

226

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-9076-2017 (O&M)

RAJINDER SINGH @ LOVELY AND ANR. Petitioners

Versus

STATE OF PUNJAB AND ORS. Respondents

2. CRM-M-31654-2017

RAJINDER SINGH @ LOVELY Petitioner

Versus

STATE OF PUNJAB AND ORS. Respondents

3. CRM-M-31766-2017

RAJINDER SINGH @ LOVELY Petitioner

Versus

STATE OF PUNJAB AND ORS. Respondents

Date of Decision: 17.11.2022

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Navkiran Singh, Advocate
for the petitioners.

Mr. Digvijay Singh, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

By this common order above-mentioned petitions are disposed of because all the petitions are inter-linked and main prayer is to protect life and liberty of the petitioners and initiate action against police officials. For the sake of convenience, the facts are borrowed from CRM-M-9076-2017.

The petitioners through instant petition under Section 482 Cr.P.C. are seeking an inquiry into false implication of petitioners and third degree torture by respondents No.3 to 8 in police custody.

A Co-ordinate Bench of this Court on 12.12.2017 passed an order directing Sessions Judge, Ludhiana to conduct an inquiry and submit the report *qua* allegations of the petitioners. The order dated 12.12.2017 passed by the Co-ordinate Bench of this Court read as under:

“Heard.

Petitioner No.1 Rajinder Singh @ Lovely son of Gurdeep Singh was arrested by the police on 19.02.2017 in connection with some FIRs registered against him. He remained in police custody till 24.02.2017. Thereafter, he was remanded to the judicial custody. On the application of petitioner No.1, he was medico legally examined on 04.03.2017, wherein the doctor found some injuries on the right lower eye lid, centre on inner side of both thigh, complaint of pain in the right ear and complaint of pain in the heels, blackishness on the left upper lid. The doctor could not ascertain the duration of the injuries, though I am of the view that from the colour and nature of the injuries, it is always possible to give the probable duration of the injuries, in view of the medical jurisprudence.

In the reply, the State has taken the stand that petitioner No.1 while in the police custody slipped in the bathroom of Police Station Kotwali, Ludhiana and received one injury. No explanation is given regarding other injuries. The use of third degree method in the police custody is denied. It is further stated that it was only after the receipt of injuries, he was medico legally examined on 01.03.2017. Before producing him before the Illaqa Magistrate, Ludhiana, no injury was found on the person of petitioner No.1.

In these circumstances, without commenting upon the merits of the case, which may prejudice the inquiry, the inquiry regarding alleged torture of petitioner No.1 Rajinder Singh @ Lovely in police custody is marked to learned Sessions Judge, Ludhiana with a direction to conduct the inquiry to the effect that as to whether petitioner No.1 was subjected to third degree method/torture while in police custody and given the injuries mentioned in the

MLR and also examine whether the MLR dated 01.03.2017 is genuine or procured one?

Learned Sessions Judge, Ludhiana is also directed to report within three months that if alleged torture took place, then who is responsible for causing the injuries?

List on 28.03.2018.

Let both the parties appear before the learned Sessions Judge, Ludhiana on 08.01.2018 at 10.00 a.m.”

In compliance of order of this Court, learned Sessions Judge, Ludhiana submitted his report dated 04.05.2018 disclosing that Rajinder Singh @ Lovely-petitioner was subjected to third degree torture in police custody of Police Station Kotwali, Ludhiana on 28.02.2017 to 01.03.2017 and he was given injuries as mentioned in MLR dated 01.03.2017. ASI Jaswinder Singh, HC Baljit Singh, HC Sukha, HC Bahadur Singh and C-Balbir Singh posted at Police Station Kotwali, Ludhiana were found responsible for causing injuries as mentioned in the MLR.

Learned counsel for the petitioner submits that proceedings be initiated against erring police officers and petitioner be paid monetary compensation.

Learned State counsel assures the Court that jurisdictional Police Commissioner would initiate appropriate Disciplinary and Departmental action against the police officials. Learned State counsel also pointed out that 31 FIRs on different occasions were registered against the petitioner and he has been acquitted in 23 FIRs and trial qua 9 is still pending.

In view of statement of learned State counsel, the Police Commissioner, Ludhiana-respondent No.2 is directed to take appropriate action against the police officers found guilty by learned Sessions Judge,

Ludhiana in his report dated 04.05.2018.

Let the Police Commissioner initiate and thereafter complete Departmental proceedings against the police officials named in the report. It is expected that complete exercise would be done in next one year. The petitioner thereafter would be free to approach appropriate Court, if still feels aggrieved.

Disposed of.

A photocopy of this order be placed on the connected files.

(JAGMOHAN BANSAL)
JUDGE

17.11.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>