

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRWP-515 of 2022

Date of Decision:02.08.2022

Gurmit Kaur

---Petitioner

versus

State of Punjab and others

---Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Gautam Bhardwaj, Advocate
for the petitioner

Mr. Karanbir Singh, AAG, Punjab

VINOD S. BHARDWAJ, J. (ORAL)

The instant Criminal Writ Petition has been filed under Article 226/227 of the Constitution of India for issuance of writ in the nature of mandamus for directing the official respondents No. 2 and 3 to protect the life, liberty, social dignity and image of the petitioner and her family members at the hands of respondents No. 4 to 9 and for not harassing and threatening the petitioner and her family members. A further prayer has been made that the official respondents be directed to take action on the representations dated 17.04.2021 (Annexure P-1), 12.06.2021 (Annexure P-3) and dated 20.12.2021 (Annexure P-5) made by the petitioner, in a time bound manner.

Briefly stated, the facts of the case are that Sahib Singh, grandson of the petitioner, was married to respondent No. 5-Sarabjit Kaur and that out of the said wedlock, one male child was born who was about 1½ years old at the time of incident. It is alleged that the matrimonial

relations between grandson of the petitioner and respondent No. 5 were not cordial and as a result thereof, the said respondent started blackmailing the grandson of the petitioner on the pretext of implicating the family in a false case pertaining to demand of dowry and maltreatment. The private respondents are alleged to have also given beatings to the grandson of the petitioner and insulted him on numerous occasions. The petitioner alleges that respondent No. 5 is really a quarrelsome lady and that beatings to her (petitioner) grandson were caused by the private respondents No. 6 to 9 at the instance and instigation of respondent No. 5.

Learned counsel appearing for the petitioner contends that on 14.04.2021, the private respondents had given beatings to the grandson of the petitioner as well as to the petitioner and her husband. It is contended that deceased Sahib Singh (grandson of the petitioner) managed to escape from the clutches of the private respondents and ran away from the house. He was missing since then. On the next date i.e. 15.04.2021, the respondent No. 4 is stated to have come to the house of the petitioner and given beatings to the husband of the petitioner. Representations in this regard are claimed to have been submitted but to no avail. She has further alleged that her grandson was given slow poison by the private respondents and as a result whereof, he died on 19.04.2021.

It is further alleged that the inquest proceedings carried out under Section 174 of the Code of Criminal Procedure have been wrongly carried out by threatening the father and mother of the deceased Sahib Singh and to extend undue favour to the private respondents. He, thus, prayed that a direction be issued to the official respondents to look into the representations submitted by the petitioner and decide the same in a time

bound manner and to ensure the protection of life and liberty of the petitioner and her family members at the hands of private respondents.

Pursuant to the notice of motion issued on 20.01.2022, a status report by way of affidavit of Preet Inder Singh, PPS, Deputy Superintendent of Police, Sub-Division Khadoor Sahib, Camp at Goindwal Sahib, District Tarn Taran, had been filed. A relevant extract from the said status report, reads thus:-

“8. That during the inquiry the statement of the wife Sarabjit Kaur was recorded on 20.04.2021 which was also signed/witness by the father of the deceased namely Mangal Singh. That as per the statemnt she has stated that she has no doubt on any person and her husband has ended his life by consuming poisonous substance due to financial crises and statements of the other family member as well as respectable persons are also corroborated with the statement of wife of the deceased namely Sarabjit Kaur.

9. That it is respectfully submitted that thereafter the petitioner moved the representation bearing No.2157-PP dated 19.05.2021 to the Senior Superintendent of Police, Taran Taran by leveling the allegations of murder and harassment against ASI Nirmal Singh i.e. the respondent No.4 and private respondents No.5 to 9 and the same was marked to the then Deputy Superintendent of Police, Headquarter, Tarn Taran and during the pendency of enquiry proceedings, both parites were called through Parwanas/Notices and both the parties came present and they had got recorded their respective statements and statement of ASI Nirmal Singh was also recorded and after conducting fair and impartial enquiry and after going through the enquiry proceedings conducted by the ASI Nirmal Singh i.e. the respondent No.4, the enquiry officer came to conclusion that the allegations leveled by the petitioner are totally false and frivolous and the findings of the enquiry officer have duly been approved by the then Senior

Superintendent of Police, Tarn Taran.

10. *That it is submitted that the petitioner alleged that the murder of Sahibpreet Singh has been committed by respondent No.4 to 9 but the allegations leveled by the petitioner are found to be false and frivolous and it has been emerged on record that Sahibpreet Singh has ended his life by taking poisonous substance due to financial crises. It is further submitted that the allegations leveled by the petitioner regarding threats given by local police in the present petition are also false and frivolous and without any truth and it is further submitted that the petition filed by the petitioner is nothing but an attempt to pressurize the local police to act as per their instance and further in order settle the personal score with respondent No.4 as well as private respondents. In light of above submissions, it is crystal clear that now under the garb of present petition, the petitioner wants to take undue benefit from this Hon'ble Court and this practice of the petitioner should be depreciated.”*

A short reply by way of affidavit of Nirmal Singh ASI-respondent No. 4, now posted at CIA Staff, Tarn Taran, District Tarn Taran had also been filed.

A perusal of the status report filed by the Preet Inder Singh, Deputy Superintendent of Police, Sub-Division Khadoor Sahib, Camp at Goindwal Sahib, District Tarn Taran, clearly shows that the inquest proceedings were duly witnessed by the widow as well as the father of the deceased and they had not raised any suspicion against any person. Furthermore, the representations submitted by the petitioner levelling allegations against the official respondents have also been considered by an officer in the rank of Deputy Superintendent of Police posted at Headquarter, Tarn Taran and the same were found to be misconceived and

ill-founded. Moreover, even though the allegations levelled by the petitioner in the present petition are that the deceased was badly beaten before he was forcibly administered poison, however, perusal of the postmortem report shows that there was no mark of injury on the body of the deceased. The aforesaid allegation is, thus, not substantiated by any corroborative piece of evidence.

The petition is thus an attempt to reopen the proceedings that have already culminated and the father of the deceased had got his satisfaction recorded to the same. Furthermore, the father has still chosen not to lodge any grievance regarding any foul play or the investigation not being fair or impartial. Moreover, the present petition is based merely on unsubstantiated allegations in an attempt to deduce inferences and conclusions on probabilities. Such an aspect can not be the basis for reopening of the proceedings. It is indeed sad that grandson of the petitioner has died, however, the same cannot unto itself be held to have been caused by the respondents especially when the investigation concludes that he had committed suicide due to financial crisis. There is no allegation or evidence to suggest that the investigating agency had any bias or malice. The statutory presumption is in favour of the investigating agency to have undertaken the investigation fairly and impartially unless such presumption is dispelled by some cogent and objective material.

The scope of the petition is about extending protection to the life and liberty of the petitioner. There is nothing to hold that life or liberty of the petitioner is at some peril due to any overt act or omission on the part of the respondents. There can be no presumption of a fact of threat. Any

apprehension, bereft of cogent foundation can not be considered as threat.

Having heard learned counsel for the respective parties and taking note of the status report filed by the official respondents, the present writ petition deserves to be dismissed. The petitioner is, however, at liberty to take recourse to appropriate remedy(ies) available to her as per law.

The instant petition is dismissed with liberty as aforesaid.

(VINOD S. BHARDWAJ)
JUDGE

02.08.2022

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No