

126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34812-2021 (O & M)
Date of decision : 31.05.2023

MANJIT SINGH

...Petitioner

V/s

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: None for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. for conducting a fair and partial investigation on the complaint/representation dated 20.04.2020 (Annexure P-1) and to take action on the report dated 25.05.2020 (Annexure P-2).

Learned State counsel has filed short reply by way of affidavit of Aaswant Singh, PPS, Deputy Superintendent of Police, Sub-Division, Phul, Bathinda dated 29.05.2023 on behalf of respondents No.1 to 5, which is taken on record.

The attention of this Court has been drawn to para 4 of the reply and the same reads as under :

“3. That regarding the allegations levelled by the petitioner in his application filed under section 340 of Cr.P.C vide CRM No.32121 of 2022, an inquiry was entrusted to Superintendent of Police, Headquarters, Bathinda by Senior Superintendent of Police, Bathinda with the direction to examine

all the allegations raised by the petitioner and submit the detailed inquiry report.

4. That an inquiry has been conducted by the Superintendent of Police Headquarters, Bathinda and it is found that a detailed reply in the form of an affidavit of Shri Ajay Maluja the then Senior Superintendent of Police, Bathinda was submitted in this Hon'ble High Court in the present petition on the basis of a preliminary inquiry conducted by Shri Balwinder Singh Randhwa, PPS, the then Superintendent of Police (Investigation), Bathinda. Petitioner Manjit Singh has alleged through the present application filed vide CRM No. 32121 of 2022 that he was summoned to join in the above said inquiry but the petitioner could not attend the inquiry proceedings from 25.10.2021 to 28.10.2021 as a Dharna was staged outside the Mini Secretariat, Bathinda by the members of Kissan Union, Bathinda. It has been further alleged by the petitioner that he submitted his typed statement to Superintendent of Police (Investigation), Bathinda only on 02.11.2021 and a receipt regarding the same was also issued to him. The statement of the petitioner is also mentioned in the inquiry report of Shri Balwinder Singh Randhawa, PPS, the then Superintendent of Police (Investigation), Bathinda. It has been further alleged that Shri Balwinder Singh Randhawa, PPS, the then Superintendent of Police (Investigation), Bathinda was transferred from District Bathinda, so he relinquished his charge on 01.11.2021. It has been further alleged that Shri Balwinder Singh Randhawa, PPS, the then Superintendent of Police (Investigation), Bathinda did not complete the investigation during his tenure at Bathinda, so signatures upon the inquiry report no.1496/5A/SP(Inv) dated 26.10.2021 are fake and forged signature of Shri Balwinder Singh Randhawa, PPS, the then Superintendent of Police (Investigation), Bathinda.

5. That an inquiry has been conducted by Superintendent of Police, Headquarters, Bathinda regarding the allegations of the petitioner. During the inquiry proceedings, statement of the petitioner Manjit Singh, ASI Gurpreet Singh no.1603/BTI the then Reader to Superintendent of Police (Investigation), Bathinda, ASI Surjit Singh no.1566/BTI, Assistant Reader to Superintendent of Police

(Investigation), Bathinda, SI Manjit Singh, Incharge, Litigation Branch, District Police Office, Bathinda were recorded. Apart from this, statement of Shri Balwinder Singh Randhawa, PPS, the then Superintendent of Police (Investigation), Bathinda now posted as Additional Deputy Commissioner of Police-I, Police Commissionerate, Jalandhar now on Ex-India leave was also recorded through Video Call by making a phone call from Mobile Phone number of Superintendent of Police, Headquarters, Bathinda on the mobile phone number of Shri Balwinder Singh Randhawa, PPS, the then Superintendent of Police (Investigation), Bathinda.

6. That a notice was issued to petitioner Manjit Singh to join the inquiry proceedings, so petitioner submitted his typed statement through email on 13.05.2023. Thereafter petitioner Manjit Singh also came present in the office of the Superintendent of Police, Headquarters Bathinda on 18.05.2023.

7. That Shri Balwinder Singh Randhawa, PPS, Additional Deputy Commissioner-I, Commissionerate of Police stated that he remained posted as Superintendent of Police (Investigation), Bathinda from 16.01.2021 to 01.11.2021, an inquiry was marked to him by the then Senior Superintendent of Police, Bathinda vide letter no.3726/litigation dated 02.10.2021 in connection with CRM-M- 34812 of 2021 filed by Manjit Singh and an inquiry was conducted by him. He further stated that petitioner Manjit Singh submitted his typed statement on 25.10.2021 in his office and the said statement was produced before him by ASI Gurpreet Singh, posted as Reader with him. He further stated that he perused the statement of Manjit Singh on 25.10.2021 and also signed the said statement on the same day. After hearing both the parties, he got prepared an inquiry report no.1496/5A/SPH on 26.10.2021 and he signed the said inquiry report. He further stated that he submitted his inquiry report to Senior Superintendent of Police, Bathinda. He further stated that the allegations of the petitioner are wrong hence denied that the said report bears his fake and forged signatures.

8. That ASI (LR) Gurpreet Singh no.1603/BTI the then Reader to Superintendent of Police (Investigation), Bathinda also corroborated the version of Shri Balwinder Singh Randhawa, PPS, the then Superintendent of Police (Investigation), Bathinda.

9. That during the course of investigation, statement of ASI (LR) Surjit Singh the then Assistant Reader-II Superintendent of Police (Investigation), Bathinda stated that petitioner Manjit Singh submitted his typed statement through Reader to Superintendent of Police (Investigation), Bathinda on 25.10.2021, thereafter some days, petitioner came to him to obtain the receipt regarding submitting his typed statement, so ASI Surjit Singh gave a receipt to the petitioner.

10. That from the inquiry conducted by Shri Balwinder Singh Randhawa, PPS, the then Superintendent of Police (Investigation), Bathinda, it was found that Inspector Amanpal Singh the then SHO, Police Station Dyalpura conducted one sided inquiry, so the said inquiry report was returned to him by raising some comments/objections raised by Deputy Superintendent of Police, Sub Division Bhuchio, thereafter Inspector Amanpal Singh failed to make the compliance of the said comments/objections within time and also failed to mark the said inquiry report for making compliance to the said comments to his subordinate official. As Inspector Amanpal Singh the then SHO, Police Station Dyalpura failed to perform his duty accordingly, a departmental action was recommended to be initiated against him. It is further submitted that the recommendation made by Inspector Amanpal Singh the then SHO. Police Station Dyalpura was also set aside and recommendation was made to file the said application. On the basis of the recommendation made by Shri Balwinder Singh Randhawa, PPS, the then Superintendent of Police (Investigation), Bathinda, a departmental inquiry was ordered by the then Senior Superintendent of Police vide office order no.4705-10/ST dated 02.11.2021 against Inspector Amangal Singh.

11. That the Superintendent of Police, Headquarters, Bathinda found from the present inquiry that petitioner himself scribed date ecutive 25.10.2021 on his typed statement submitted on 25.10.2021 in the office of Shri Balwinder Singh Randhawa, PPS, the then Superintendent of Police (Investigation), Bathinda and ASI Surjit Singh the then Assistant Reader to Shri Balwinder Singh Randhawa, PPS, the then Superintendent of Police (Investigation), Bathinda issued the receipt against the typed statement dated 25.10.2021 on 02.11.2021. It is further found that the said inquiry

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report was prepared and signed on 26.10.2021 and was received in the Litigation Branch, District Police Office, Bathinda on 27.10.2021. The said inquiry report was seen by the then Senior Superintendent of Police, Bathinda on 02.11.2021. From the inquiry, it is found that the allegations levelled by the petitioner through the application filed under section 340 of Cr.P.C vide CRM no.32121 of 2022 are false.

12. That a detailed inquiry report no.318/5A/SPH dated 20.05.2023 was submitted to the Senior Superintendent of Police, Bathinda. As the allegations of the petitioner are found false, so no further action is required to be taken and the same is recommended to be filed.”

In view of the assertions made in the affidavit as recorded hereinabove, it is evident that the inquiry concluded on the representation/complaint made by the petitioner as has been alleged in the instant petition which have been found to be false and as such, no action has been recommended by filing the complaint.

In view of the above, nothing survives in the instant petition to proceed further. Hence, the same is ordered to be dismissed as having become rendered infructuous.

(SANDEEP MOUDGIL)
JUDGE

31.05.2023
manisha

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