

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23521-2023

Reserved On.: 14.09.2023

Pronounced On: 19.09.2023

Jasvir Singh

.....Petitioner

Vs.

State of Punjab & Others

.....Respondents

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Nandan Jindal, Advocate
for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

By way of this petition filed under Section 482 Cr.P.C, petitioner prays for issuance of appropriate directions to respondent Nos.1 to 3 to transfer the investigation of case FIR No.0277 (Annexure P-1) dated 31.12.2022 registered at Police Station City Sangrur, District Sangrur under Sections 307, 323, 341, 506, 148, 149, 120-B of the IPC & Sections 25, 27 of Arms Act to Bureau of Investigation, Punjab, due to false implication of the petitioner.

2. It is contended by learned counsel that petitioner had made two complaints bearing No.9 of 2022 and 12 of 2022 against Constable Goldy Boxer (respondent No.7) and Manki (respondent No.8), as they were demanding bribe. Because of this reason, he was lifted by the officials of CIA staff Ladha Kothi on 10.02.2023 and was kept in illegal detention for two days and then was shown to have been arrested on 13.02.2023 in case

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FIR No.277 dated 31.12.2022 (Annexure P-1). The incident was captured on CCTV camera installed at the residence of his brother Shamsheer Singh. Later on, he was allowed bail by the Court of Sessions. Thereafter also, police officials raided his house time and again and threatened him to withdraw the complaints against respondent Nos.7 & 8, otherwise he will be involved in other cases. Phone calls were recorded on his mobile, copy of which is Annexure P-5.

3. Reply by way of an affidavit of Shri Surendra Lamba, IPS, Senior Superintendent of Police, Sangrur has been filed, as per which in compliance of the order dated 10.05.2023 passed by this Court, the deponent i.e. Senior Superintendent of Police, Sangrur called for the reports from S.P (Investigation), Sangrur. It was found that FIR (Annexure P-1) was lodged on the complaint of Ajay @ Robin against Prem Singh @ Premi and Gurpreet Singh etc. as he (Ajay) had been caused as many as five injuries, out of which three were declared grievous. Later on, injured Ajay @ Robin also got recorded supplementary statement, as per which the attack on him was under a conspiracy hatched by petitioner and others, as earlier also in the year 2020, Ajay had been caused injuries by the aforesaid persons. Petitioner was then arrested on 13.02.2023. After completion of investigation final report under Section 173 Cr.P.C. has already been presented against the petitioner on 29.03.2023 and case is fixed for 25.05.2023.

4. Affidavit of Senior Superintendent of Police further says that in order to inquire into the allegations of the petitioner, relating to the CCTV footage and the call recordings as referred by him, police officials of CIA

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Sangrur etc. were associated and it was stated the CIA Incharge that it was part of his duty to keep check on the activities of the social elements, who were called on 10.02.2023 to keep update on their activities. It is on the asking of CIA Incharge that Constable Sandeep and others had gone to the house of the petitioner and only informed him to come. Petitioner then came along with Attar Singh and Harmanjeet Singh to CIA Sangrur and after certain queries, petitioner left with said Attar Singh and Harmanjeet Singh and was not called again. Affidavit of Senior Superintendent of Police further reveals that CCTV footage confirmed the statement of CIA Incharge in this regard. The conversation as recorded in the mobile provided by the petitioner were also heard and no incriminating or threatening material was found therein.

5. Having regard to the detailed report filed by way of an affidavit of Senior Superintendent of Police, Sangrur, this Court finds absolutely no justification to give any direction for transferring the investigation, as is prayed for by the petitioner. After necessary investigation, challan against petitioner has already been filed. As such, the present petition is hereby dismissed. However, petitioner will be at liberty to avail other remedies available to him under law.

(DEEPAK GUPTA)
JUDGE

September 19, 2023

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No