

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

101+201

CM-9639-CWP-2023 &
CM-11893-CWP-2023 IN/AND
CWP-9662-2012 (O&M)
Date of Decision: 31.07.2023

HARMEET KAUR

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Anil Malhotra, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G., Punjab.

Mr. A.M. Punchhi, Public Prosecutor and
Mr. J.S. Chandail, Addl. Standing Counsel
for UT, Chandigarh.

Ms. Shweta Nahata, Advocate
for the respondent-U.O.I.

Ms. Sukhmani Patwalia
for respondent No.7.

Ms. Shubhra Singh, Advocate
for respondent No.8.

VINOD S. BHARDWAJ, J. (ORAL)

CM-11893-CWP-2023

Allowed as prayed for.

CM-9639-CWP-2023

The instant application has been filed for seeking recall of the order dated 08.05.2023 passed by this Court to the extent whereby the police inaction has been adversely commented upon and costs have also been imposed.

Learned Public Prosecutor has incorporated, as a part of above affidavit, various steps taken by the Chandigarh police after investigation being entrusted to it in September 2013. It has been averred that all these facts could be brought to the notice of this Court on the date of hearing i.e. on 08.05.2023 when the adverse order against Chandigarh Police imposing costs was passed. An additional affidavit has also been filed today, wherein it has been informed that the dossier giving details of the place, where the absconder is residing, as per the information collected by the U.T. Police, is ready to be sent to the Ministry of External affairs for pursuing the matter with the United States of America for seeking extradition of the absconder. Copy of the above affidavit has been furnished to learned counsel for the petitioner as well.

Learned counsel for petitioner has pointed out that there was lack of efficient, effective and adequate steps on the part of the U.T. Police in pursuing the matter which has unnecessarily lingered the case for a period of more than 10 years. It is submitted that it was only after passing of the above order that the required information has been collected by the respondents and the dossier has been prepared. He, however, does not dispute the fact that the process of extradition has to be thereafter pursued by the Ministry of External Affairs. He also objects to the contents of the affidavit wherein it has been averred that improper assistance was rendered to the Court by the counsel representing the U.T., persuading it to pass an adverse order against the U.T. Police.

Without going further into the said controversy and taking into consideration that the steps initiated by the respondent-Police have been given in detail in the instant application, the same is allowed. The costs imposed on the Senior Superintendent of Police, U.T., Chandigarh is thus withdrawn.

MAIN CASE

An affidavit of Kanwardeep Kaur, IPC, Senior Superintendent of Police, U.T. Chandigarh has been filed wherein they have referred to the steps taken by them post mid-May. The same are extracted as under:

Sr. No.	Date	Description of Events.
1.	31.05.2023 09.06.2023 14.06.2023 27.06.2023	The Aadhar Number of 848144051349 of Jasvinder Kaur, Wife of accused and Aadhar No.232792418488 of Ranvir Singh, younger son of accused were sent to the Income Tax Department, Jalandhar and Chandigarh through the Principal Commissioner of Income Tax with a request to provide Bank account details linked with the said Aadhar numbers.
2.	15.06.2023	The Extradition Dossier was received back from Under Secretary (Extradition), Consular Passport and Visa (CPV) Division, Ministry of External Affairs, New Delhi with certain queries. Legal opinion on the same was sought to formulate the answers to the queries raised by the Ministry.
3.	30.06.2023	HC Joginder Singh of Women, Police Station- 17, Chandigarh went to the House of the accused i.e. VPO Lehli Kalan, District Hoshiarpur, Punjab (DDR No.03 dated 30.06.2023 WPS-17, CHD) to authenticate the photographs of accused Sukhminder Singh Bains by his close relatives which had been affixed on the Extradition Dossier. This was one of the requirements of the Ministry. The said photographs were authenticated by Manjinder Singh, real brother of accused Sukhminder Singh Bains and further duly verified by Daulat Ram, Sarpanch, Gram Panchayat, Village Lehli Kalan, Hoshiarpur, Punjab.
4.	06.07.2023	Inspector Parveen Kumar, Women Police Station, Sector 17, Chandigarh visited Consular Passport and

		Visa (CPV) Division, Ministry of External Affairs, New Delhi with due approval of Senior Officers to discuss the Extradition Dossier. (DDR No.02 dated 06.07.2023). The matter was discussed with Senior Legal Consultant, CPV Division (Extradition), MEA, Tilak Marg, New Delhi. He directed to provide some more details.
5.	13.07.2023	Reply from Income Tax, Officer Ward-I Hoshiarpur, Punjab was received with the detail of latest income tax returns for FY 2022-23 of Jasvinder Kaur & Ranvir Singh respectively. In the said detail, only one account was mentioned which is Joint account number 028205000484 of Jasvinder Kaur & Ranvir Singh in Capital Small Finance Bank Limited, Village Chabbewal, Hoshiarpur. Upon scrutiny it has been revealed that lakhs of rupees have been credited primarily from a Co-Operative Bank. The police is investigating the chain and source of these funds.
6.	18.07.2023	Process has been initiated to request the Income Tax Department to provide information regarding details of bank accounts of accused Sukhminder Singh Bains.
7.	20.07.2023	Inspector Parveen Kumar, Women Police Station, Sector 17, Chandigarh again went to Delhi (DDR No.11 dated 20.07.2023) to the concerned authority i.e. Consular Passport and Visa (CPV) Division, Ministry of External Affairs, New Delhi and has submitted the Extradition Dossier by hand under proper receipt. Process has been initiated to get information from RPO Jalandhar whether any passport has been issued in the name of Jaswinder Kaur wife of accused Sukhminder Singh Bains @ Bhola R/o VPO Lehli Kalan, District Hoshiarpur, Punjab and Ranvir Singh son of accused Sukhminder Singh Bains @ Bhola R/o VPO Lehli

		Kalan, District Hoshiarpur, Punjab.
8.	21.07.2023	Compliance Report regarding submission of Extradition Dossier has been sent to the Home Department, UT Chandigarh for information.
9.	25.07.2023	Approval has been sought from Senior officers to issue a letter to Ministry of External Affairs, New Delhi to inquire about the status of Extradition proceedings.
10.	26.07.2023	Request has been sent to Master Technical Cell (MTMC), Police Headquarter, Sector 9, Chandigarh to verify some international contact numbers which were found in the call details of family members of accused Sukhminder Singh Bains i.e. 8968242445 (Ranvir Singh- son), 9815721645 (Manjinder Singh- Brother), 9815755201 (Jasvinder Kaur- Wife).
11.	27.07.2023	HC Joginder Singh of Women Police Station- 17, Chandigarh went to Hoshiarpur, (DDR No.04 dated 27.07.2023) to obtain upto date bank statement of joint account number 028205000484 in the name of Jaswinder Kaur & Ranvir Singh from Capital Small Finance Bank, Chabbewal, Hoshiarpur, Punjab. The same was obtained which is under scrutiny. The account holders will shortly be questioned and requested to provide the source of the credit entries. It is expected that the wife and son of the accused will cooperate in this regard.

The learned Public Prosecutor appearing on behalf of the U.T. Chandigarh has pointed out that they are in the process of sending the dossier to the Ministry of External Affairs for seeking extradition of the absconder and that as per the information received by them, the absconder is residing with one Avtar Singh at 1289-Tuscany, Dr. Dinuba, California, U.S.A. The Red Corner Notice against the absconder is still open and has not been withdrawn. There is, however, no travel document showing subsequent movement of the absconder.

In any case, it is pointed out that further steps for seeking extradition are required to be taken under the Mutual Legal Assistance Treaties signed between the countries through the aegis of Ministry of External Affairs.

Learned counsel for the petitioner contends that the respondent-U.T. Administration may be bound down by certain time lines so as to forward the dossier or to furnish any such other information as may be sought by the Ministry of External Affairs. He, however, fairly submits that benefits of all such rehabilitation schemes/compensation admissible under the applicable social welfare schemes already stands disbursed to the victim. The grievance which thus sustains is only with respect to bringing the absconder to books and to ensure that justice is meted out to the victim. Learned counsel for the respondents have no objection to the above prayer.

Accordingly, the present petition is disposed of with the following directions:-

- (i) The respondent-U.T. Chandigarh shall ensure submission of the extradition dossier to the Ministry of External Affairs.

(At this stage, it has been informed by the learned Public Prosecutor that the extradition dossier has already been submitted by the Chandigarh Police to the Home Department, U.T. Chandigarh for forwarding the same to the Ministry of External Affairs).

- (ii) Counsel for the U.T. Chandigarh undertakes to ensure that the aforesaid extradition dossier, complete in all respects, is sent by the U.T. Home Department to the Ministry of External Affairs, as per the extradition procedure within a period of three months from today.

- (iii) In the event any clarification is sought by the Ministry of External Affairs, the Ministry shall expeditiously seek such clarification to the Ministry of External Affairs and not later than four weeks of receipt of dossier or when such information is sought from them by the country to whom extradition request is sent.
- (iv) On receipt of such communication, the clarification/information sought for by the Ministry of External Affairs, the Home Department, U.T. Chandigarh shall thereafter furnish the requisite details within a period of four weeks or receipt of such communication.
- (v) Appropriate and adequate measures shall be taken by the Interpol Division of the C.B.I. for locating the whereabouts of the fugitive/absconder and a regular correspondence with the country(ies) where the fugitive/absconder is suspected to be residing shall be taken up.
- (vi) The passport of the fugitive/absconder – respondent No.4, if not already cancelled/renewed, may be cancelled forthwith in accordance with law.

The Court appreciates the contribution and the efforts made by the learned counsel for the petitioner in assisting this Court. Petition stands disposed of accordingly.

JULY 31, 2023
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No