

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

CRM-M-18741-2018 (O&M)

Date of decision : 01.10.2019

Sarabjit Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. M.J.S. Bedi, Advocate for respondent Nos.5 to 7.

Mr. S.S. Sandhu, Advocate for respondent-CBI.

ANIL KSHETARPAL, J. (ORAL)

This petition has been filed for issuance of directions to the official respondents to conduct fair and impartial investigation.

Keeping in view the nature of the allegations, Inspector General of Police, Bathinda, was directed to file affidavit.

Detailed affidavit, as directed has been filed giving out the details of the investigation carried out by the Investigating Agency.

Relevant part of the affidavit is extracted as under:-

“11. That Jagsir Singh neighbourer who visited the spot immediately after receiving a phone call and did not notice whether Sarabjit Kaur complainant was present at the spot or not whereas Dalip Kaur was crying at the spot and dead

body of Mohinder Singh was also lying on a cot. Thereafter ASI Manjinder Singh also visited the spot and found Kulwant Kaur younger daughter of Mohinder Singh, Dalip Kaur wife of Mohinder Singh and Jagsir Singh neighbourer were found present in the house of late Mohinder Singh. If Sarabjit Kaur was present at the spot, then she might be disclosed to Jagsir Singh as well as ASI Manjinder Singh regarding the entire alleged occurrence.

12. That from the investigation the following points have been raised:-

(i) That during the preliminary investigation of the case one application was presented before Deputy Superintendent of Police, Sub Division, Phul by the residents of village Kararwala in respect of Gurdeep Singh, Hardeep Singh and Sukhdev Singh, in which it has been alleged that Jaman Singh and others inflicted injuries to Gurdeep Singh and Sukhdev Singh, so a case FIR No. 105 dated 30.10.2017, under section 452,325,324,323,427/34 IPC was registered at P.S. Rampura against Jaman Singh and others and Gurdeep Singh, Hardeep Singh, Sukhev Singh have been named as accused in the present case to pressurize them for a compromise.

(ii) That as per the call detail reports/locations Gurdeep Singh, Hardeep Singh were found present in their houses in between 8:00 PM to 11:00 PM. When Jaman Singh started contacting them through his mobile phone, then both Gurdeep Singh and Hardeep Singh gave information to the respectables of village Kararwala that Jaman Singh is blaming them for inflicting injuries to his father, whereas Gurdeep Singh, his brother Jagdeep Singh and their mother Jasvir Kaur remained in the house of Baldev Singh Nambardar, resident of Bhag Singh throughout the night hours on 29.12.2017.

(iii) *That as per call detail report of mobile phone No. 64634-32246 of Sarabjit Kaur and mobile phone No. 78370-06757 which was used in the house of Jaman Singh, no mobile call was made from the above said mobile phones to Jaman Singh on 29.12.2017 neither any information was given to the respectables regarding the murder of Mohinder Singh.*

(iv) *That as per the call detail report of mobile phone number of Sarabjit Kaur, she was found present in village Kararwala from 25.12.2017 to 26.12.2017 whereas she was found present in village Bhalaiana from 28.12.2017 to 30.12.2017 upto 6:10 AM.*

(v) *That if it is presumed that mobile phone of Sarabjit Kaur left in her matrimonial house at village Bhalaiana and she was present on the spot at the time of the alleged occurrence, if she was present at the spot then she might have disclosed the entire occurrence to neighbour Jagsir Singh who came to the spot first of all and thereafter she also might have disclosed the entire occurrence to ASI Manjinder Singh who came to the spot after Jagsir Singh. Statement of Sarabjit Kaur as well as call detailed report of her mobile phone cast a serious doubt on her conduct, rather this fact proves that Sarabjit Kaur got registered the present case on the basis of false statement.*

(vi) *That as per the version of Jagsir Singh who came to the spot first of all and found that Dalip Kaur mother of Jaman Singh was crying all alone at the spot and the dead body of Mohinder Singh was lying on a cot. Jagsir Singh also showed his ignorance regarding the presence of complainant Sarabjit Kaur at the spot. Thus it proves that complainant Sarabjit Kaur was not present at the spot.*

(vii) *That ASI Manjinder Singh also disclosed that when he visited the spot, then younger daughter Kulwant Kaur, her*

mother Dalip Kaur and neighbourer Jagsir Singh were found present near the dead body of Mohinder Singh and Sarabjit Kaur was not found present at that time.

(viii) That from the investigation it is found that a case FIR No.105 dated 30.10.2017 under section 452,325,324,323,427/34 IPC, P.S. Sadar Rampura is registered against Jaman Singh and got registered the present case against Gurdeep Singh and others due to the said enmity so that a message may be given to the public that Jaman Singh inflicted injuries to Gurdeep Singh and others prior to the present occurrence and now Gurdeep Singh and others inflicted injuries to Mohinder Singh with the intention to take revenge.”

Learned counsel for the State has also informed the Court that final report under Section 173 Cr.P.C. has already been submitted in the competent Court.

In view of the aforesaid, petitioner is relegated to the remedy before the Court where final report has been filed.

In view of the above, the present petition is disposed of.

01.10.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No