

BHUPINDER SINGH

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

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

Mr. D.S. Sukarchakaia, DAG, Punjab.

Mr. Brijesh Nandan, Advocate for respondent No.2.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking a fair investigation in FIR No.6, dated 06.01.2018, under Sections 302 and 120-B of the Indian Penal Code ('IPC' - for short) besides Sections 25 and 27 of the Arms Act, 1959, registered at Police Station City Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner contends that it was mentioned in the FIR, which has been registered by Inspector Harit Sharma, Police Station City Tarn Taran, that on 06.01.2018 while he along with other police officials was patrolling, he had received information that in a wedding ceremony at Dhillon Resorts, Amritsar Road, Tarn Taran, some persons had started firing with their weapons during the function. It was also mentioned that Jaspal Singh son of Narvail Singh while dancing under the influence of liquor started firing from his pistol and a shot fired from his pistol had hit Amardeep Singh. The shot had hit his left arm and had cut through his ribs and he was taken to Guru Nanak Dev Super Speciality Hospital, Tarn Taran for treatment, but he expired on the way.

Learned counsel for the petitioner contends that although FIR had been registered under Section 302 IPC wherein it was specifically mentioned that the shot fired by the accused had hit the deceased but later on in order to help the accused, the SHO, Police Station Tarn Taran had deleted Section 302 IPC and instead added Section 304 IPC in the FIR. He has also completely changed the version of the FIR from the one stated earlier.

In view of the seriousness of the matter, this Court on 29.05.2019 had directed Mr. Prabodh Kumar, Additional Director General of Police, Crime to inquire into the matter as to how and on what basis the SHO could delete Section 302 IPC and change the version of the FIR.

Learned State counsel has filed affidavit of Shri Prabodh Kumar, IPS, Director, Bureau of Investigation, Punjab, Chandigarh. The same is taken on record. It is mentioned in the affidavit that on examination of the police file, it was revealed that the investigation of the case has not been conducted as per law and several lapses were noticed in the investigation conducted by the police, which are set out hereunder:-

“(i) No recovery of strewn blood sample(s) or bullet was made from the spot of incident.

(ii) No family member of the deceased Amardeep Singh was joined in the investigation to ascertain whether he had any enmity with the accused Judgepal Singh.

(iii) Bullet recovered from body of the deceased was taken into police possession, but the same was not sent to Forensic Science Laboratory for its examination to ascertain its calibre etc.

(iv) No photography or videography of the function was taken into possession on the police file.

(v) Offence under Section 302 IPC was deleted from the abovesaid FIR on the basis of statements of some persons recorded about three months after the incident, by SI Manjinder Singh, SHO Police Station City Tarn Taran. The versions, recorded in the statement of Lovepreet Singh Lovely vis-a-vis subsequent statements recorded by SI Manjinder Singh, are totally different.

(vi) No efforts were made to verify whether the persons, whose statements have been recorded by SHO/SI Manjinder Singh, were present at the spot of incident by ascertaining the same from their Mobile phone tower locations etc.

(vii) Although offence under Section 302 IPC was deleted and Section 304 IPC was added to the abovesaid FIR, but the Halqa G.O. has not given any supervisory Case Diary in this regard.

(viii) As per Punjab Police Rules, this was a Special Reported case, but no Special Report was sent to senior officers in this case.”

It is also stated that proper investigation was not conducted, particularly by SI/SHO Manjinder Singh against whom FIR No.76 dated 11.04.2019 under Section 7 of the Prevention of Corruption Act, 1988, has been registered for taking bribe of ₹7 lacs. He has been dismissed from service by SSP, Amritsar (Rural) vide order dated 12.04.2019. It is further stated that directions have been issued to the IGP/Border Range, Amritsar to constitute a Special Investigation Team under his supervision to investigate the instant case and take it to its logical conclusion and to fix responsibility for the lapses in the investigation.

In view of the affidavit filed by the officer and the action taken towards the fair investigation into the matter by constituting Special Investigation Team, no further directions are called for at this stage.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

July 12, 2019
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No