

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

CWP No.3287 of 2017
Date of Decision:19.07.2018

Sukhjot Kaur

. Petitioner

Vs.

State of Punjab and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Dr. Anmol Rattan Sidhu, Sr. Advocate, with
Mr.GPS Ghumman, Advocate,
for the petitioner.

Ms.Lavanya Paul, AAG, Punjab.

Mr.S.S. Sandhu, Advocate, for the CBI.

RAKESH KUMAR JAIN, J.

The petitioner, widow of Hazoor Singh, retired Inspector from Punjab Police, and mother of Gurpreet Singh (deceased), is seeking a writ in the nature of mandamus for directing respondents No.2 to 6 for impartial investigation in a case registered vide FIR No.56 dated 2.5.2016 under Sections 302 & 201 of the IPC at Police Station Sadar, Samana, District Patiala on the statement of Manjoor Singh son of Late Chanan Singh against unknown persons regarding the death of Hazoor Singh and Gurpreet Singh, both residents of House No.349, Street No.7, Bajwa Colony, Patiala.

The writ petition is dated 13.2.2017 whereas challan in the aforesaid FIR was presented on 8.8.2016 against Vishav Aman Singh @ Aman, charges were framed on 3.10.2016 and even the supplementary challan was submitted on 16.1.2017.

At the time of preliminary hearing i.e. on 20.2.2017, notice was issued to respondents No.2 to 6 for seeking a report regarding status of the investigation. In compliance of the said order, a report was submitted wherein it is averred that for the purpose of investigation in the FIR, a Special Investigation Team was constituted vide order No.12955-61/C-3 dated 21.4.2016 comprising SHO, Police Station, City Samana, Incharge CIA Staff, Samana District Patiala and SHO, Police Station Ghagga., who had conducted their detail enquiry and submitted their report No.2075/5A/SP/SMN dated 2.5.2016 as per which in the night of 19/20.4.2016 Sukhjit Kaur wife of Hazoor Singh along with her relatives came to the Police Station, City Samana and informed that her husband and son had gone, in their Scorpio No.PB-11-BD-6622, at about 12:00 noon, saying that they are going to settle the money transaction as per agreement as both of them were doing the finance business but they did not return. The phone of her husband is at home but phone of her son has been lost. A missing report No.4 dated 20.4.2016 was registered at Police Station, City Samana. It is further averred that in order to trace the missing persons, wireless information was given to all the Police Stations of the Districts and on 20.4.2016, at around 10:00 AM in the morning, during search at Village Joda Majra, Police Station, Sadar Samana, Lakhvir Singh alias Lukhy son of Gurcharan Singh, resident of Joda Majra, informed ASI Surjan Singh, Police Station, City Samana that when he was sitting in front of his house, a young person came to him in a black car and stated that the white car which was ahead of him had fallen into Bhakra Canal near the bridge Joda Majra. The vehicle was searched through divers in which the body of Gurpreet Singh was found which was identified by his legal heirs and after postmortem the dead body was handed over to them. The body of Hazoor Singh was

recovered from village Bhunderwas, P.S. Ratia, Haryana on 20.4.2016 and after conducting his postmortem, his dead body was handed over to his legal heirs. The SIT inspected the spot and the details of the mobile numbers 90212-00001 and 98766-00501 and some other suspicious persons were obtained and people living nearby were joined in the investigation. From the call details of mobile No.90212-00001, it was found that on the date of incident i.e. on 10.4.2016 no call was made or received between 12:52 PM and 3:30 PM but at 3.30. PM a call was made to mobile No.73070-60007 of one Bant Singh son of Partap Singh resident of Bathinda and also a call was received from mobile No.98152-2938 of Vikram Singh son of Dalit Singh resident of Village Dharamheri, Police Station, Sadar Samana. Bottles of Coca Cola having about 50 to 60 ml of coke were also found in the car. The complainant said that both the deceased were not used to drink Coke. The Viscera and coke was sent to the FSL for chemical analysis. It is further averred that second SIT, under the supervision of Superintendent of Police (D), Patiala, DSP, Samana and Inspector CIA Patiala & SHO Ghagga was formed. During the investigation, statement of Sukhjit Kaur (petitioner) and other persons were recorded and on the basis of their statements, Vishav Aman Singh @ Aman s/o Gurbax Singh resident of Dharamheri was nominated as accused on 4.5.2016 and was arrested on 12.5.2016. On 13.5.2016, Section 328 of the IPC was added and during investigation a gold karra of deceased Hazoor Singh was recovered from him. After receipt of chemical and viscera report from FSL, Section 328 IPC was deleted. It is further averred that after the investigation was completed, challan was presented on 8.8.2016 against Vishav Aman Singh @ Aman and supplementary challan was presented on 16.1.2017 after receiving call details and tower locations of Mobile No.90212-00001 of deceased Gurpreet

Singh and mobile numbers 98552-70144 and 98722-65522 of accused Vishav Aman Singh @ Aman from the concerned company. It is also averred that the prosecution has moved an application on 1.11.2016 for lie-detection test of Inderjit Singh @ Sonu, Sewak Singh @ Sahu, Dilbagh Singh, Parminder Kaur and Malkit Singh @ Ladi but they did not give their consent and the application filed by the prosecution was dismissed on 24.1.2017.

Since the petitioner had a right to assert that there were loopholes in the investigation, therefore, the officer, who headed the SIT, was directed to remain present in Court with the relevant record. On 16.8.2017, Harwinder Singh Virk, SP(D), who headed the SIT, was present in Court and narrated the entire sequence of events and investigation undertaken. According to which only one person, namely, Vishav Aman Singh was found guilty after thorough investigation but the petitioner insisted about the role of other seven persons, who were not allegedly joined in the enquiry by the agency. She further sought investigation by independent agency. In the order dated 16.8.2017, passed by this Court, it was observed that it was not inclined to accept the prayer of the petitioner at this stage but notice was issued to the standing counsel for the CBI, who after appearance has submitted that the record would be perused and examined and shall assist the Court. Thereafter, another status report was filed by the Inspector General of Police, Zonal-I, Punjab, Patiala dated 18.12.2017 in which it was averred that he was asked to hold an enquiry to verify whether any police official connected with FIR No.56 dated 2.5.2016 were associated and have acquaintance with any of the person whom petitioner is allegedly in connivance. In the report, he has submitted that the

acquaintance of any police officials with suspected persons namely, Sukhjinder Singh @ Laddi, Balwinder Singh @ Ladi, Baljinder Singh @ Happy, Sewak Singh @ Sahu, Malkeet Singh @ Ladi, Dilbagh Singh and Parvinder Kumar, who were allegedly interrogated deeply on 21.6.2016 by the Police. It was also mentioned that the SHO conducted the investigation firmly and impartially. The CBI had also filed a reply in which it is averred that though it is a specialized agency having limited manpower and resources, has already been overburdened with various cases entrusted by the Hon'ble Courts and the cases which are being investigated under their jurisdiction relating to corruption.

Learned senior counsel for the petitioner has, however, insisted that the matter requires reinvestigation by the CBI.

After hearing learned counsel for the parties in detail and perusing available record with their able assistance, I am of the considered opinion that the trial in this case is going on in which six witnesses have already been examined by ASJ, Patiala. This petition was filed on 13.2.2017, after the presentation of challan on 8.8.2016, even framing of charge on 3.10.2016 and the supplementary challan was presented on 16.1.2017. The respondents have constituted three SITs and have thoroughly investigated the suspected persons but ultimately found that only one person Vishav Aman Singh @ Aman is the accused. They had also tried to seek the permission of the Court to hold a lie-detection test of certain persons but their application was turned down and the officer of the level of Inspector General of Police, Zonal-I, Punjab, Patiala had verified the alleged acquaintance of the police officials with the suspected persons which was found to be negative and thus the contention of the petitioner cannot be

accepted that the respondents have not investigated the allegation made in the FIR No.56 dated 2.5.2016 or the investigation was not fair or impartial.

Thus in view of the aforesaid facts and circumstances, I do not find any reason to interfere in the petition and hence, the same is hereby dismissed.

19.07.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No