guard had threatened that if Rs.1 lakh was not paid by 29.11.2015, then his son would be falsely implicated in a NDPS case. According to the petitioner, Gurdarshan Singh, Home Guard had given her kicks in the abdomen and had passed dirty comments before letting of his son on the condition that if Rs.1 lakh was not paid by 29.11.2015 then not only the son but even husband of petitioner would be involved in a false NDPS case. She prayed that the petition be allowed.

Notice of the petition was issued to the respondents, who put in appearance through counsel. Written reply was filed on behalf of respondents No.1 to 4 raising preliminary submissions that the allegations levelled in the petition are false and baseless, which were found to be false in an inquiry conducted by DSP, Sub Division, Banga in a complaint submitted by the petitioner and that filing of present petition is merely an abuse of process of law; that the petitioner has no

reason to file the same. In the written reply, it is contended that husband of the petitioner namely Manjit Singh is a man of criminal nature engaged in drug trafficking in the area. He is a habitual offender and has been convicted in three FIRs i.e. FIR No.45 dated 5.2.2003, PS Banga, under Section 15 of NDPS Act, FIR No.46 dated 6.2.2003, PS Banga, under Sections 223 and 224 IPC and FIR No.10 dated 12.2.2013, P.S. Mukandpur, under Section 15 of NDPS Act. On merits, these very pleas have been reiterated stating that during the probe conducted by DSP concerned, the allegations levelled by the petitioner were not proved, therefore, the complaint was ordered to be filed. In the end, such respondents prayed for dismissal of the petition.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that he has tried to contact the petitioner by writing letter to her and taking up the matter with front office but he could not establish any contact and petitioner has not approached him in connection with prosecution of the case. However he has reiterated the assertions as given in the petition.

Learned State counsel has opposed the contentions of learned counsel for the petitioner vehemently stating that the allegations levelled by petitioner are palpably false and she has filed the present petition to help her husband, who is a known drug peddler. Though on the complaint submitted by the petitioner, the matter had been inquired into by DSP, Banga but the complaint was found to be without any merit.

After hearing learned counsel for the parties, I find that

there are bald allegations of petitioner as regards the local police taking away her minor son giving beatings to him and Home Guard Gurdarshan Singh getting a sum of Rs.1 lakh from her for release of her son. It seems that the present petition has been filed as a cover up of drug trafficking by husband of the petitioner and to set up a probable defence.

I do not see any reason to allow the instant petition.

The petition being without merit stands dismissed accordingly.

22.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No