

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7910 of 2022

Reserved on :11.12.2023

Pronounced on: 15.12.2023

Bittu Kumar

Versus

State of Punjab and another

...Petitioner

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Rajeev Anand, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J.

By way of this petition filed under Section 482 Cr.P.C., petitioner has prayed for issuing necessary directions to the respondents to initiate proceedings on his representation dated 21.10.2021 (Annexure P.10), as petitioner has been falsely implicated in case FIR No.199 dated 10.12.2020 registered under Sections 18, 29 of Narcotic Drugs and Psychotropic Substances Act (Act No.61 of 1985) at Police Station City-I, Mansa, Punjab and also for keeping the petitioner in illegal confinement from 27.11.2020 to 01.12.2020 at CIA, Police Station Mansa and also for taking bribe of ₹1,20,000/- by officials of CIA, Police Station Mansa for releasing him from the illegal custody.

2. It is contended by learned counsel for the petitioner that on 27.11.2020, after having a telephonic conversation with one Jeevan Singh, resident of Baliala, now residing at Ratia (Haryana), he (petitioner) had gone to Canal Bridge near Boha (Punjab) along with one Bhupinder Singh. After dropping him at Canal Bridge, Bhupinder Singh left. When petitioner met Jeevan Singh, he (Jeevan Singh) was carrying a polythene bag. Suddenly, some officials of the CIA Mansa, namely, SI Jaswinder Singh, HC Harjinder Singh and Constable Gurinder Singh appeared and caught him (petitioner) and Jeevan Singh. Half kg. opium was found from the bag. It is alleged that Jeevan Singh was left by the CIA officials despite the fact that recovery had

been effected from him; whereas petitioner was taken by CIA Staff. He was kept in illegal confinement up to 01.12.2020 without registering any FIR. Petitioner was asked to pay ₹5 lakhs for releasing him. Petitioner paid an amount of ₹ 1,20,000, but still the officials of CIA were pressurizing him to pay the remaining amount. Petitioner even met SSP Mansa on 07.12.2020 and narrated the entire incident. The matter was inquired into by SP (D), who recommended registration of the FIR against the officials of the CIA, Mansa. Officials of CIA were later on suspended. Departmental inquiry was directed to be conducted against them.

3. Petitioner further alleged that later on, he was involved falsely in case FIR No.199 dated 10.12.2020 under Sections 18, 29 (Act No.61 of 1985) of Narcotic Drugs and Psychotropic Substances Act, at Police Station City-1 Mansa, in which final report under Section 173 Cr.P.C was filed against Mange Ram @ Prince, Balkar Singh and Suresh Kumar but supplementary challan was later on presented against the petitioner, Tarsem Singh and Tarlochan Singh. Petitioner submits that no challan has been filed against Jivan Singh and Bhupinder Singh. Petitioner further submits that the departmental inquiry against the CIA Staff officials is still pending. On the representation dated 16.08.2021 (Annexure P.8) made by the petitioner to the DGP for further inquiry, no action was taken.

4. Petitioner further submits that he had filed CRM-M-39362 of 2021 with a prayer for issuance of the direction to transfer the investigation of the afore-said case FIR No.199 dated 10.12.2020 registered at Police Station City-1 Mansa under Sections 18, 29 (Act No.61 of 1985) of the NDPS Act to some independent agency; and also for issuing directions to register the FIR against CIA Staff involved in the afore-said conspiracy and that the petition has since been disposed of vide order dated 21.09.2021.

5. Petitioner then moved another representation dated 21.10.2021 before Director General of Police with a prayer for protection against the false implication but no action has been taken. Prayer is accordingly made by the petitioner to initiate legal action on representation 21.10.2021 (Annexure P.10) on account of his false implication in case FIR no.199 dated 10.12.2020 and for keeping him in illegal confinement and also to take action against the culprits i.e., officials of CIA Staff.

6. Opposing the petition, learned State Counsel drawn attention towards order dated 21.09.2021 (Annexure P.9) passed by this Court in CRM-M-39362 of 2021, whereby petition filed by the petitioner under Section 482 Cr.P.C for transferring the investigation of case FIR No.199 dated 10.12.2020, to some independent agency and also for issuing of directions to register FIR against the officials of CIA staff was dismissed by this Court. Learned State Counsel further submits that after conducting necessary investigation, final report under Section 173 Cr.P.C., has already been filed in case FIR No.199 dated 10.12.2020. Learned State Counsel has further drawn attention towards the status report dated 13.08.2022 initially filed by Ms. Navneet Kaur, Deputy Superintendent of Police, Sub Division Mansa, District Mansa; followed by fresh reply by way of affidavit of Shri Deepak Pareek, IPS, Senior Superintendent of Police Mansa, District Mansa dated 11.10.2022 and the latest report dated 24.04.2023 filed by way of affidavit of Shri Nanak Singh, IPS, Senior Superintendent of Police, District Mansa, which would reveal that though initially, the three officials of CIA were directed to be suspended but after conducting detailed departmental inquiry against them, all three of them were found to be innocent and so, the inquiry proceedings were ordered to be consigned. Prayer is made for dismissal of the petition.

7. Petitioner has filed counter-affidavit refuting the stand taken by the respondent- State.

8. I have considered submissions of both the sides and appraised the record.

9. Petitioner alleges his false implication in FIR No.199 dated 10.12.2020 and his illegal confinement during 27.11.2020 to 01.12.2020 by the officials of CIA, Mansa. As per the own contention of the petitioner, he had filed CRM-M-39362 of 2021 (O&M) before this Court for transferring the investigation of the afore-said FIR for fair investigation; and for issuing directions to register FIR against respondents No.3 to 9 of that petition, who were the officials of the CIA Mansa. That petition has already been dismissed by this Court vide order dated 21.09.2021 (Annexure P.9). After conclusion of investigation, final report under Section 173 Cr.P.C., has already been filed in case FIR No.199 dated 10.12.2020. The departmental inquiry was initiated against the three officials of the CIA on the representation made by the petitioner but after conclusion of that inquiry, they were found to be innocent and so, departmental inquiry proceedings were directed to be consigned.

10. In view of the afore-said circumstances, no direction as sought by the petitioner is called for. In case, petitioner has any grievance against the reports filed by the respondent- State, he is at liberty to avail other alternative remedies available to him under law.

Disposed of.

December 15, 2023

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(DEEPAK GUPTA)
JUDGE

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