

CRWP-9556-2020

Date of Decision: 07.01.2021

Shashi Durwedi

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGHPresent: Mr. Manish Verma, Advocate
for the petitioner.

Mr. Saurabh Khurana, DAG, Punjab.

Mr. Sandeep Kumar, Advocate,
for respondent no.8.

Amol Rattan Singh, J. (Oral)

Case heard by video conferencing.

On December 07, 2020, the following order had been passed:-

“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.

Pursuant to the order dated 25.11.2020, a short affidavit of Sh. Rakesh Aggarwal, Commissioner of Police, Ludhiana, has been filed; firstly virtually denying any pressure from the police on the petitioner, further stating therein that the petitioner (and her husband) gave a signed statement to the effect that the police should desist from looking for her daughter till she herself got some information.

However, thereafter, it has been stated that the SHO and ASI Jora Singh/Zora Singh have been transferred out of the police station for showing insensitivity with regard to a missing girl and that an enquiry has been ordered, with an explanation also sought from the Additional Deputy Commissioner of Police who had filed an undated affidavit which was taken on record on 18.11.2020.

As regards the enquiries initiated, the Commissioner of Police, Ludhiana, will file another affidavit by the next date of hearing, as regards the progress made in the enquiries and if any attempt is found with regard to shielding the officers/officials, naturally, this court will pass appropriate orders in that regard, if necessary

As regards the petitioner herself giving a signed statement that she does not want the police to search for her daughter till she attempted to find her, learned counsel for the petitioner reiterates that he had already submitted earlier that in fact blank papers were got signed from the petitioner, under pressure, which this court would, more than just prima facie, tend to believe, because if that was the case, she would not have gone to the police station in the first place.

Further, he submits that as regards any efforts made to trace out the petitioners' daughter, the Commissioner states that police teams went to Sri Harmandir Sahib, Amritsar and 'Mata Chintpurni Temple', which was also stated by the Additional DCP in his undated affidavit.

Learned State counsel, at this stage, submits that he has oral instructions that a team of police officials has also been sent to Bihar to try and trace out the girl.

Whereas obviously that is to be appreciated, however all that has been done only after this court interfered, which should have been done far earlier. Further, what is not understood is that the mobile calls made by respondent no. 8, as also respondents no. 6 and 7, have not been attempted to be traced. This court would find it very difficult to believe that with the petitioner/her husband having those mobile numbers, they did not give them to the police officials, and that even if she did not give them, there would be no enquiry by the police itself with regard to such mobile numbers, with no effort made to trace out respondents no. 6 and 7 by obtaining their call details records.

Very obviously it has been a very shoddy investigation which has actually been undertaken and that too only after this court interfered.

Consequently, the Commissioner of Police, Ludhiana, will file another affidavit at least three days before the next date of hearing, giving therein the details of further investigation conducted, including with regard to any attempt made to trace out respondents no. 6 and 7 from their mobile call details.

Naturally, as already stated, the status of the enquiry ordered to be conducted against police officials/officers shall also be given.

Adjourned to 07.01.2021.

Learned counsel for the petitioner, at this stage, points out that even in the statement of respondent no. 8 before the police, he gave the mobile phone number of his son, i.e. respondent no. 7.

Consequently, the Commissioner of Police, Ludhiana, will explain as to whether any attempt was made to trace the whereabouts of respondent no. 7 through his mobile number and if not, he will explain as to why even that basic investigation was not conducted.

He will now also annex alongwith the affidavit, the mobile call details of the phone calls made and received by respondents no. 6 and 7, after obtaining them from the mobile phone company concerned.

The phone call details of respondent no. 8 be also seen to determine as to whether he was in touch with respondent no. 7, i.e. his son, or not.

To be shown in the urgent motion list.”

Today another affidavit, dated 04.01.2021, has been filed by the Commissioner of Police, Ludhiana, with learned counsel for the petitioner submitting that in fact the girl having now been recovered by the police, this petition has been rendered infructuous.

It is to be noticed that in the affidavit it has been stated

by the Commissioner that the daughter of the petitioner, as also the two persons accused of having abducted her/having elured her away, were all found in Jammu (J&K) from where they were brought to Ludhiana after following due procedure as per law.

The girl is also stated to have made a statement under the provisions of Section 164 of the Cr.P.C. before the learned JMIC, Ludhiana, who has since directed that she be sent to a Childrens' Home near Ludhiana.

As regards the inquiries initiated against the former SHO and ASI of Police Station, Tibba, Police Commissionerate Ludhiana, it is stated that the inquiry is ongoing though they have been transferred out (which was already stated on the last date of hearing).

This petition is therefore disposed of as having been rendered infructuous, but with the final outcome of the inquiry to be placed on record by way of an affidavit of a gazetted officer within three months, i.e. by 08.04.2021.

For that purpose the case file be put up before this court on that date.

The last part of this order has been considered necessary to be passed because sometimes it is seen that inquiries are “white washed” in the case of police officials who have been, at least *prima facie*, found to be negligent in performing their duties, if the matter is not taken to its logical conclusion and brought before this court.

Naturally however, the inquiry would continue strictly as per law, with the findings thereof to be placed before this court.

The efforts made by the Commissioner of Police, Ludhiana, and the police officers/officials, at least after this court interfered, are to be appreciated in recovering the girl from Jammu.

January 07, 2021
dharamvir/

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable: Yes/No