

209

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

CRM-M-17480-2021

Date of decision:16.11.2021

LOVEPREET SINGH ALIAS LAVI

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr.Parvez Chugh, Advocate
for the petitioner.

Mr.Bhupender Beniwal, AAG, Punjab.

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1 The petitioner is an accused in FIR No.122 of 03.10.2020 registered with Police Station Special Task Force, District STF Wing, embodied therein, are, offences under Sections 21/61/85 NDPS Act, and, Section 25 of Arms Act (Sections 25 & 29 of NDPS Act added later).

2. The petitioner herein, alongwith other co-accused are alleged to have committed the offences supra, as carried in FIR supra. Learned State counsel submits that this Court on 16.03.2021 had directed the petitioner to render his co-operation to the investigating officer concerned, on 22.03.2021 at 11:00 a.m., at Police Station Special Task Force, District STF Wing. However, learned counsel for the petitioner submits, that when he meted compliance with the afore made directions, the investigating officer concerned, alongwith other police officials of the police station supra, had made a brutal assault upon his person. Therefore, in the instant petition, the counsel for the petitioner has made

a challenge, to the fairness and impartiality of the investigations carried into afore mis-demeanour.

3. Though, in the reply to the petition furnished by the State, it has been detailed that, after investigations into the afore mis-demeanour, as, attributed to the police official concerned, becoming conducted, by the investigating agency concerned, it has been found that the allegations levelled by the petitioner are completely false, and, rather the injuries reflected in the MLR concerned, are self-inflicted. Consequently, in the reply, through an affidavit furnished to the petition, it has been candidly mentioned, that the allegations levelled by the petitioner against the police officials concerned, that on his appearing, before the investigating officer, on the date supra, rather his being put to illegal detention, and, also his being subjected to brutal beatings, are rather completely false. However, the learned counsel for the petitioner, has continued to make a submission, before this Court, that the MLR appertaining to the injuries hence is suggestive of police brutalities becoming perpetrated, upon, the petitioner. He also submits before this Court, that the petitioner holds possession of video clips detailing the presence of the relatives of the petitioner hence outside the premises of the police station.

4. This Court would have proceeded to accept the afore made submissions, for transfer of investigation from the investigation team concerned, to some other independent investigating team, only if, *prima-facie* in the MLR concerned, there is an opinion by its author, with respect to the injuries detailed therein, being a sequel of physical trauma or physical brutality being meted by the police officials concerned, upon, the person of the petitioner. However, Annexure P-7, does not detail therein, any opinion by its author, with respect to the injuries described therein, being a sequel of police brutalities becoming

perpetrated on the person of the petitioner. A perusal of the afore opinion of the author of Annexure P-7, especially tritely with respect to the injuries detailed therein, rather does reveal, that they are not a sequel of torture in police custody, and, rather even no probable reason for the injuries, is detailed therein. Therefore, the version on affidavit as put forth by the respondent-State, that the injuries supra, may be self-inflicted cannot come to be belied.

5. Though, the learned counsel for the petitioner submits before this Court, that the video clips of the relevant police station, as is possessed by the petitioner, though reveals the presence of the relatives of the petitioner, outside the premises of the police station concerned. However, he has fairly submitted, that the video clips, do not capture the presence of the petitioner inside the police station or of his being behind the bars. Obviously, since the capturing behind the bars, of the petitioner, in the video clips, was rather the most important incriminatory evidence, to sustain the allegations made in the petition, that the petitioner was unlawfully detained in the police station concerned, and, was subjected to police brutality. Therefore, in the absence of the afore picturing/ capturing in the video clips concerned, this Court, at this stage, finds it difficult to accept the afore made submissions, of the learned counsel for the petitioner.

6. Since, the petitioner, as submitted by learned State counsel, has committed the offence carried in FIR supra, and, also since he submits, that a report under Section 173 Cr.P.C. has been prepared, and, filed against the petitioner before the learned Magistrate concerned. Therefore, when, the lodging of the afore FIR against the petitioner, does not appear to be a sequel of any enmity or vendetta reared by the police officials concerned, against the petitioner. In sequel and apparently rather when the appearance of the petitioner

in the police station concerned, was a sequel to directions made upon him by the order supra, as made by this Court.

7. In view of above, there is no merit in the petition and the same is dismissed.

8. However, any observation made in this order, shall not bar the petitioner to present before the Senior Superintendent of Police, Ferozepur any credible electronic evidence or any credible videographic evidence, hence delineating therein, the existence behind the bars of the petitioner, on the relevant dates, in the police station concerned. In case the afore credible, electronic, and, videographic evidence becomes presented by the petitioner, before the Senior Superintendent of Police, Ferozepur, thereupon, the latter is directed to proceed to get the afore forthwith analyzed, and, examined by the laboratory concerned, and, shall also ensure that a fair and impartial opinion is rendered thereon, by the expert at the laboratory concerned. In case any incriminating opinion is rendered thereon, by the expert concerned, thereupon the Senior Superintendent of Police, Ferozepur shall proceed to draw appropriate proceedings, in accordance with law, against the erring police officers/police officials concerned.

(SURESHWAR THAKUR)
JUDGE

16.11.2021

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Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No