

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-26920-2018 (O&M)

Date of decision : 08.07.2019

Balwinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikasdeep Singh, Advocate for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional A.G. Punjab.

ANIL KSHETARPAL, J. (ORAL)

Petitioner who is sister of the deceased prays for issuance of direction to conduct investigation against respondent Nos.4 to 13.

Notice in the petition was issued. Reply by way of affidavit of Deputy Superintendent of Police, has been filed. It has been pointed out that the mother of the deceased had also filed similar petition which was disposed of by passing the following order on 12.09.2017, which is extracted as under:-

“Notice of motion.

[2]. On the asking of the Court, Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent Nos.1 to 4.

[3]. In this petition, the petitioner seeks a direction upon respondent Nos.2 to 4, who are all Police Officials to inquire into the death of her son and take appropriate action against private respondent Nos.5 to 11 in accordance with law.

[4]. Her allegation is that her son was murdered at the instance of the private respondents as he was allegedly in an intimate relationship with the daughter of respondent No.5, who did not approve of the same. His death was however sought to be passed off as suicide by the concerned authorities.

[5]. Without commenting on the merits of the petitioner's allegation, the present petition is disposed off with a direction upon respondent No.2 to pass a speaking order on the petitioner's representation dated 03.07.2017 (Annexure P-3) within a month from the date of communication of this order. ”

Learned counsel for the State has pointed out that as directed representation has already been decided. It has further been pointed out in the affidavit that police has carried out the investigation and the allegations as levelled in the petition are not correct. Relevant part of the affidavit is extracted as under:-

“3. That it is further submitted that in the statement dated 27.03.2016 got recorded by the petitioner before ASI Naresh Kumar, Incharge Police Post Kairon, Police Station Sadar Patti, District Tarn Taran stating therein that mother of the petitioner told her that from few days Prabhjot Singh was under stress / depression and tension and he did not disclose anything to anybody else, but now the petitioner is leveling false & frivolous allegations of murder of her brother Prabhjot Singh against the private respondent no.s 4 to 13. Therefore the present petition deserves to be dismissed.

4. That the petitioner has concealed the true and material facts from this Hon'ble Court, as earlier Jagir Kaur widow of Shangara Singh (Mother of present

petitioner Balwinder Kaur) and Balwinder Kaur Sarpanch w/o Kabal Singh r/o Lauhka had filed a CRM-M-33720 of 2017 by way of leveling false allegations against respondent no.s 5 to 11 i.e. Nirvail Singh s/o Surjan Singh, Ravinder Kaur d/o Nirvail Singh, Lovekirat Singh @ Saini s/o Buta Singh, Sukhpreet Singh s/o Swaran Singh, Parkash Singh s/o Pargan Singh, Major Singh s/o Atma Singh and Bhupinder Singh s/o Gulzar Singh, all r/os Lauhka, Tehsil Patti, District Tarn Taran qua the murder of her son namely Prabhjot Singh and the above said petition was disposed off by the Hon'ble High Court vide order dated 12.09.2017. Copy of the order dated 12.09.2017 passed by the Hon'ble Mr. Justice Sudip Ahluwalia Judge of the Hon'ble High Court is annexed herewith as ANNEXURE R-3. Besides the above mentioned petition, Jagir Kaur mother of Balwinder Kaur present petitioner had also filed a C.O.C.P. no.3209 of 2017 in CRM-M-33720 of 2017 for disobeying the order of the Hon'ble High Court and the said Contempt petition was duly replied by the Senior Superintendent of Police, Tarn Taran mentioning therein that the respondent has fully obeyed the order dated 12.09.2017 passed by the Hon'ble High Court of Punjab & Haryana at Chandigarh in CRM-M-33720 of 2017. It is pertinent to mention here that after the receipt of the order dated 12.09.2017 of the Hon'ble High Court, Sohan Singh, PPS, DSP Sub Division Patti was directed to investigate the matter and to take necessary action immediately in pursuance of the order of the Hon'ble High Court at Chandigarh dated 12.09.2017. DSP Patti, made the report that Jagir Kaur is not residing in village Lauhka and it was also found that Jagir Kaur is mentally upset and she used to left her house on her own without informing anyone and anybody of her family or anyone from the village knew her whereabouts. The rapat no.13 dated

12.10.2017 and rapat no.14 dated 19.10.2017 had been got entered in this respect at police post Kairon. The petitioner no.2 Balwinder Kaur Sarpanch has got recorded her statement that she has not filed any writ petition against anybody and she does not know anything about the petition. Ranjit Kaur w/o Harpal Singh d/o Jagir Kaur was joined and she has got recorded her statement that her brother Prabhjot Singh was having no relationship with Ravinder Kaur d/o Nirvail Singh r/o Village Lauhka, Tehsil & District Tarn Taran and they have no grudge against the family of Nirvail Singh nor they want to take any action against them nor they have filed any writ before the Hon'ble High Court. During inquiry it was found that Prabhjot Singh died on 27.03.2016 at village Lauhka by hanging himself in his house and proceedings under section 174 Cr.P.C. were initiated at police party Kairon. And it was also found that Nirvail Singh was having no fault about the death of Prabhjot Singh and the allegation leveled against Nirvail Singh found to be baseless and the above said C.O.C.P. no.3209 of 2017 is still pending before the Hon'ble High Court for 14.01.2019. Therefore the present petition deserve to be dismissed.”

In view thereof, present petition is disposed of by relegating the petitioner to avail alternative remedy.

08.07.2019*Pawan***(ANIL KSHETARPAL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**