

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

CRM-M-39459-2018 (O&M)

Date of decision: 12.03.2019

Gurmeet Kaur and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioners.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Ranjivan Singh, Advocate
for respondents No.4 & 5.

Ms. Gagandeep Kaur, Advocate
for respondent No.6.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of directions to respondents No.1 & 2 to protect the lives and liberty of the petitioners at the hands of respondents No.4 to 8.

It is worth noticing here that respondent No.6 Bikramjit Singh is presently posted as Chief Judicial Magistrate, Moga and this Court, vide order dated 11.09.2018, has called for the comments of the concerned officer. Respondent No.6 has submitted the following comments in response

thereof: -

“With reference to your honour’s letter No.2408/EB dated 26.09.2018 on the subject cited above, at the outset, it is respectfully submitted that false, frivolous and unfounded allegations have been made by the petitioners against the undersigned just to malign my reputation. I have been arrayed as respondent No.6 along with my old aged parents who are arrayed as respondents No.4 to 5 in the petition. The undersigned has nothing to do either with the incident that took place on 11.03.2018 or the persons involved in the killing of late Shri Gurdev Singh who was none else but the real uncle (chacha) of the undersigned for whom I had great regards and the undersigned could not even think in his wildest dream of causing any hurt to my uncle. The allegations that the undersigned “started hushing up the matter on one pretext or the other and that the private respondents threatened the petitioners that in case they point any finger towards them qua the murder of their father, then they all would also be finished like his father” are absolutely baseless. In fact as per the knowledge of the undersigned the person involved in the murder of late Shri Gurdev Singh, have been arrested by the police and now they are in judicial custody. The undersigned never influenced or interfered with the investigation of the case. There is no reason whatsoever for the undersigned to

nurse a grudge against the petitioners (No.2 to 6) who are first cousins of the undersigned. In any case, the undersigned would not have been benefited in any way as there is no property dispute or otherwise. The undersigned is a responsible officer and I never misused my official position either to influence or interfere with the investigation in the matter. Petitioners be put to substantiate the allegations made in the petition which are nothing but sheer imagination of thoughts.

Submitted please.

*Yours sincerely,
Sd/-
(Bikramjit Singh) PCS
Chief Judicial Magistrate,
Moga”*

With the assistance of learned State counsel, I have gone through the contents of the petition. In paras No.9 & 11 of the petition, it is stated that Bikramjit Singh is trying to hush up the matter, as he is common relative.

Reply by way of short affidavit of Deputy Superintendent of Police, Sub Division, Sri Muktsar Sahib is on record and in para No.7 of this reply, the following averments are made: -

“That after the notice of this Hon’ble Court, with the directions of SSP Sri Muktsar Sahib, the inquiry of the representation (Annexure P-2) filed by petitioner No.2 Gurcharan Singh was conducted by ASI Jagdish Singh. During inquiry, the petitioner No.2 Gurcharan Singh and his mother

Gurmeet Kaur petitioner No.1 produced the typed statements before the inquiry officer and it was stated that they did not file any written representation before the SSP Sri Muktsar Sahib but orally requested SSP Sri Muktsar Sahib regarding the above said case. The respondent no.4 Darshan Singh Atwal also produced the typed statements of himself and his son Bikramjit Singh (respondent no.6) resident of 64-Phase-6 Mohali now resident of Moga and the respondent Minakshi wife of Baldev Raj resident of Bagwali Gali, Sri Muktsar Sahib was also got joined in inquiry and her statement was also recorded.”

Learned State counsel has submitted that in the enquiry, it is found that petitioner No.2 Gurcharan Singh is residing with his family at Sri Muktsar Sahib and his uncle/taaya (father's brother) Darshan Singh Atwal is residing at Mohali with his family and respondent No.6 is his son, who is posted at Moga. It is also found that respondent No.7 Meenakshi wife of Baldev Ram, after the death of Gurdev Singh, is not having any concern or visiting terms with the family of Gurcharan Singh. It is further stated that after the enquiry report was submitted by ASI Jagdish Singh, the SSP, Sri Muktsar Sahib directed that the same be verified by DSP, Sri Muktsar Sahib. Thereafter, the DSP verified the enquiry conducted by ASI Jagdish Singh and approved the same, which was finally approved by the SSP, Sri Muktsar Sahib.

Considering the aforesaid submissions, the explanation given

by the Chief Judicial Magistrate, Moga and affidavit filed by DSP, Sub Division Sri Muktsar Sahib and also in view of the fact that the petitioners have themselves given a statement before the enquiry officer that they have not filed any representation before the SSP, present petition is dismissed.

12.03.2019
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

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