

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

CRM No.M-29032 of 2015 (O&M)

Date of Decision: April 30, 2019

Tarun Kumar and another

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Bains, Advocate
for the petitioners.

Ms.Monika Jalota, DAG, Punjab
for the respondent-State.

Mr.K.S.Sidhu, Advocate
for respondents No.4 to 7.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. against State of Punjab and other respondents, for appropriate directions to respondents No.1 to 3 to initiate criminal as well as departmental proceedings against erring officials i.e. respondents No.4 to 7, who have turned into criminals and tortured and beaten youngsters without having any fault and they failed to discharge their duty as per law, on contrary to that, they have taken law in their own hands within four walls of police station.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondents No.4 to 7 appeared and contested the

petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

The perusal of the record shows that this Court, after hearing learned counsel for the parties, vide order dated 25.09.2018 had given the direction to the SSP, Moga, to get the matter enquired from a senior officer of the rank of Superintendent of Police, as per law and to submit the report within three months. Earlier to this order, an enquiry was conducted by DSP, in which, the complaint of the present petitioners was found false. Now, as per directions of this Court, enquiry was got conducted from Superintendent of Police (Investigation), Moga and detailed report has been given by stating that the contents of the complaint have been found incorrect.

At the time of arguments, it has been argued that the doctor says that the injury is within six hours, which is not in consonance with the version of present petitioner. Learned State counsel as well as learned counsel for the private respondents further argued that during enquiry, statements of Sarpanch and so many independent persons have been recorded but no such occurrence was found to have occurred. Again, it is in the enquiry report that father of one of the petitioner, who stated that he has paid bribe, has also not been examined before the Inquiry Officer to prove the facts. They also argued that if beatings were given to the petitioners by the police in the Police Station, then why they have not got themselves medico legally examined immediately and why till now, they have not filed criminal complaint before the Court. Learned State counsel as well as learned counsel for private respondents contended that version of the petitioners looks unnatural. When Head Constable is sitting in the car itself

and he struck the car into a tree, there is every chance of that police official getting injured and such act can be suicidal and no ordinary person will do such type of act. Just to cause damage to the car, why he will risk his own life.

On the other hand, learned counsel for the petitioners argued that police is conniving with the accused and all these statements and enquiry got conducted by the police officials, are concocted one.

After hearing learned counsel for the parties as well as learned State counsel and after going through the record, I find that two enquiries, i.e. one earlier by DSP and second one by officer of the rank of SP, have been conducted and they have not found the truth in the occurrence. At this stage, this Court has no material to disbelieve the Panchayat members, Sarpanch etc., whose statements have been recorded. The submissions made by learned State counsel as well as learned counsel for the private respondents, have merit. This Court, at this stage, cannot give the findings of fact on merits regarding the occurrence. As the matter has been got enquired as per the directions of this Court, therefore, no further action is required in this petition and the same is dismissed.

However, the petitioners are at liberty to avail remedies, as per law, if so advised. It is further made clear that nothing stated above, in any way, shall constitute my opinion on merits of the case i.e. regarding the occurrence.

April 30, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No