

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

239

CWP-22472-2021
Date of decision: 03.02.2023

JYOTI

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Devender Kumar, Advocate for
Ms. Divya Jerath, Advocate
for the petitioners.

Ms. Niharika Sharma, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of directions to the respondents No.2 for conducting an enquiry into the representation dated 30.09.2021 (Annexure P-1) filed by the petitioner against respondents No.3 & 4. The said respondents have been alleged in the aforesaid representation to have abducted the petitioner and to keep her in an illegal custody at a hotel in Phase-11, S.A.S. Nagar, Mohali.

2. Briefly summarized, the facts of the present case are that the petitioner submitted a complaint in the year 2019 before the Director General of Police, Punjab and the same was marked to the Senior Superintendent of Police, Bathinda for enquiry. It has been alleged in the aforesaid complaint that when the petitioner was going for appearance before respondent No.2 from Mohali then on her way she was stopped by respondents No.3 & 4 who forcibly made the petitioner to sit in their car and

took her to Candy Hotel at Phase-11, Mohali and thereafter also kept the petitioner confined in a hotel in Phase VIII. While the petitioner was sitting in the car, respondent No.3 is also alleged to have molested her on 18.09.2021. The said respondents in connivance and conspiracy with the owner of Candy Hotel tried to strangle the petitioner in room No. 305. It was prayed that detail representation dated 30.09.2021 narrating the entire incident was submitted by her to the Director General of Police. A prayer was also made to conduct an enquiry/Investigation into the same.

3. Status report by way of an affidavit of Sarabjit Singh, Assistant Inspector General of Police, Litigation, Bureau of Investigation, Punjab was filed. The relevant extract thereof reads thus:

“That the record related to the matter has been perused, which revealed that a complaint dated 30.09.2021 addressed to Director, Bureau of Investigation, Punjab, made by the petitioner Jyoti, was received in Bureau of Investigation, Punjab. In the said complaint, petitioner had levelled various allegations against Varinder Singh Brar, SSP/Vigilance Bureau and his gunman Amrinder Singh, who have been arrayed as Respondents No. 3 and 4 respectively. In the aforesaid complaint dated 30.09.2021, the complainant had alleged that in the year 2019, she had made a written complaint against Varinder Singh Brar to the DGP, Punjab, which was marked for enquiry to SSP/Bathinda.

It has been further alleged in the aforesaid complaint dated 30.09.2021 that while she was going to the office of DGP, Punjab to make a complaint against Varinder Singh Brar and Amrinder Singh, she was forcibly made to sit in their car. She was kept at Candy Hotel in Phase-11, Mohali and at another Hotel in Phase-7, Mohali. Varinder Singh Brar, SSP/Vigilance Bureau molested her in the car. On 18.09.2021, an attempt was made to kill her by strangulation by the owner of Candy Hotel

in Room No. 305 in conspiracy and connivance with Varinder Singh Brar, Amrinder Singh, Raman and Bikram Brar. An attempt was also made to rape her by Varinder Singh Brar and others. She was kept in a hotel after abducting her under a plan to kill her. She was scared and escaped only after contacting Control Room at Mohali.

4. That as the offences alleged in the aforesaid complaint dated 30.9.2021 pertained to area in the jurisdiction of Police District SAS Nagar, vide letter No. 3223/CC-3 dated 30.09.2021, the aforesaid complaint dated 30.9.2021 was sent to Senior Superintendent of Police, SAS Nagar for necessary action and report.

5 That vide letter No. 1670/PC dated 04.03.2022, the Senior Superintendent of Police, SAS Nagar sent his report to the office of Director, Bureau of Investigation, Punjab. SSP/SAS Nagar reported that enquiry into the aforesaid complaint was conducted by Superintendent of Police (Investigation), SAS Nagar, who associated both the parties as well as the employees of Hotel Candy in the enquiry proceedings. Senior Superintendent of Police, SAS Nagar further reported that during enquiry, it has been found as under:

- (i) At the time when Varinder Singh Brar was posted as SSP/Jagraon, a person named Gursewal Singh son of late Sh. Surjit Singh, resident of village Binjal, Police Station Sadar Ralkot, District Ludhiana made a complaint against petitioner Jyoti and her husband Jagdish Singh in which it was alleged that his elder brother Gurmeet Singh had died due to harassment by Jyoti and her husband Jagdish Singh. The entire village supported Gursewal Singh, as Jyoti and her family habitually harassed other villagers. On the complaint of Gursewal Singh, case FIR No. 35 dated 21.04.2019 under section 304 of IPC was registered at Police Station Sadar Raikot against Jyoti and her husband Jagdish Singh. Both Jyoti*

and her husband Jagdish Singh were arrested in the aforesaid case and spent about six months in jail before they were granted bail by the Court. Hence, Jyoti was nursing a grudge against Varinder Singh Brar regarding the aforesaid incident, which is the major reason for making a complaint against Varinder Singh Brar and others.

- (ii) *Enquiry Officer has reported that the petitioner Jyoti has alleged that she was abducted and kept at Candy Hotel, Phase-11, Mohali from 13.08.2021 to 18.09.2021. During the enquiry, tower locations of Mobile No. 97799-19316 of petitioner Jyoti were obtained for the period from 13.08.2021 to 18.09.2021.*

Analysis of tower locations revealed the location of petitioner Jyoti at different places in Ludhiana, Jagraon, Chandigarh, Fatehgarh Sahib, Roopnagar etc. on the said dates which clearly indicates her movement during the abovesaid period at different places. Thus, allegations of abduction and confinement at Hotel Candy in Phase-11 at Mohali during the period from 13.08.2021 to 18.09.2021 have not been substantiated during enquiry.

- (iii) *Enquiry Officer had recorded statements of Neeraj Dhiman (Manager) and Tejpal Singh (Supervisor) of Hotel Candy in Phase-11, Mohali. They have stated that Jyoti wife of Jagdish Singh stayed in Hotel Candy from 13.08.2021 to 18.09.2021. She had come to Hotel Candy on her own and no person had recommended or brought her to the hotel. The petitioner Jyoti had given her Aadhar Card as identity proof for booking of a room in Hotel Candy, a copy of which was retained by the hotel for its record. On 18.09.2021, Jyoti started quarrelling with hotel staff and disturbing other guests in the hotel. She was asked to leave the hotel. Intimation in this regard was also given to Police Station Phase-11, Mohali. Police came to Hotel Candy to counsel the petitioner Jyoti. After this, complainant Jyoti left the hotel and never came back. CCTV camera have*

been installed in hotel, but they have a back-up of about one month, due to which CCTV footage for the above period is not available with the hotel.

- (iv) *Earlier also, Jyoti had made a complaint against two persons Jasdeep Singh @ Ravi and Varinder Pal Singh @ Binda of her village Binjal with allegations of sexual harassment. On the said complaint, case FIR No.84 dated 08.08.2016 under sections 354, 354A, 506, 509 of IPC was registered at Police Station Sadar Raikot, District Ludhiana (Rural) against the aforesaid two persons. Investigation of this case was conducted by an SIT headed by an SP-rank officer. The SIT found that there is no truth in the allegations levelled in the aforesaid case got registered by the petitioner Jyoti and cancellation report was filed in the competent court after investigation.*
- (v) *It has been further reported that the petitioner Jyoti is habitual of making allegations of sexual harassment. Complaints were received from residents of village Binjal alleging harassment by the petitioner Jyoti and her husband Jagdish Singh. The then SHO, Police Station Sadar Raikot, SI Bikramjit Singh conducted raid at their house. Nursing a grudge regarding the aforesaid raid, Jyoti made a complaint alleging sexual harassment by St Bikramjit Singh, SHO Police Station Sadar Raikot. The allegations against SI Bikramjit Singh were found to be false. Therefore, the said complaint was filed after enquiry by district police. That upon examination of the matter in the light of the report received from SSP/SAS Nagar, the complaint made by the petitioner Jyoti has been found to be false and devoid of merits as none of the allegations were substantiated during enquiry conducted by the district police, SAS Nagar. A translated copy of the report dated 04.03.2022 received from SSP/SAS Nagar alongwith report of SP/Investigation, SAS Nagar is annexed alongwith and marked as ANNEXURE R-1.”*

4. Even though the said response had been filed way back in the August 2022, however, no rejoinder controverting the aforesaid factual

aspects has been filed. It is thus evident that the complaint in question has been submitted by the petitioner maliciously since she nursed a grudge against Varinder Singh Brar regarding the incident as referred to in para No.5 of the aforesaid response. Even the tower locations of the petitioner had been collected by the respondents to conclude her allegation of being abducted and confined at Hotel Candy at Phase 11, Mohali on the dates mentioned thereunder and the same did not substantiate since her presence on the said dates was found to be on different locations across Ludhiana, Jagraon, Chandigarh, Fatehgarh Sahib and Roopnagar etc. It was also concluded by the enquiry officer that the petitioner had stayed at the Hotel Candy from 13.08.2021 to 18.09.2021 on her own and no other person took her to the said hotel. She had given her own Aadhar Card as proof of identity for booking a room in Hotel Candy, Mohali. She thereafter start quarrelling with the Hotel staff and also disturbed other guests. She was called upon to vacate the hotel. Intimation in this regard was also given to the Police Station, Phase 11, Mohali. The antecedents of the petitioner were also noticed.

5. Taking into consideration the fact that the enquiry into the complaint has already been concluded by the officers and the allegations are not found to be substantiated in any material particulars and the same having been confined, no further directions are required to be issued in the present petition. The same is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 03, 2023
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No