

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8724 of 2019 (O&M)

Date of Decision : 29.8.2019

Gurcharanjit Kaur

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present : Mr.Raman Goklaney, Advocate (Amicus Curiae) alongwith
petitioner

Mr. S.P.S.Tinna, Additional Advocate General, Punjab

ANIL KSHETARPAL, J.

Petitioner has filed this petition against State of Punjab and various police officials who have been impleaded by name 21 in number. Prayer in the petition is to take action against the respondents and protect life and liberty of the petitioner and her mother. She claims that her troubles started when her mother gave 8 acres of land to Harvinder Singh son of Balbir Singh on lease for a period of 5 years from 2015 to June, 2020. In the petition, petitioner has pleaded various incidents which took place. Her allegations are that police officials are not discharging their duties which are expected from them.

Keeping in view the aforesaid allegations, notice was issued on 22.2.2019 while passing following order:-

“The grievance of the petitioner is that her

lessee in connivance with the local police officials is harassing her and her mother. Her mother has been physically assaulted and grievous injury has been caused. She has reported the matter to the police but the police has not taken any action against the erring officials.

Notice of motion to respondents No.1 & 2 only.

Mr. Kirat Singh Sidhu, DAG, Punjab, accepts the notice on behalf of State of Punjab. Let three copies of the complete paper book be supplied to him during the course of the day.

The Director Bureau of Investigation is ordered to carry out an investigation through a high ranking police official in his department. The petitioner and the alleged accused should be associated with the enquiry. Detailed report be submitted on or before the next date of hearing.

Adjourned to 24.4.2019.”

She also filed Crl. Misc. No.M-14408 of 2019 alleging that after issuance of notice, the police has increased its activities to harass the petitioner.

Pursuant to the notice issued, status report by way of affidavit of Senior Superintendent of Police, District Jalandhar (Rural) was filed on 31.5.2019 alongwith the report of Superintendent of Police, Headquarter, Jalandhar. However, keeping in view the facts of the present case, Mr.

Curiae vide order dated 2.7.2019. Petitioner, in the meantime, was also arrested by the police.

Thereafter, affidavit of Inspector General of Police, Crime Zone Jalandhar, Bureau of Investigation, Punjab was also filed, detailing out various steps taken by the police in this regard. Inquiry report prepared by Assistant Inspector General of Police, Crime Zone, Jalandhar was also filed.

Further on 25.7.2019 after hearing learned Amicus and the counsel for the State of Punjab, petitioner was directed to appear before the Inspector General of Police, Vigilance who was requested to hear the grievances of the petitioner and submit his comments. Inspector General of Police-cum-Director Vigilance Bureau, Punjab has filed his own affidavit detailing out the grievances raised by the petitioner while appearing before her and directions issued by the officer. The relevant part of the affidavit is extracted as under:-

(i) Civil Surgeon, Kapurthala has been written to initiate departmental action against Dr. Rajiv Rana posted as Medical Officer in Central Jail, Kapurthala and Dr. Bharminder Singh posted as Medical Officer at Civil Hospital, Kapurthala for not conducting the MLR of the petitioner.

(ii) Deputy Inspector General of Police, Jails-cum-Superintendent Headquarter Jail, Amritsar has been written to initiate the departmental action against Jail officials namely Matron Rajwinder Kaur No.2607 and Warder Balwinder Singh No.4296 for their negligence as follow up of the petitioner was not done

after the jail incident.”

This Court has heard learned Amicus, the petitioner as well counsel for the State at length. It would not be appropriate for this Court to adjudicate upon the correctness of the allegations made in the petition and counter allegations made in the reply by the State. Since petitioner has filed the present petition for action against the respondents and for ensuring that her as well as her mother's life and liberty be ordered to be protected, therefore present petition is disposed of with direction to the Commissioner of Police, Jalandhar Division, Jalandhar to assess the threat perception and take steps accordingly. The Commissioner of Police is expected to take a call on the aforesaid aspect within 10 days from the date of receipt of the copy of this order. As regards direction to take action against the police officials, petitioner is relegated to the remedy before the competent Court as the allegations would be required to be proved by leading evidence.

Hence, disposed of.

(ANIL KSHETARPAL)
JUDGE

29.08.2019

rekha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No