

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-14177-2018 (O&M)
Date of Decision:- 2.3.2020

Jaspal Singh @ Pala

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harchand Singh Batth, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking issuance of a direction to respondents No.1 and 2 to constitute a Special Investigating Team headed by IPS Officer so as to conduct investigation in the matter pertaining to FIR No.19, dated 16.2.2018, Police Station Harike, District Tarn Taran, under Section 307/34 of IPC and under Section 25 of Arms Act and under Sections 21 and 22 of NDPS Act.
2. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that although the alleged occurrence is stated to have taken place a few yards away

from the Police Station Harike but no official of the said police station was associated at the time when the alleged encounter took place and it remains unexplained as to how a police party of the Police Station Chohla Sahab was present at the spot.

3. It has further been submitted that although the police claims that they were riding on private vehicles but the registration number of the said vehicles are not forthcoming which also creates doubts in the case of the prosecution.
4. Learned counsel has further submitted that in fact it is a case where the petitioner had been apprehended from Bus Stand Harike and was taken to CIA Staff Tarn Taran, where he was subjected to 3rd Degree torture and when the parents of the petitioner came to know about the same and visited the hospital where the petitioner had been taken, they were threatened by the police and they were warned that in case they highlighted the matter, they would be implicated in false cases. Learned counsel has further submitted that in fact the parents of the petitioner were implicated in FIR No.25, dated 17.2.2018, Police Station Goindwal Sahib, District Tarn Taran, under Sections 212, 216, 120-B IPC.
5. Opposing the petition, the learned State counsel has submitted that a special *nakabandi* (picketing) was held on 16.2.2018 i.e. on the day of occurrence under instructions from Senior Superintendent of Police by Inspector Chander Bhushan Incharge CIA Staff, Tarn Taran and SI Sukhraj Singh SHO Police Station Chohla Sahib along with other police officials and that in terms of Rule 21.35 of Punjab Police

Rules, 1934, the In-charge of CIA has jurisdiction over the whole of the District for controlling the crime and to carry out the preventive operations. Learned State counsel has further submitted that in any case consequent upon investigation of the case challan already stands presented and as on date 8 out of the cited 21 PWs have been examined. It has further been submitted that the present case is a case where one of the police official was injured having been fired at by the accused and that in these circumstances it cannot be said that the petitioner has been falsely implicated.

6. Learned State counsel has further submitted that the petitioner is a habitual offender having been involved in 6 other cases, the details of which are as follows:

- “1. FIR No.35, dated 29.4.2015, under Sections 25, 27, 54, 59 Arms Act, Police Station Goindwal Sahib, District Tarn Taran.
2. FIR No.130, dated 24.11.2015, under Sections 382, 511 IPC, Sections 25, 27, 54, 59 Arms Act, Police Station Goindwal Sahib, District Tarn Taran.
3. FIR No.282, dated 16.8.2015, under Sections 15, 61, 85 of NDPS Act, Sections 25, 27, 54, 59 Arms Act, Police Station Kanera, Rajasthan.
4. FIR No.136, dated 18.10.2017, under Sections 392, 395, 342, 506, 411 IPC, Sections 25, 27, 54, 59 Arms Act, Police Station Goindwal Sahib, District Tarn Taran.
5. FIR No.21, dated 6.4.2016, under Sections 302, 120-B, 379, 148, 149 IPC, Sections 25, 27, 54, 59 Arms Act, Police Station Goindwal Sahib, District Tarn Taran.

6. FIR No.197, dated 19.5.2017, under Section 222 of IPC, Police Station D-Diwana, District Nager, Rajasthan.”
7. I have considered rival submissions addressed before this Court. Keeping in view the facts and circumstances of the case which reveal that apart from the factum of recovery of weapons and contraband from the petitioner, one of the member of the police party was also injured who was fired at by the accused, it cannot be said at this stage that it is a case of false implication. Further since it is a case where special *nakabandi* had been held under instructions from the Senior Superintendent of Police wherein some members of CIA Staff has also been associated, it cannot be said that the police officials did not have territorial jurisdiction over the area where the occurrence had taken place.
8. Further the investigation in the present case has already been concluded and as on date 8 out of cited 21 PWs have already been examined and that in these circumstances, this Court does not find any ground for ordering fresh investigation at this stage or for constituting any Special Investigating Team.
9. The petition is sans any merit and the same is hereby dismissed.

March 2, 2020
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No