

CRM-M-52040-2023**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****102****CRM-M-52040-2023 (O & M)
Date of decision: 17.10.2023**

Navdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. R.S.Cheema, Sr. Advocate with
Mr. Gursimran Singh Madaan, Mr. Bharat Puri,
Mr. Lalit Sharma, Mr. Manmeet Singh and
Mr. Jasraj Singh, Advocates
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)**CRM-44416-2023**

1. Allowed as prayed for.

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2. The present petition has been filed under Section 438 Cr.P.C, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No.52 dated 03.09.2023, registered at Police Station Talwandi Chaudrian, Kapurthala, under Sections 306, 506 and 34 IPC.

3. It is submitted by learned Senior Counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the suicide is alleged to have been committed by Jashanbir Singh. However, Jashanbir Singh has never been in the police custody, as such. Not only that even the allegations of presence of Jashanbir Singh at

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the police station, and of the alleged humiliation caused to him, have emerged after 12 days. Therefore, this improvement has been made only to create a criminal case due to the pressure created by the public by not cremating the dead body of Jashanbir Singh and by holding protest for registration of the case. Otherwise, it is clear from the police inquiry that it was only Manavjit Singh, who attended the police station and was involved in proceedings under Section 107/151 Cr.P.C. Even qua him, the allegations of harassment and beatings have not been substantiated by any material. Manavjit Singh was medico-legally examined twice i.e. firstly before taking him into custody and secondly, before producing him before the Magistrate concerned. The examination was conducted by the Medical Board, consisting of 07 doctors. However, no injury of any kind was found on the body of Manavjit Singh. Hence, causing any injury to Manavjit Singh by the police is totally ruled out by the tangible evidence.

4. Learned Senior Counsel for the petitioner further submits that only possible witness of any humiliation or harassment caused to Manavjit Singh in the police lock up, would have been the other persons, who were locked up in the police station at that time. But the police do not even claim to have recorded the statement of anyone of those persons present in the lock up at the relevant time. Moreover, the humiliation is alleged to have been caused to Manavjit Singh, who has not committed suicide. Rather, he died by drowning while making an attempt to save his brother Jashanbir Singh. Therefore, there is absolutely no question of invoking the offence punishable under Section 306 IPC.

5. While reiterating his earlier arguments, learned Senior Counsel

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also submits that as per the knowledge of the petitioner, deceased-Jashanbir Singh had received about 40 repeated phone calls just before the commission of suicide. Who is that person to whom he was taking, is a total mystery, put under carpet by the police. Therefore, the possibility of the deceased committing suicide for the reasons totally unconnected to the police action, cannot be ruled out. Learned Senior Counsel further submits that the petitioner has performed his duties only as is expected from him as a Station House Officer of the Police Station, and has dealt with the dispute brought before him in a manner less prejudicial to anyone of the parties to the dispute.

6. Learned Senior Counsel for the petitioner has further submitted that since there is nothing to be recovered from the petitioner, his custodial interrogation is not required. Hence, the petitioner deserves to be protected against his arrest.

7. Notice of motion.

8. On the asking of this Court, Mr. Sandeep Singh, Addl. A. G. Punjab, accepts notice on behalf of the respondent-State.

9. At this stage, Mr. B.R.Rana, Sr. Advocate, with Mr. Gagandeep Singh Rana, Advocate, puts in appearance on behalf of the complainant.

10. It is submitted by counsel for the State, being instructed by SI Jaspal Singh that the petitioner has not only exceeded his powers and authority during performance of his duties, rather, has gone to the extent of humiliating deceased- Jashanbir Singh and his brother Manavjit Singh. In fact, a matrimonial dispute relating to Parminder Kaur had reached the

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police station; wherein she alleged that her husband and in-laws had given beatings to her. To make an attempt to settle the dispute, some respectables were called in the police station. However, the same did not materialize. Thereafter, SHO again called both the parties to the police station on 16.08.2023. On that date, Manavjit Singh, one of the deceased, had also accompanied from the side of Parminder Kaur to the police station, where he was humiliated. At that time, the petitioner observed that Manavjit Singh was trying to teach him law. On further order of the petitioner, the police dragged Manavjit Singh inside the lock up and gave beatings to him. To justify taking Manavjit Singh in lock up, modality of initiating proceedings under Sections 107/151 Cr.P.C., was devised by the accused-petitioner. On 16.08.2023, when Manavjit Singh was taken into custody without any reason, then in the afternoon, Jashanbir Singh had come to the police station to meet Manavjit Singh, being his brother. There, the police had humiliated even Jashanbir Singh, who could not cope up with the degree of humiliation caused by the police and, therefore, he had committed suicide. Hence, the act of suicide committed by Jashanbir Singh is directly related to the humiliation caused by the police personnel. Therefore, the petitioner cannot assert that he is not involved in the case or that the offence is not made out against him. Accordingly, it is submitted that since the investigation is at the initial stage and the investigation is qua allegations relating to the actions of the petitioner committed within the four-walls of the police station, therefore, the intricate incidents of conduct of the petitioner are involved in the matter. The police requires custodial interrogation of the petitioner to unearth the true dimensions of his

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involvement in the crime.

11. Learned Senior Counsel for the complainant while supplementing the arguments raised by the State counsel, submits that when both the parties were present in the police station, they were asked to get out from there. Therefore, they had come outside the police station. However on the asking of the brother-in-law of Parminder Kaur, Manavjit Singh was called in by the petitioner-SHO. Thereafter, Manavjit Singh was taken into custody at about 1.30 noon. He was continuously kept in custody and given beatings by the petitioner-SHO in his room, and later on by the other police personnel on the asking of the petitioner. Thereafter, proceedings under Section 107/151 Cr.P.C. were created to justify the action of taking Manavjit Singh in custody. By using this pressure tactics, the girl's side was forced to enter into a compromise, which they denied. Even the language of the alleged compromise shows that the said writing is not a compromise regarding the matrimonial dispute, rather, is an attempt to exonerate the police officials of their misdeeds. So far as the actual dispute between the parties is concerned, the alleged compromise only stipulates that they will take recourse to the court of law. It is further submitted by learned Senior Counsel for the complainant that the persons who were signatories to the alleged compromise, have made their statements under Section 161 Cr.P.C. during investigation, in which, they have fully supported the prosecution case qua humiliation and beatings caused to Manavjit Singh. Not only that, they have also affirmed the fact that Jashanbir Singh visited the police station in the evening to meet his brother and he was also humiliated there. Therefore, there is no doubt that

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Jashanbir Singh was also given beatings besides his elder brother. Hence, this had given a direct reason and instigation for committing suicide to Jashanbir Singh. To highlight the criminal intent of the police officials, learned Senior Counsel for the complainant submits that although the DDR qua Sections 107/151 Cr.P.C. was recorded in the noon on 16.08.2023, but Manavjit Singh was not produced before the Magistrate in the early morning on the next date. Rather, he was continuously kept in custody even on the next date and was produced before the Magistrate at about 4.00 p.m. This long time in producing him before the Magistrate was taken by the police to ensure that marks of beating and the injuries suffered by Manavjit Singh, subside in the meantime.

12. Keeping in view the facts and circumstances available on the record, as well as, the submissions made by counsel for the State, as supplemented by learned Senior Counsel for the complainant, but without commenting any further on the merits of the case, this Court is of the view that since the incidents of alleged humiliation and instigation are alleged to have happened within four-walls of the Police Station, and under the charge of the petitioner, therefore, the petitioner is required for custodial interrogation, to ascertain the role played by him in the entire incident. Therefore, this Court does not find it a fit case to grant the benefit of anticipatory bail to the petitioner.

13. Dismissed.

17.10.2023

parveen kumar

**(RAJBIR SEHRAWAT)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No