

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.204

CRWP-1228-2019

Date of Decision:01.03.2023

Innu Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Jagjit Singh, Advocate,
for the petitioner.

Mr.M.S. Bajwa, DAG, Punjab.

N.S. SHEKHAWAT, J.

The petitioner had moved the instant petition before this Court for issuance of a writ in the nature of mandamus directing respondents No.2 and 3 to protect the life and liberty of the petitioner at the hands of respondent No.4. A further prayer was made to direct respondents No.2 and 3 to take action on the applications (Annexures P-2 and P-3), stated to have been submitted to respondent No.2.

Learned counsel for the petitioner, inter alia, contended that Amarjit Kaur, domestic help of the petitioner, was working with her for the last several years. On 26.07.2019, she was beaten up by her relatives and suffered serious injuries. The accused tried to block her way while she was proceeding to Civil Hospital and to the police station. She ultimately contacted the petitioner and the petitioner shifted her to the Civil Hospital, Kapurthala, but the authorities of the Civil Hospital, Kapurthala, refused to admit her and she was admitted in Civil Hospital, Sultanpur Lodhi. Her

statement was recorded by ASI Amarjit Singh in the hospital, but no action was taken. Ultimately, Amarjit Kaur submitted an application to the police on 30.07.2019 (Annexure P-1), but again no action was taken by the police. It was further submitted that the concerned SHO and ASI Rajinder Kumar used to make calls to the petitioner to pressurize her for sexual favours, which was not acceptable to her. Further, at about 06.00 PM on 01.09.2019, on the directions of respondent No.4, SI Mandeep Kaur, ASI Rajinder Kumar, ASI Gurdev Singh, ASI Gurdeep Singh and ASI Ashok Kumar came to the house of the petitioner in her absence and even her house was locked. Learned counsel further submitted that two police officials were standing outside the house of the petitioner, whereas, two officials illegally entered her house by scaling the walls of the main gate and took away the cash and valuables from the purse, which was lying in the almirah of her house. It has further been contended that when the police officials were doing this act, they noticed the CCTV camera in the house and the same was also damaged. Learned counsel next contended that the petitioner went to the police station for registration of the case, but she was threatened by the police officials. He also submitted that the life of the petitioner was in danger and she was hiding herself to save her life.

Upon notice, different status reports were filed on behalf of the official respondents and the same were taken on record. Ultimately, vide order dated 09.01.2023, respondent No.3-Senior Superintendent of Police, Kapurthala was directed to file para-wise reply by way of his personal affidavit. On the last date of hearing, i.e. 06.02.2023, the Senior Superintendent of Police, Kapurthala, had filed a detailed para-wise reply and the same was taken on record.

Learned counsel for the State argued vociferously that the petitioner had submitted various representations to the senior police officers as well as other authorities on 03.09.2019, 09.09.2019, 25.09.2019 and 30.09.2019, which were jointly enquired into by the Superintendent of Police (Investigation), Kapurthala. During the enquiry, Superintendent of Police (Investigation) sent notices dated 09.09.2019, 16.09.2019, 23.09.2019 and 19.11.2019 at the address of the petitioner with a direction to join the enquiry proceedings of the said complaints/representations and to furnish best possible evidence to prove the allegations in the said representations. However, the petitioner could not be served, as her house was found locked. The enquiry officer also joined the officials namely, SI Rajinder Kumar, ASI Gurdeep Singh, ASI Gurdev Singh, ASI Ashok Kumar, ASI Mandeep Kaur and SHO Sarabjit Singh and their statements were recorded. He further submitted that the petitioner intentionally did not join the enquiry proceedings and did not offer any evidence.

Learned State counsel has further contended that one FIR No.181 dated 09.08.2019 under Sections 21/61/85 of the NDPS Act, Police Station Sultanpur Lodhi, was registered against Salinder Singh @ Sinda and 280 grams of heroin was recovered from him on 09.08.2019. Consequently, Salinder Singh @ Sinda was arrested by SI Rajinder Kumar on the same day and he suffered a disclosure statement that he had purchased the said contraband from the present petitioner and her accomplice, namely, Gurbhej Singh @ Bheja. Still further, the heroin was delivered to Salinder Singh @ Sinda by the petitioner and her accomplice in a car bearing Registration No.PB-09-3132 at village Toti. He further submitted that on 01.09.2019 SI Rajinder Kumar got a secret information

about the presence of petitioner and Gurbhej Singh @ Bheja and after associating Sarpanch as well as Panch in the raiding team, the house of the petitioner was raided. In fact, the gate of the house was locked from outside, but the loud volume of the TV was audible outside the house. So SI Mandeep Kaur and ASI Gurdev Singh jumped inside the house, but the inner door of the house was also found locked, consequently, the cops came outside and no illegal activity was done by the said officials. The police also recorded the statements of Sarpanch, Panch and the above stated officials to that effect.

During the enquiry, it was also found that Gurbhej Singh @ Bheja, co-accused of petitioner, was involved in several other cases, i.e. FIR No.203 dated 14.11.2018 under Sections 22/29/61/85 of the NDPS Act, Police Station City-2 Khanna, FIR No.47 dated 26.06.2016 under Sections 22/61/85 of the NDPS Act, Police Station Sultanpur Lodhi and FIR No.52 dated 31.09.2019 registered under Sections 22/29/61/85 of the NDPS Act, Police Station Sultanpur Lodhi and he was declared proclaimed offender by the concerned court in some cases.

Learned counsel also submitted that the following FIRs had been registered against the petitioner and her family members:-

- (i) FIR No.36 dated 07/03/2016 under Sections 380/323/342/452/506/148/149 IPC Police Station Sultanpur Lodhi;
- (ii) FIR No.51 dated 31.08.2021 under Sections 307/332/353/186/34 IPC Police Station Sultanpur Lodhi;
- (iii) FIR No.259 dated 30.11.2022 under Sections 376/323/342/506/148/149 IPC Police Station Sultanpur Lodhi;
- (iv) FIR No.23 dated 23.01.2000 under Sections 457/380/341 IPC Police Station Kotwali Kapurthala;

- (v) FIR No.89 under Sections 457/380 IPC Police Station City Kapurthala;
- (vi) FIR No.43 dated 01.03.2005 under Sections 356/379 IPC Police Station City Kapurthala;
- (vii) FIR No.148 dated 31.05.2005 under Section 382 IPC Police Station City Kapurthala;
- (viii) FIR No.149 dated 03.06.2007 under Sections 382/34 IPC Police Station City Kapurthala
- (ix) FIR No.182 dated 30.06.2007 under Sections 379/411 IPC Police Station City Kapurthala.

Learned counsel for the State next submitted that the above-said cases were investigated by SHO Sarabjit Singh, against whom the allegations have been levelled by the petitioner in the present petition repeatedly. In fact, the petitioner had levelled these allegations to save herself from the prosecution in case FIR No.181 dated 09.08.2019 under Section 21 of the NDPS Act Police Station Sultanpur Lodhi. Still further, the petitioner neither joined the enquiry proceedings nor produced any evidence during enquiry to prove her allegations, levelled by her in the said representations. Consequently, the enquiry officer closed the proceedings and submitted the same to the Senior Superintendent of Police, Kapurthala for further appropriate orders. The Senior Superintendent of Police also examined the file and agreed with the findings recorded by the enquiry officer and ordered the filing of the enquiry.

Learned State counsel further submitted that in the instant case, it has also been found that even Amarjit Kaur was associated in the enquiry, who was an accused in case FIR No.162 dated 28.07.2019 under Sections 452/323/506/148 IPC Police Station Sultanpur Lodhi, which was lodged by

her relatives. Amarjit Kaur also told the investigating officer in the said case that the present petitioner had taken a sum of Rs.50,000/- from her in the presence of her relative Darshan Kaur for registration of a cross-case. Even Amarjeet Kaur stated that she did not want to proceed with the enquiry and consequently, the representation (Annexure P-1) was ordered to be filed.

Learned State counsel also submitted that the grievances of the petitioner have already been examined by the Senior Superintendent of Police, Kapurthala in detail and the allegations levelled by the petitioner were found to be false and thus, the present petition may be ordered to be dismissed.

I have heard the learned counsel for the parties in detail and have gone through the record carefully.

In the instant case, the petitioner has alleged that her domestic help, namely, Amarjit Kaur was beaten up by her relatives on 26.07.2019 and injuries were caused to her. She was taken to Civil Hospital, Kapurthala, but authorities of the Civil Hospital, Kapurthala refused to admit her and later on she got her admitted in Civil Hospital, Sultanpur Lodhi for medical treatment. It has been alleged by the petitioner that ASI Amarjit Singh recorded her statement, but no action was taken. It has also been averred by the petitioner that the representation (Annexure P-1) was submitted by Amarjeet Kaur to the police, but no action was taken on the same. Even the petitioner requested respondent No.4 to take action against the accused, who attacked on Amarjit Kaur, but the police pressurized the petitioner for sexual favours for taking action against the accused.

However, during the course of enquiry, Amarjit Kaur had withdrawn the

complaint (Annexure A-1) and even the allegations levelled therein were found false and baseless by the police. Rather it was found that Amarjit Kaur herself was an accused in a case FIR No.162 dated 28.07.2019 under Sections 452/323/506/148 IPC Police Station Sultanpur Lodhi, which was lodged against her by the opposite side. Still further, Amarjit Kaur also levelled serious allegations against the present petitioner that she had taken a sum of Rs.50,000/- from her in the presence of her relative Darshan Kaur for getting a cross-case registered. Consequently, it is apparent that Amarjit Kaur herself had levelled serious allegations against the present petitioner and the version put-forth by the petitioner in the present petition appears to be false and unbelievable. Even it is unbelievable that the doctors at Civil Hospital, Kapurthala had refused to provide treatment to Amarjit Kaur, when the doctors of the above-said hospital had no enmity either with Amarjit Kaur or the present petitioner. Even no evidence to that effect has been filed by the present petitioner before this Court to show that the doctors had colluded with any police officer or had enmity with the present petitioner. Thus, the allegations levelled by the present petitioner are apparently false and unfounded.

Still further, from the record, it is apparent that an accused Salinder Singh @ Sinda was carrying 280 grams of heroin and was arrested by the police. He submitted a disclosure statement on 09.08.2019 itself to the effect that the said contraband was delivered to him by the petitioner and her accomplice Gurbhej Singh @ Bheja in a car bearing registration No.PB-09-3132 at village Toti. On 01.09.2019, the police associated Panch and Sarpanch of the village and raided the house of the petitioner. It also requires mention that Gurbhej Singh @ Bheja was also involved in three

cases under NDPS Act, i.e. FIR No.203 dated 14.11.2018, Police Station City-2 Khanna, FIR No.47 dated 26.06.2016, Police Station Sultanpur Lodhi and FIR No.52 dated 31.09.2019 Police Station Sultanpur Lodhi and had been declared as proclaimed offender in some cases. The petitioner was apparently an active member of his group and had delivered the alleged contraband to Salinder @ Sinda. Even during the course of enquiry, the petitioner neither associated the enquiry nor produced any evidence to show her innocence. She made no efforts to prove the allegations levelled by her in various representations submitted to senior police officers. Even before this Court, she could neither place on record the alleged CCTV footage nor any other evidence to prove the genuineness of the allegations levelled by her against the police officials. Even she levelled allegations against several police officers, but none of them was impleaded as a party in the instant case. Thus, apparently there is possibility that the petitioner had levelled the allegations against the police officials to save herself from the prosecution in case FIR No.181 dated 09.08.2019 under Section 21 of the NDPS Act Police Station Sultanpur Lodhi.

Still further, the learned State counsel has submitted that above-mentioned nine FIRs were registered against the petitioner and her family members in different police stations and most of the cases were investigated by SHO Sarabjit Singh (now retired), who was well aware of the criminal antecedents of the petitioner and her family. Even prior to this, the petitioner had moved complaints against police officials, which were found to be false. Even in the petition, the petitioner levelled allegations against certain police officials, who had worked in the police station concerned at different times and were transferred in a routine course since long. Even a

detailed enquiry had been conducted by Superintendent of Police (Investigation), Kapurthala, and the allegations levelled by the petitioner have been found to be false. Even I have perused the various status reports submitted by the police from time to time as well and find that the allegations levelled by the petitioner are without any basis and frivolous.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant petition is wholly misconceived, bereft of merit and without any substance; thus, it must fail.

Resultantly, with the above-said observations made, the instant petition stands dismissed.

01.03.2023
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO