

223 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-38919-2014

Date of Decision: 30.11.2022

PARAMJIT KAUR

..... Petitioner

*Versus*

STATE OF PUNJAB AND ORS

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr. J.S. Dadwal, Advocate for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

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**JAGMOHAN BANSAL, J. (Oral)**

The petitioner through instant petition under Section 482 is seeking direction to respondents No.2 to 4 to conduct the free and fair investigation in FIR No.136 dated 07.09.2010 under Sections 302, 324, 452, 436, 148 and 149 IPC registered at Police Station Sadar, District Hoshiarpur by constituting a Special Investigation Team (SIT) to be headed by high ranking police official.

Learned State counsel submits that investigation in the aforesaid FIR was conducted by Sukhwinder Singh, Incharge CIA Staff Hoshiarpur under supervision of Randhir Singh SP (D) Hoshiarpur. The Investigating Officer made to join the respondents No.5 to 12 in the investigation and during interrogation no role played by them was found.

Sukhwinder Singh, Incharge CIA Staff was transferred on 08.11.2011 and thereafter Inspector Pritam Singh, Incharge CIA Staff, Hoshiarpur conducted the investigation from 20.12.2011 to 03.03.2012. The respondents No.5 to 12 were made to join the investigation, however, no evidence against them was found, thus, they were not arrested. After transfer of Pritam Singh from the office of CIA Staff, Hoshiarpur, Parshan Singh, Inspector conducted the investigation and

during investigation respondents No.5 to 8 were questioned.

None of the respondents No.5 to 8 was found involved in the alleged offence. Inspector Parshan Singh joined the respondents No.9 to 11 in the investigation, however, it was found that they were not present at the time of occurrence of alleged offence. The Investigating Officer conducted investigation from different quarters and various witnesses were made to join the investigation.

During investigation, it was found that the petitioner Paramjit Kaur was married to Joginder Singh and she has two children. She expelled her husband Joginder Singh from the house and kept Rakesh Kumar son of respondent No.5 as her husband without marriage in her house. The petitioner Paramjit Kaur and Rakesh Kumar son of respondent No.5 went to Chintpurni on 13.08.2010 for offering prayer. Rakesh Kumar died in Mubarakpur while going to Chintpuri due to taking excess dose of intoxicant.

During investigation, it was also found that petitioner was not present at her house when alleged incident of murder of Sandeep Singh @ Sunny took place. The husband of the petitioner namely Joginder Singh, who was called by petitioner 4-5 days back, was present at home and he did not identify the persons as named by the petitioner.

Learned State counsel on instruction from Investigating Officer submits that matter has already been investigated not once but couple of times and by couple of officers. During investigation, it has been found none of the persons named by the petitioner was present at the time of alleged incident. The police has already filed untraced report.

The petitioner has named various persons and has alleged

that they were carrying weapons in their hands. She has named about 10 persons and further disclosed that each one of them was carrying his separate weapons like sword, danda, lathi and gandasa etc. It is unbelievable that a person at one point of time can identify 10 persons and can further identify as well memorise the weapons which they were carrying. The police has already conducted thorough investigation and found all the alleged accused/respondent innocent. There is loss of life but on the ground of loss of life, innocent persons cannot be implicated and put behind the bars. If without actual involvement, the respondents are implicated, it would amount to violation of right of personal liberty guaranteed by Article 21 of the Constitution of India. The victim has no doubt right of just, fair and right investigation but it does not mean that innocent people can be implicated. The petitioner has specifically named various persons and they have been found innocent. It is apt to mention here that son of respondent No.5 had died just few days prior to the death of son of the petitioner. In the investigation, it has been found that son of the respondent No.5 was in the company of the petitioner.

In such circumstances, no further order is warranted.

Accordingly, petition stands disposed of.

( JAGMOHAN BANSAL )  
JUDGE

30.11.2022  
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| Whether speaking/reasoned | Yes/No        |
| <i>Whether Reportable</i> | <i>Yes/No</i> |