

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14380-2017(O&M)

Date of Order: 29.11.2019

NARINDER SINGH KAHLON

..Petitioner

Versus

STATE OF PUNJAB & ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. D.S.Sobti, Advocate
for the petitioner.

Mr. SPS Tinna, Addl. A.G., Punjab, along with
Ms. V.Neerja, IPS, I.G. (Community Policing), Punjab

Mr. H.S.Batth, Advocate
for respondent no.5.

ANIL KSHETARPAL, J.

Jurisdiction of the High Court under Section 482 of the Code of
Criminal Procedure has been invoked by filing the present petition and the
following substantive prayers have been made:-

*“It is, therefore, most respectfully prayed that the
investigation of FIR No.35 dated 22.03.2017, under
Sections 506/447/448/452/148/149/379-B IPC and
Sections 25/27 of Arms Act, lodged at Police Station
Kathunangal, District Amritsar may be handed over to
the Director Bureau of Investigation, Punjab,
Chandigarh;*

And

*To provide protection to the life and property of
the petitioner and his family members.*

And

*To take necessary legal action against the
respondent no.5.”*

It may be noted, at the outset, that the prayer made by the
petitioner has already been acceded to by the State Government as Director

Bureau of Investigation, Punjab, Chandigarh, which is in the rank of a Director General of Police is now monitoring the entire investigations. However, a disturbing fact has emerged which requires deliberation.

Petitioner herein claims that he retired as a District Attorney from the Punjab in the year 2011. He claims that he is now running a brick-kiln. An FIR has been got registered by the petitioner against Kundan Singh, Bachittar Singh, Hardip Singh, Sadhu Singh, Swaranjit Singh Kularia, Jashmer Singh and 15-20 unidentified persons, alleging that on 21.03.2017, at about 11.00AM, aforesaid accused along with their fire arms came to the brick-kiln and started shouting while threatening that they will kill him and take possession of the brick-kiln. Allegations were also made in the name of certain politicians. It is alleged that they gave beatings, threats to the watchman Jarnail Singh. Kundan Singh placed his .315 bore rifle on his temple and told him to run away failing which he will be killed. Under the fear, he ran away and then Kundan Singh accused surrounded elder son of the first informant and tried to kill him but he rescued himself by running away in the car. In the meantime, other persons broke the locks of the office and looted one laptop, other articles including Rs.40,380/- lying in the drawer of the table and when the first informant reached along with the police, accused ran away along with the weapons.

In this petition, petitioner had made specific allegations against respondent no.5, Station House Officer of the Police Station Kathuangel, District Amritsar and was impleaded as party by name.

In the present petition, noticing the contention of learned counsel, notice was issued on 27.04.2017. In response thereto, an affidavit of Deputy Superintendent of Police, dated 16.08.2017 was filed, whereby

the then Station House Officer Paramjit Singh, respondent no.5, after investigation has ordered deletion of offences under Sections 452/379-B/427IPC, Sections 25/54/59 of the Arms Act and Swaranjit Singh, Ex. Sarpanch was found innocent. On completion of the investigations, final report has been prepared and when the same was yet to be vetted from the Public Prosecutor, a communication was received from the Assistant Inspector General of Police, Crime Zonal, Police, dated 11.07.2017 directing the Senior Superintendent of Police, Amritsar (Rural) to put the file before him and the file is now with the Assistant Inspector General of Police.

Thereafter, another affidavit dated 17.10.2019 was filed again by Deputy Superintendent of Police, wherein it was stated that the Director General of Police, Punjab, has entrusted the case to the Director Bureau of Investigation, Punjab vide order dated 19.03.2019 and consequently, Director Bureau of Investigation directed that the investigations be carried by the Special Investigating Team under Ms. V. Neerja, IPC, Inspector General of Police, Punjab, Rupnagar Range, Rupnagar, now Inspector General of Police, Community Policing, Punjab. The aforesaid Special Investigating Team has on conclusion of the investigation, submitted a report to the Director General of Police, Punjab, Chandigarh.

Since the report submitted by the Special Investigating Team was not produced, therefore, directions were issued to produce the same in the Court. The aforesaid report has been filed along with the affidavit of Director General of Police, Punjab, running into approximately 50 pages.

After the report was submitted, certain observations were made by the Director Bureau of Investigation and the Special Investigating Team

was directed to examine those observations also.

Pursuant thereto, the Special Investigating Team concluded its investigations. Ms. V.Neerja, IPS, Inspector General of Police, Community Policing, Punjab, thereafter, filed an affidavit dated 27.11.2019 giving details of investigations carried out. It has been concluded that upon investigations, the prosecution of the accused for commission of offences under Sections 447/448/452/148/149 IPC has been recommended. The Special Investigating Team was also directed to carry out investigations in 2 other connected FIRs i.e. FIR No.36, dated 16.04.2018 and FIR No. 112, dated 25.09.2018. With regard to FIR No.36, dated 16.04.2018, Special Investigating Team has recommended filing of the closure report and also recommended departmental action against Inspector Paramjit Singh and Hardev Singh for delay in taking action as per law on the day of incident itself.

Now the petitioner has filed affidavit vide CRM-37113 of 2019 alleging that Inspector General of Police, has herself changed the members of the Special Investigating Team and the investigations carried out by her is biased as the concerned Station House Officer i.e respondent no.5 Paramjit Singh has remained posted as Personal Security Officer to the in-charge of the Special Investigating Team.

Once these allegations were made State counsel made a statement that the aforesaid allegations are factually incorrect and the concerned officer would like to appear in person before the Court. Petitioner was specifically cautioned that if his assertions are found false, he would be burdened with costs of Rs.10,00,000/-. The order passed on 28.11.2019 is extracted as under:-

Status report by way of affidavit of V.Neerja, IPS, Inspector General of Police, Community Policing, Punjab has been filed in the court today, which is taken on record. Copy supplied.

Learned counsel for the petitioner, on instructions from the petitioner, who is present in Court, has stated that the concerned Station House Officer Paramjit Singh, was PSO of Inspector General of Police V.Neerja,IPS, while she was posted as Senior Superintendent of Police.

This facts is denied by learned counsel appearing for the State. He submits that he has taken specific instructions in this regard.

Petitioner, who is present in Court has been warned and cautioned that if the statement made is found factually incorrect, he shall be burdened with costs of at least Rs.10,00,000/-. He insists.

Learned State counsel submits that Inspector General of Police, Punjab, wishes to appear before the Court, on 29.11.2019.

To be listed in urgent at Sr. No.101.”

Ms. V.Neerja, IPS, Inspector General of Police, Community Policing, Punjab, has put in appearance and has stated that Paramjit Singh has never remained posted as her Personal Security Officer. For perusal of the Court, entire service record of Paramjit Singh-respondent no.5, has been produced.

Assistant Inspector General of Police (Personnel) has also filed an affidavit dated 28.11.2019, stating that Paramjit Singh, respondent no.5, has never remained posted as Personal Security Officer with Ms. V.Neerja, IPS, Inspector General of Police, Community Policing, Punjab or in her personal staff.

Petitioner has further pointed out that Ms. V.Neerja, IPS, Inspector General of Police, Community Policing, Punjab, has changed the members of the investigating team herself which is again factually incorrect as would be clear from the letter annexed by the petitioner himself dated 07.03.2019 addressed by Inspector General of Police, Rupnagar Range,

Rupnagar (Ms. V. Neerja, IPS, Inspector General of Police, Community Policing, Punjab) to Director, Bureau of Investigation (Punjab), Chandigarh, seeking permission for change in view of the circumstances explained, which are extracted as under:-

“2.The undersigned along with Shri Kunwar Vijay Partap Singh (IPS) went to the spot one time and investigation was conducted where police party and opposite party were heard. Thereafter, Shri Kunwar Vijay Partap Singh (IPS) couldn't give time for investigation of above mentioned cases as he became busy in Special Investigation Team related to Behbal Kalan Firing Incident while the other member of SIT Shri Sandeep Goyal (PPS) neither came at the time of spot investigation nor coordinated with undersigned regarding the investigation.

3. It is therefore requested that in place of said two members in the Special Investigation Team constituted by your office vide above mentioned order for investigation of subject cited cases, Shri Surinder Kumar Kalia (IPS), D.I.G. (Admin), P.A.P., Jalandhar and Shri Jagmohan Singh (PPS), D.G.P. (Operation % Security), Amritsar, be nominated as members, so there cases may be disposed at the earliest.”

Petitioner is a retired District Attorney. It is expected that an educated officer, who is well versed the working of the Courts, is at least expected conduct himself in a responsible manner. Before levelling allegations/imputations against senior officer and that also in the Court of law, particularly when the petitioner is not certain about the facts, cannot be permitted.

In these circumstances, this Court places its displeasure regarding conduct of the petitioner. As noticed above, the grievances made

by the petitioner already stands redressed as Director Bureau of Investigating, Punjab, is examining the entire file and has got the investigations carried out in his supervision from a Special Investigating Team consisting of senior officers.

While dismissing the petition as having been rendered infructuous, the petitioner is burdened with costs of Rs.10,00,000/- as indicated in order dated 28.11.2019, which shall be deposited with the 'Poor Patients Welfare Fund' of the Post-graduate Institute of Medical Education and Research (PGIMER), Chandigarh, personally or through its website “www.pgimer.edu.in” and produce the receipt duly verified by his counsel before the Registrar General of this Court.

Let entire service file of Paramjit Singh-respondent no.5, be returned to the Additional Advocate General, Punjab, against proper receipt.

November 29, 2019
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No