

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRWP-925-2023

Date of Decision:25.05.2023

Neelamjeet Kaur

...Appellant

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Liyaqat Ali, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Ankur Ghai, Advocate with
Mr. Nitin Sachdeva, Advocate
for respondents No. 4 and 5.

N.S.SHEKHAWAT, J.

CRM-W-748-2023

For the reasons mentioned in the application, the same stands
allowed subject to all just exceptions.

CRWP-925-2023

1. The petitioner, who claimed herself to be a social worker from
District Ludhiana, had filed the instant petition before this Court under Article
226/227 of the Constitution of India for issuance of directions to respondents
No. 1 to 3 to protect the life and liberty of the petitioner at the hands of
respondents No.4 and 5, who were threatening and harassing the petitioner.

2. Learned counsel for the petitioner submitted that on 11.01.2023, Ms. Triptjot Kaur, daughter of respondents No. 4 and 5 contacted the petitioner and told her that she was aged about 17 years and was studying in 11th standard in Sacred Heart Senior Secondary School, Ludhiana. Respondents No. 4 and 5 were parents of Triptjot Kaur and were not happy with her since her birth. Even, the respondents No. 4 and 5 always misbehaved with her and also physically and mentally tortured her. Even, Triptjot Kaur was denied proper food by respondents No. 4 and 5 and no basic amenities of life were provided to her. The petitioner advised Triptjot Kaur to move applications to the higher authority and she moved a representation dated 11.01.2023 (Annexure P-1) in this regard. Even, Triptjot Kaur had also filed a petition before this Court with a prayer to grant the protection of life and liberty, which was withdrawn. Again on 25.01.2023, Triptjot Kaur told the petitioner that her family had beaten her up and she had locked herself in the bathroom to save her life. Thereafter, Triptjot Kaur was taken to the Civil Hospital for treatment and the matter was referred to the police. Later on, the petitioner came to know that respondents No. 4 and 5 had connived with the local police and got one FIR No. 22 dated 27.01.2003 under Sections 354, 452, 323, 506 and 149 IPC and Section 8 of POCSO Act Police Station Dugri, Ludhiana (Annexure P-7) registered against Munish Puri and the petitioner. Consequently, an additional prayer was also made in the petition to pass appropriate

directions for the fair and impartial investigation of aforesaid FIR.

3. Vide order dated 02.02.2023, notice was issued to the respondents and the SHO Police Station Dugri was directed to ensure the presence of the petitioner, respondents No. 4 and 5 and Triptjot Kaur, aged 17 years (daughter of respondents No. 4 and 5) before this Court on the next date of hearing.

4. A reply was filed on behalf of the respondents No.4 and 5, who alleged that the petitioner was a political leader and want to contest the election for the post of councilor. Her accomplice Munish Puri was having an evil eye on the daughter of the respondents No. 4 and 5. Even Munish Puri, who was a property dealer came in contact of respondent No.4 and helped respondent No. 4 at the time when he was facing financial crisis. However, Munish Puri was having an evil eye on their daughter and had exploited her. On 25.01.2023, when the respondents No. 4 and 5 were not at home, the petitioner alongwith Munish Puri, 7/8 other persons forcibly entered their house and had beaten up their father aged about 77 years and also abducted Triptjot Kaur from her house. Even one FIR No. 22 dated 27.01.2023 under Sections 354, 452, 323, 506 and 149 IPC and Section 8 of POCSO Act was registered at Police Station Dugri, Ludhiana against the petitioner, Munish Puri and other persons. Even after registration of the said FIR, the respondents No. 4 and 5 were receiving threats. Even, no action was taken against Munish Puri and other named

accused by the police. On 07.02.2023, the case was taken up by this Court and Ms. Triptjot Kaur was provided assistance from a Counsellor, who interacted with her and prepared a detailed report. In the meantime, Ms. Triptjot Kaur was allowed to continue to stay in Bal Vikas Ashram Pakhowal Road, Ludhiana.

5. On 08.02.2023, again the case was heard at length. Dr. Garima Sharma, Counsellor also remained present during the Court hearing and assisted the Court. On the other hand, Mr. Harmeet Singh Hundal, DCP, (Investigation), Ludhiana also remained present to assist the Court and to apprise the Court about the status of the investigation. He was directed to investigate the present case in FIR No. 22/2023 and was also granted liberty to associate any police officer of his choice to assist the Court during the course of investigation and was directed to submit a report in a sealed cover on the next date of hearing. In the meantime, Triptjot Kaur was allowed to continue to stay in Bal Vikas Aashram, Pakhowal Road, Ludhiana and the Aashram was also directed to provide the services of a tutor and to provide all other necessary assistance to her.

6. On 28.02.2023, the DCP (Investigation) Ludhiana submitted a report in a sealed cover. Triptjot Kaur was allowed to continue to stay in Bal Vikas Aashram, Ludhiana, and her parents were granted the liberty to meet her there.

7. On 11.04.2023, the case was taken up again. The DCP (Investigation) filed a status report with regard to the investigation conducted by him in a sealed cover. The head of the 'SIT' was also directed to produce Triptjot Kaur before the Court of learned Chief Judicial Magistrate on 13.04.2023 and to get her statement recorded under Section 164 Cr.P.C.

8. Again on 21.04.2023, the case was heard at length by this Court. The member of the SIT, i.e. Mr. Harmeet Singh Hundal, DCP (Investigation), Mr. Sameer Verma, ADCP (Traffic) and Ms. Madhubala, Police Station Dugri remained present in the Court during the hearing and they submitted a status report in a sealed cover. Apart from that, the copy of the statement of Ms. Triptjot Kaur under Section 164 Cr.P.C. was handed over to the head of the 'SIT' to take action in accordance with law and a copy of the report under Section 164 Cr.P.C. was retained on the Court file. Even, the report of 'SIT' was kept in a sealed cover as investigation in the instant case was at crucial stage and the matter pertained to "a juvenile in need of care and protection". In the previous orders passed by this Court, Triptjot Kaur has been wrongly referred as the alleged detenue. In fact, she was staying in Bal Vikas Ashram, Pakhowal Road, Ludhiana as she was a minor and did not want to go with her parents. Even, after hearing the parties, the custody of Triptjot kaur was handed over to her parents in the Court itself. During the Court

hearing, Ms. Triptjot Kaur expressed her desire to go with her parents and accordingly her custody was ordered to be handed over to Jaspreet Singh Khurana, her father, respondent No. 4, in the Court itself. However, the head of the 'SIT' was directed to investigate the matter further and to submit a status report with regard to the investigation conducted by the 'SIT' and a status report has again been filed by the head of the 'SIT' in a sealed cover. The sealed cover was opened and the status report of the present case was taken on record.

9. Even the sealed covers of earlier status reports were also ordered to be opened in the Court itself as the investigation is at its fag end and the investigation in the present case is not likely to be affected with the opening of the seals. In the latest status report, it has been stated that on 03.05.2023, the police has submitted medical related evidence to the Forensic Science Laboratory (FSL), Mohali. The evidence included a blood sample for DNS analysis, an EDTA vial, 3 vaginal swabs and 8 slides. However, the analyst report has been delayed due to non availability of necessary kits for DNA examination. Apart from that, a report has been taken by the 'SIT' from State Cyber Crime Department, SAS Nagar, Mohali, with regard to the DVR of CCTV installed at the office of Munish Puri. Apart from that a portion of data from the mobile phone of the prosecutrix was also extracted. Further, on 09.05.2023, the urine and blood sample of the prosecutrix were collected at

Civil Hospital, Ludhiana and the collection process had taken place in the presence of her parents. Still further on 13.05.2023, the prosecutrix was examined by board of doctors. Apart from that the statement of the prosecutrix was recorded under Section 164 Cr.P.C. on 12.05.2023 and the medical reports of the prosecutrix were obtained from Civil Hospital Ludhiana. Still further, sufficient incriminating evidence was found against Munish Puri, respondent No. 6/accused and he was arrested on 20.05.2023. Apart from that, it has been mentioned in the status report that further investigation is imperative for conclusively finalizing the investigation of the present case. Apart from that, certain pertinent aspects, evidentiary matters require meticulous exploration in order to ensure a comprehensive and equitable investigation.

10. After hearing the learned counsel for the parties and having considered the material placed on record by the petitioner, respondents No. 4 to 6 and the status reports of the 'SIT', this Court is of the considered opinion that it would be appropriate to give a quietus to the present litigation. Ms. Triptjot Kaur, who is a "juvenile in need of care and protection" has reunited with her parents and on the last 2/3 dates, her conduct was noticed by the Court and she seemed to be happy and comfortable in the company of her parents. For the last more than a month, she has been staying in her home with parents and her family members and it is apparent that she was feeling more

secure and happy in the company of her parents and other family members.

Even, from the perusal of the various status reports submitted by the ‘SIT’ of Punjab Police from time to time, it is clear that the investigation is being conducted swiftly and impartially. Apart from that, during the course of hearing, Mr. Harmeet Singh Hundal, DCP (Investigation), Ludhiana, who is heading the ‘SIT’ has assured the Court that the ‘SIT’ will take the investigation to its logical end, after conducting the investigation fairly, after taking into account the version of all the parties. Consequently, no further orders are called for and the petition is accordingly disposed off.

11. In the end, this Court appreciates the conduct and efforts made by Mr. Harmeet Singh Hundal, DCP (Investigation) Ludhiana, Mr. Sameer Verma, ADCP (Traffic), Ms. Madhubala, Station House Officer, Police Station Dugri, Ludhiana, SI Balwinder Singh 757 LDH and ASI-Balbir Singh 572 LDH (all members of the ‘SIT’)

12. The petition stands disposed off accordingly.

13. All pending applications, if any, are disposed off, accordingly.

25.05.2023
amit rana

(N.S.SHEKHAWAT)
JUDGE

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