

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No.M-9999 of 2018

Date of Decision: 08.05.2018

Pargat Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Dinesh Sharma, Advocate, for the petitioner.

Mr. J.S. Walia, Sr. DAG, Punjab

Amol Rattan Singh, J. (Oral)

Pursuant to the order dated 23.04.2018, an affidavit of Sh. Sukhchain Singh Gill, IPS, Commissioner of Police, Ludhiana, has been filed in Court today by the learned State counsel, a copy of which has been given to the learned counsel for the petitioner.

After giving the background of the complaint made by the complainant, it has been stated that after registration of the case, as reported by the Assistant Commissioner of Police (Central), Ludhiana, various raids were conducted to locate and arrest the petitioner, who was evading arrest, and relevant case diaries to that effect were also recorded in the police file.

It has been further stated that “all of sudden” on 26.03.2018, learned counsel for the petitioner had intimated this Court that the allegedly stolen articles were lying in the premises of one Rajinder Singh, situated near the police station, (as recorded by this Court in its order dated 26.03.2018). After that various efforts were made to locate the premises of Rajinder Singh but no such premises were located near the police station. However, the investigating officer thereafter is stated to have made

“sincere efforts”, and consequently on 02.05.2018, stolen articles were lying found in the premises of one Ajit Singh, bearing House No.108, who is stated to be a resident of U.K., about 1 kilometer from Police Post Miller Ganj, Ludhiana. Two persons were found standing there, who disclosed their names to be Sukhwinder Singh and Kinder Singh, with Sukhwinder Singh stated to be the the care taker of the house of Ajit Singh.

On enquiry, it was found that Kinder Singh and the petitioner, Pargat Singh, were also known to each other and had planned to keep the stolen articles in the aforesaid premises, after which the articles were kept there, which now have been recovered by the local police.

No person by the name of Rajinder Singh has been found existent, as has been referred to by the learned counsel for the petitioner on 26.03.2018 (obviously on instructions from the petitioner).

That being so, without making any comment at all on the actual complicity of the petitioner or otherwise, in the alleged commission of the crime reported, but in the aforesaid circumstances as described in the affidavit of the Commissioner of Police, this petition is dismissed and the interim order dated 09.03.2018 is vacated.

However, what is stated in the affidavit to the effect that investigation was properly carried out, is not something which this Court can accept at this stage, in view of the fact that the efforts to locate the house where the allegedly stolen goods are stated to have been kept, have only been made (leading to the recovery of articles on 02.05.2018), after

this Court had passed the order dated 23.04.2018; and not between March 26, 2018 and April 23, 2018. After that, of course, genuine efforts seem to have been made to investigate the matter.

Consequently, the Commissioner of Police, Ludhiana is directed to hold a proper enquiry as to why a person designated/given the nomenclature of an “investigating officer”, made no efforts whatsoever to trace out the location of the goods as has now been done after the order of this Court was passed, which should have been done by the investigating officer himself, (as such so-called investigating officer).

The enquiry be conducted as per procedure and taken to its logical conclusion within a period of 3 months from the date of receipt of a certified copy of this order.

A copy of this order be given to the learned State counsel under signatures of the Bench Secretary.

08.05.2018

vcgarg

(AMOL RATTAN SINGH)

JUDGE

Whether reasoned/speaking: Yes

Whether reportable: Yes