267 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-2476-2021(O&M)
Date of decision : 09.08.2022

TULSI RAM MISHRA

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: None for the petitioner.

Mr. G.C. Dhuriwala, Sr. DAG, Punjab.

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JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Articles 226/227 of the Constitution of India is for the issuance of a writ in the nature of mandamus seeking directions to respondent No.2 to protect the life and personal liberty of the petitioner as he is said to have been manhandled and wrongfully confined by the police officials i.e. respondent Nos.3 to 5 on the asking of respondent No.5. Certain other prayers have also been made in the petition.

Notice of motion was issued and various interim orders have been passed from time to time.

Be that as it may, a reply dated 22.03.2021 has been submitted by Rakesh Aggarwal, IPS, Commissioner of Police, Ludhiana. As per the said reply, it has been stated that on examination of the CCTV footage of P.S. Moti Nagar from 01.00 PM to 11.00 PM of 08.03.2021, it was noticed that the petitioner had entered the Police Station at 04.24 PM on 08.03.2021 and seen leaving at 06.39 PM along with Ms. Manju

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(petitioner in CRWP-2708-2021) Almudin Safi and various other persons. No sign of pain or injury is seen on the body of the petitioner as he was found walking normally in the said CCTV footage. It was also found that the petitioner reached at Police Station Moti Nagar along with Ms. Manju Verma, entered the room of the S.H.O. Police Station Moti Nagar, where they started misbehaving with the S.H.O and the petitioner-Tulsi Ram Mishra started banging the table of the S.H.O.with his hands. Seeing their behaviour, he was asked to leave the office as he had not even been called to which he is said to have abused the S.H.O Parmodh Kumar. On account of his bad behaviour, the petitioner apologized and the letter of apology is appended to the reply as Annexure R2/T.

As per the reply, it is after he left the Police Station when at about 11.30 PM, he is said to have gone and got himself medically examined. All the injuries mentioned by the petitioner are complaints of pain without any external mark and are simple in nature.

He is also said to have called up ASI Charan Singh on 09.03.2021 and threatened him and the audio recording of the same is attached as Annexure R3/T. As per the reply, it has been clarified that the ADCP-IV Ms. Rupinder Kaur Sra, Ludhiana had called the petitioner as he had given a call for Dharna on the next day and she wanted to ascertain facts. In fact, the petitioner and his supporters blocked the Highway from Ludhiana to Chandigarh for 3/4 hours on 12.03.2021.

It has also been brought to the notice of the Court that the medical examination of the petitioner had taken place. An affidavit in

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that regard has been submitted by Civil Surgeon, Ludhiana dated 14.09.2021. A perusal of the said affidavit would show that all the injuries on the person of the petitioner are complaints of pain. In fact, it has been stated in the affidavit that the probable duration of the injuries is uncertain and kind of weapon used for the said injury is also uncertain.

The learned State counsel has also informed the Court that security in the nature of one Police personnel has been provided to the petitioner. The security provided during the course of these proceedings shall now be subjected to review by the Investigating Agency and if it is found not to be required the police personnel shall be recalled.

In view of the above, no further orders are required to be passed by this Court. If the petitioner has any other grievance, he is free to avail his alternative remedies in accordance law.

(JASJIT SINGH BEDI)
JUDGE

09.08.2022
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Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No

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