

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-31475-2021

Date of Decision:-27.03.2023

Prince.

.....Petitioner.

Vs.

State of Haryana & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Nav Chahal, Advocate for
Mr. Sachin Kaushik, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Mr. J.S. Kang, Advocate &
Mr. K.P.S. Virk, Advocate for the respondent no.4.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 482 Cr.PC is for issuance of directions to respondent nos.1 to 3 to provide proper medical treatment to the petitioner as he was subjected to physical torture in police custody by respondent nos.4 to 9 in case FIR No.296/2021 under Sections 307, 285, 506, 34 IPC dated 28.04.2021 registered at P.S. City Sonipat with a further prayer that the respondent no.1 be directed to bear the medical expenses of the petitioner. Adequate compensation for custodial violence has also been sought along with an enquiry to be conducted as to the act and conduct of respondent nos.4 to 9 and other police officials.

2. The brief facts of the case as emanating from the pleadings are that the petitioner is stated to have been arrested in FIR No.346 dated 19.05.2021 by HC Ravinder Kumar on 19.05.2021 at 7.30 pm. Thereafter he was arrested in FIR No.257 dated 09.04.2021 by ASI Bijender on 20.05.2021 at 9.30 AM. Subsequently he was arrested in FIR No.296 dated 20.05.2021 at 10.30 AM. He is stated to have been subjected to torture by

respondent nos.4 to 9 and other police officials.

3. The petitioner is stated to have been produced before the Court in all the above mentioned FIRs by three investigating officers without conducting his medical examination in non compliance of Section 54 Cr.PC. When the petitioner was produced before the CJM, Sonipat on 20.05.2021, an order was passed by the Court that his medical examination be conducted. Pursuant to the said order, his medical examination took place. The copy of the order of CJM, Sonipat as also the medical report dated 20.05.2021 are attached as Annexure P-1 & Annexure P-2 to the petition.

4. Thereafter, pursuant to his medical examination, the petitioner was once again presented before the Court where the court observed that the medical report Annexure P-2 established that the accused/petitioner had suffered injuries on his body and the Superintendent of Police, Sonipat was required to conduct an enquiry into the matter. A copy of the order dated 20.05.2021 is attached as Annexure P-3 and the order whereby the petitioner was sent to judicial custody is attached as Annexure P-4.

5. It is the case of the petitioner, that the petitioner was arrested in three cases, never subjected to medical examination but was beaten up and physically assaulted during the time he was in the custody of the investigating agency. He had also applied before the court of CJM Sonipat for proper medical treatment and the CJM had ordered respondent no.3 to produce the petitioner before the CMO, Sonipat who was to constitute a medical board. However, no proper medical treatment had been provided to the petitioner. A copy of the order dated 5.7.2021 is attached as Annexure P-5. He thus prays that the present petition be allowed in terms of the prayer made.

6. Reply dated 27.8.2021 has been submitted on behalf of the respondent no.2. The Counsel for the State while referring to the said reply submits that the petitioner was absconding in FIR No.257 dated 09.04.2021 and FIR No.296 dated 28.04.2021. Secret information was received that the petitioner would be standing at the turn of Sector 23, Sonipat and can be apprehended. Based on the said information the petitioner was apprehended and FIR No.346 dated 19.05.2021 under Section 25/54/59 of Arms Act, P.S. City Sonipat, District Sonipat was registered against him. Thereafter he was arrested in the other two cases. Pursuant to his arrest he was produced by all the three investigating officers of the aforementioned three FIRs

before the Duty Magistrate, Sonipat within 24 hours. However, the investigating officers failed to conduct the medical examination of the petitioner under Section 54 Cr.PC.

On 20.05.2021 while producing the petitioner for remand, medical examination was ordered to be conducted pursuant to which a board of doctors at Civil Hospital, Sonipat found 06 injuries on the body of the petitioner with a probable duration of 4 to 7 days. As per the reply, the injuries could not have been possibly caused in police custody as they were old injuries and the case of the petitioner was that he had been arrested on 19.05.2021. Therefore, the allegations of torture were baseless. In fact it has been found that during the period of confinement of the petitioner between 20.05.2021 to 27.07.2021 there were no allegations of fresh injury or past history of any treatment at the time of entry into the jail premises as was borne out from the report of the Medical Officer, District Jail, Sonipat (Annexure R-4). It is further mentioned that with respect to the non conducting of the mandatory medical examination of the petitioner under Section 54 Cr.PC, regular departmental enquiry has been initiated against three Investigating Officers H.C. Ravinder, ASI Bajinder and SI Rajesh Kumar. The Counsel thus contends that the present petition was liable to be dismissed as it has been filed only to pressurize the investigating agency.

7. The Counsel for the respondent no.4 contends that as per the information the petitioner has jumped bail and has absconded to Dubai. He thereafter had been declared as a proclaimed offender on 06.10.2022. This petition ought to be dismissed on this ground alone.

8. I have heard learned Counsel for the parties at length.

9. As per the case of the petitioner he was taken into custody on 19.05.2021 but not medico legally examined thereby violated Section 54 Cr.PC. In fact he had been beaten during remand and therefore, various reliefs have been sought in the instant petition. However, a perusal of the facts as enumerated by the learned State Counsel along with the medical record attached would show that when the petitioner was examined on 20.05.2021 it was found that the injuries on his person were 4 to 7 days old. Therefore, by no stretch of imagination can it be said that the petitioner was subjected to torture/physical abuse after 19.05.2021. Further, appropriate departmental action has been initiated against the three investigating officers in the three FIRs registered against the petitioner for not having got

conducted his medico legal examination at the time of his arrest.

11. In view of the above, no further orders are required to be passed by this Court and therefore the present petition is dismissed.

(JASJIT SINGH BEDI)
JUDGE

March 27, 2023

Vinay

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