

CRR-123-2022 (O & M)

2024:PHHC:114916-DB



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 03.09.2024

1) CRR-123-2022 (O & M)

Ravinder Singh

..... Petitioner(s)

V/s

State of Punjab and ors.

...Respondent(s)

2) CRR-908-2022 (O & M)

Amandeep Kaur and anr.

..... Petitioner(s)

V/s

State of Punjab and anr.

...Respondent(s)

CORAM: HON’BLE MR. JUSTICE SUDHIR SINGH
HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. H.S. Randhawa, Advocate, for the petitioners.
Mr. Mohit Kapoor, Sr. DAG, Punjab, for respondent No.1.
Mr. Naveen Sharma, Advocate, for respondent No.2.

JASJIT SINGH BEDI, J.

This order shall dispose of two criminal revision petitions i.e.
CRR-123-2022 and CRR-908-2022 as they arise out of the same FIR.

2. The present revision petitions are directed against the judgment
and order dated 20.12.2021 whereby the Trial Court while acquitting the



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respondent No.2-Gursharan Singh who was facing Trial in FIR No.179 dated 26.10.2020 under Sections 376, 506 IPC, registered at Police Station Civil Lines, District Bathinda, has directed initiation of departmental proceedings against the petitioners, registration of an FIR, prosecution of the petitioners under Section 344 Cr.P.C. and the award of compensation.

3. For the sake of convenience, the facts are taken from CRR-123-2022.

4. The case of the prosecution is that on 26.10.2020, Sub Inspector (SI) Harpinder Kaur (petitioner in CRR-908-2022) along with a police party had just stepped outside the gate of Police Station Civil Lines in connection with patrolling and checking of suspected persons, when she met the prosecutrix along with her husband Rajwinder Singh who got recorded her statement to her, interalia, alleging that she was a house wife and her husband Rajwinder Singh was earlier working as an Assistant Sub Inspector of Police (ASI) and had been dismissed. However, she along with her husband had been acting as an informer of the police giving tip offs about drug traffickers. It is further alleged that they gave information to the higher Police officials of Punjab Police about some unknown persons indulging in trafficking narcotics drugs whereupon they were told by the higher officials to contact DSP Gursharan Singh posted in the Special Task Force, Narcotics, Bathinda and gave her mobile number as 73474-95495. She met DSP Gursharan Singh for giving information due to which she got acquainted with him. It is further alleged that DSP Gursharan Singh called her on her



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mobile No.98154-25925 and used to talk to her on one pretext or the other. It is further alleged that DSP Gursharan Singh used to ask her to come to different hotels and on her refusal, he threatened her with the registration of a criminal case under the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act'). It is further alleged that DSP Gursharan Singh got annoyed and thereafter got registered an FIR No.118 dated 22.07.2020 under Section 22, 25 of the NDPS Act, PS Nehianwala, Bathinda against her, her husband Rajwinder Singh and her son Harpreet Singh due to which she gave in to his demand and on 13.09.2020, DSP Gursharan Singh asked her to come at Ashiana Hotel and she reached there about 3.30/4.00 PM where DSP Gursharan Singh raped her in room No.5 of the hotel. It is further alleged that thereafter also he used to physically exploit her in Ashiana Hotel and on that day also i.e. on 26.10.2020, he called her from his mobile No.98154-25925 directing her to come in Room No.13 of Ashiana Hotel, Bathinda and she complied with the demand of DSP Gursharan Singh who raped her in the hotel whereupon she raised a hue and cry and saved herself and thereafter she narrated the occurrence to her husband and went to the police station to report the matter. On the basis of aforesaid statement, the FIR in question was registered against the accused. SI Harpinder Kaur arrested him on 27.10.2020 and also got recovered one mobile phone with two SIM numbers i.e. 73474-95495 and 90417-87700 and another mobile phone bearing SIM numbers 87661-00001 and 94175-11670, which were taken into possession. Further investigation was handed over to Sub



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Inspector (SI) Amandeep Kaur (petitioner No.1 in CRR-908-2022) who got conducted the medical examination of the prosecutrix on 27.10.2020. Vaginal swab samples of the prosecutrix as well as blood samples of the accused were obtained by the medical officer which were later on dispatched to the FSL for detection of human semen and conducting DNA profiling. Accused was produced in the court on 27.10.2020 and police remand was obtained. The prosecutrix also suffered statement before the JMIC, Bathinda under Section 164 of Cr.P.C. on 29.10.2020. On the completion of the investigation the Investigating Officer submitted the police report under Section 173(2) Cr.PC before the competent court.

5. Pursuant to the registration of the FIR, the statement of the prosecutrix-Kuldeep Kaur was recorded under Section 164 Cr.P.C. wherein she supported the prosecution version.

6. Later, she, while deposing in Court as PW-1 and her husband-Rajwinder Singh as PW-8 did not support the prosecution case and were declared hostile. The petitioner-Ravinder Singh (in CRR-123-2022), then then SHO was examined as PW-16 whereas the petitioners No.1 and 2, namely, Amandeep Kaur and Harpinder Kaur (in CRR-908-2022) who were Sub Inspectors were examined as PW-3 and PW-2 respectively.

7. Ultimately, Gursharan Singh-respondent No.2 came to be acquitted vide judgment dated 20.12.2021 passed by the Court of Additional Sessions Judge, Bathinda. However, while acquitting him, the Court directed the registration of an FIR against the petitioners, the initiation of



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departmental proceedings against them, their prosecution for giving false evidence and awarding of compensation to the acquitted accused-Gursharan Singh. It is this part of the aforesaid judgment which is under challenge in the present revision petitions.

8. Meanwhile, with respect to the implementation of the directions issued in the aforementioned judgment, CRM-M-57881-2022 was filed before this Court. In the said petition, a response was sought from the official respondents. As per the said response, an SIT had been constituted, as per which, no FIR was to be registered and no departmental proceedings were to be initiated against the present petitioners. However, the revival of proceedings under Section 193 IPC was left open depending on the outcome of the instant revisions petitions.

9. The learned counsel for the petitioners contends that the challenge in the present petitions was to the directions issued in the judgment dated 20.12.2021. As the investigating agency had already recommended that no departmental or criminal proceedings were to be initiated against the petitioners, the present petitions were rendered infructuous to that extent. However, the proceedings could be initiated under Section 193 IPC in view of the reply submitted in the aforementioned criminal miscellaneous petition.

10. The learned counsel for the State-respondent No.1 has not disputed the factual position as narrated above.



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11. The learned counsel for the respondent No.2 does not dispute the factual position as emanating from the record.
12. We have heard the learned counsel for the parties and examined the record.
13. Admittedly, while acquitting respondent No.2-Gursharan Singh, certain directions had been issued against the petitioners and to implement those directions, CRM-M-57881-2022 had been filed, during the course of which, a reply was filed stating that an SIT constituted had found that no FIR was required to be registered and nor were any departmental proceedings required to be initiated against the petitioners.
14. In this view of the matter, the present petitions which have challenged the directions given in the judgment dated 20.12.2021 are rendered infructuous and the same are disposed of as such.
15. However, liberty is granted to the petitioners to avail their remedies in accordance with law, in case, proceedings under Section 193 IPC, etc. are initiated against them.

(SUDHIR SINGH)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

September 03, 2024
sukhpreet

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