

118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No. 3683 of 2020
Date of Decision: 12.06.2020

Harmesh Lal

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ankur Bansal, Advocate, for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks protection of life and liberty at the hands of respondents no. 4 and 5, who are shown to be a Sub-Inspector and an ASI of Police Station Mehatpur, District Jalandhar.

Learned counsel for the petitioner submits that upon FIR No. 106 dated 22.05.2020 having been registered at the said police station against one Charanjit Singh, who is a resident of the petitioners' village, the house of Charanjit Singh was raided on the same day by a police party from the said police station and though nothing was recovered from Charanjit Singhs' house in the presence of the petitioner, however, the petitioner was made to sign a blank paper, though in the FIR it has been recorded that though no neighbours became independent witnesses, the petitioner, Harmesh Lal, became an independent witness in the process of such recovery.

He further submits that thereafter the petitioner made a representation to the Commissioner of Police, Jalandhar (copy Annexure P-2), stating therein that a

false and frivolous FIR has been registered against Charanjit Singh and that no contraband was found in the house of Charanjit Singh, with a false recovery of 50 kgs having been thereafter planted upon him.

It has been further stated that when the house of Charanjit Singh was first searched, the petitioners and other persons were standing outside his house at which point no recovery was made, but thereafter the police again came to the house and took the signatures of the petitioners on a blank paper, on account of personal enmity between Charanjit Singh and respondents no. 4 and 5.

He next submits that upon the said representation having been given to the Commissioner, it was marked down to the Deputy Superintendent of Police, in-charge of the Sub-Division in which Police Station Mehatpur falls.

He then submits that since the recovery of contraband in that Sub-Division is very low, false cases are being planted on different people simply to 'make the statistics look good'.

Consequently, he submits that the representation of the petitioner be dealt with by somebody above the rank of a Deputy Superintendent of Police.

Whereas obviously this court will not accept anything simply on its face value just because the petitioner has said so, and eventually whether or not the petitioner was a true witness to any such alleged occurrence, is something to be proved before the trial court, if the matter goes to trial, however, at this stage simply to try and ensure that justice is seen to be done, notice of motion is issued, with Mr. Beniwal, learned AAG, Punjab, accepting notice on behalf of respondents no. 1 to 3, at the asking of the court.

A copy of the petition be e-mailed immediately to Mr. Beniwal by learned counsel for the petitioner today itself, with five copies thereof to be provided

to the office of the Advocate General Punjab also, during the course of the day.

The petition is disposed of with a direction to the Commissioner of Police, Jalandhar, to have the representation of the petitioner inquired into by an officer of the rank of Superintendent of Police and to thereafter, take a decision thereon, within a period of 15 days from today.

It is made absolutely clear that this court has made no comment whatsoever, on the correctness or otherwise of the contentions raised by learned counsel for the petitioner.

It is further made clear that this order shall not be cited as a precedent to enable any litigant to say that every single case of an alleged recovery of contraband must be inquired into by an officer of the rank of a Superintendent of Police only.

In fact, this order has only been passed because learned counsel for the petitioner has very vehemently argued that the petitioners' signatures were obtained on blank papers by exercising coercion upon him.

To repeat, even that contention is not being commented upon on merits by this court, at all; and will be looked into by the Superintendent of Police appointed by the Commissioner of Police, Jalandhar, to inquire into the matter.

In the meanwhile, investigation in the FIR registered would go on unhampered by the enquiry to be conducted by a Superintendent of Police; and only if the SP finds any truth in the claim of the petitioner, would the Commissioner direct investigation/re-investigation accordingly.

June 12, 2020

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(AMOL RATTAN SINGH)

JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes