

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27245-2019

Date of Decision: 24.07.2019

Balkar Singh and others

.....Petitioners

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vinod S. Bhardwaj, Advocate,
for the petitioners.

Mr. Pawan Girdhar, Addl. A.G., Haryana with
Mr. Ravi Partap, AAG, Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order of this Court dated 25.06.2019, an affidavit of Sh. Manoj Yadava, Director General of Police, Haryana, has been filed in Court today by learned State counsel, with a report in a sealed cover by way of an affidavit of Sh. B. Satheesh Balan (stated to be posted as the DIG, Special Task Force at Gurugram), also put up to this Court, which has been perused and returned, in view of the fact that investigation is going on and details with regard to what has been revealed in the investigation so far, have been given in the said report, which is not considered appropriate to be reproduced.

The affidavit of the DGP, amongst other things, states that an examination of the DDR lodged at the instance of petitioner no. 3 (who was the supervisory officer of the Police Post where the DDR was registered, i.e. Police Post Sector 5, Kurukshetra), shows that contradictions are found between the

contents of the DDR entry and the statement given by petitioner no. 3 to the SP, Kurukshetra. Thereafter, an FIR was registered against the petitioners. (Petitioner no. 2 is the husband of petitioner no. 3, with petitioner no. 1 stated to be a family friend of petitioners no. 2 and 3, as per learned counsel for the petitioners).

A report is also stated to have been sent to the State Government for taking departmental action against petitioner no. 3, with her services having been placed under suspension by the Government thereafter.

Lastly, it is stated in the affidavit of the DGP, that the DDR entry and preliminary enquiry conducted by the SP, Kurukshetra, are a part of the police file (with the matter under investigation by a Special Investigation Team headed by Mr. B. Satheesh Balan.

Learned counsel for the petitioners submits that there are obvious contradictions in even the complaint made by the complainant (Gurmeet Singh) and the enquiry/investigation stated to have been conducted, the most glaring one being that though the complainant stated that his phone has been snatched by petitioner no. 3 from him and she had removed two sim cards from the mobile, which cards she broke, yet, thereafter, the phone is stated to have been recovered from the complainant himself, with the explanation given that it had been picked up from the washbasin by him and thereafter handed over to the police.

Upon query, learned State counsel, on instructions from Mr. Balan, who is present in Court, submits that as a matter of fact the data was found to be deleted on phone, with the phone sent to the laboratory to try and retrieve such data.

Upon query to Mr. Balan he submits that presently at least, though the investigation is underway, the custodial interrogation of the petitioners is not required.

That being so, this petition, seeking the concession of anticipatory bail to the petitioners, is rendered infructuous and is disposed of as such; but with a direction to the petitioners to ensure that they continue to join investigation as and when summoned and duly co-operate with such investigation and further to abide by all conditions stipulated in sub-section (2) of Section 438 of the Code of Criminal Procedure.

Naturally, if the investigation team find any violation of the aforesaid conditions by any of the petitioners, they would be at liberty to move an appropriate petition/application seeking their remedy.

The report submitted in a sealed cover, has been returned to the DIG present in Court.

July 24, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.