

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.107

CRM-M-22391-2020

Date of decision : 11.8.2020

Inspector Baljinder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Dr. Anmol Rattan Singh Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate, for the petitioner.

Mr. A.P.S. Gill, DAG, Punjab.

Mr. G.S. Brar, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner is an Inspector in Punjab Police. FIR No.106 dated 4.7.2020, came to be registered at Police Station City Khanna, District Khanna, under Sections 166-A, 295-A, 323, 342 IPC, Section 3 (1) (iv), 3 (1) (v) of the SC & ST (Prevention of Atrocities) Act, 1989, Section 67 of the Punjab Police Act, 2007 and Section 666 (E), 67 (A) of the Information Technology Act, 2000 after the complainant, namely, Jagpal Singh @ Jogi, approached this Court by way of criminal writ petition No.3160 of 2020. It was alleged therein that the said complainant had a land dispute with one Rajvir Singh @ Rubal. The petitioner has close relations with Rajvir Singh @ Rubal and in order to help him, he came to the land in dispute on 12.6.2019 and illegally picked up the petitioner, his minor son and a worker and took them to the police station, where, they were humiliated and tortured. A complaint dated 16.4.2020, was made to the Inspector General of Police, Ludhiana Range, whereupon, a Special Investigation Team (SIT) was constituted, but the said SIT had only directed initiation of disciplinary proceedings against the petitioner. The

complainant, his minor son and his worker were dealt with in a most inhuman and debased manner in the police station. A video was also recorded and uploaded on the internet. The police action amounts to existence of 'Jangal Raj' and such a situation cannot be tolerated in a society governed by rule of law. Thus, an FIR was required to be registered. Vide order dated 22.5.2020, the High Court directed constitution of a SIT and one was constituted with an Additional Director General of Police heading the same. It gave its report dated 24.6.2020, whereafter, the petition was disposed of. The report of the SIT found certain allegations against the petitioner to have been proved and recommended registration of the FIR.

Learned senior counsel appearing for the petitioner has taken me through the report of the SIT dated 24.6.2020 and has argued that the allegation, that the complainant, his son and a workman were illegally picked up on 12.6.2020 and kept in illegal confinement on the intervening night of 12.6.2019/13.6.2019, has been found to be false. The findings record wrong-doing on 13.6.2020 on which date the son of the petitioner was allegedly disrobed and video was recorded. The petitioner was not in office on the said date. According to the evidence led before the SIT, one Constable-Varun Kumar had admitted that he recorded the video on his mobile phone. Although, it has been found that the incident took place in the room of the petitioner, the presence of the petitioner has not been noticed. It is, thus, obvious that the complainant has tried to mislead the police by cooking up a false story. The petitioner is a highly decorated official and has earned many laurels in his long police service. Throughout the enquiry by the SIT, the petitioner had cooperated with it and will

continue doing so. No recovery is to be effected and thus, custodial interrogation of the petitioner is not desirable.

Learned State counsel submits that pursuant to registration of the FIR, the matter is being investigated by a SIT and challan is yet to be presented.

Learned counsel for the complainant argues that in the video uploaded by Constable-Varun Kumar, the petitioner can clearly be heard in the background. The phone of said Varun Kumar is in the possession of the petitioner and is required to be recovered. Very serious violation of basic human rights has been committed in the office of the petitioner and in his presence and thus, he does not deserve the concession of anticipatory bail.

In rebuttal, learned senior counsel appearing for the petitioner submits that the petitioner is cooperating with the investigation in every respect. In case, he is required to give his voice sample for establishing his presence at the time of the incident, he would do so, in accordance with law.

As is evident from the aforementioned submissions, the allegation against the petitioner is that he illegally detained the complainant, his son and a worker in the police station and treated them in an inhuman fashion. All this was done with the intention of helping out Rajvir Singh @ Rubal in his land dispute with the complainant Jagpal Singh @ Jogi. Though, in its report dated 24.6.2020, the SIT has not found any truth in the allegation that the complainant, his son and his worker were illegally picked up by the police on 12.6.2019, it has been found that the son of the petitioner was illegally detained in the police station on 13.6.2019 and disrobed. The petitioner and his worker was also disrobed in the presence of

each other and were humiliated. A video was recorded and was uploaded on the internet. All this was done in the office of the petitioner. Assuming that, the petitioner was not present during the incident, he cannot escape responsibility. As the Station House Officer, he is responsible for anything and everything that happens in his police station. From the evidence of SIT, it is evident that the police exceeded its mandate and tortured the complainant party. This is unacceptable in a society governed by the rule of law and needs to be dealt with a firm hand. Persons like the petitioner, do not deserve any kind of discretionary relief at the hands of this Court.

I find no merit in the petition and the same is accordingly, dismissed.

(SUDHIR MITTAL)
JUDGE

11.8.2020
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No