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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-38022-2021

Date of decision: 27.08.2024

Bhopal Singh

....Petitioner

Versus

State of Haryana and others

....Respondent

CORAM: HON'BLE MRS. JUSTICE **AMARJOT BHATTI**

Present: Ms. Vaishali Thakur, Advocate for
Mr.Vivek K. Thakur, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana with
Mr. Shashank Kumar Sawan, Superintendent of Police,
Panipat.

AMARJOT BHATTI, J (Oral):

1. Petitioner-Bhopal Singh peition filed under Section 482 Cr.P.C. for directing respondents No. 1 to 4 to take strict action against respondents No.5 to 9 for having committed cognizable offence by kidnapping/detaining and torturing the petitioner and keeping him in illegal custody by misusing their official position regarding which petitioner has already filed complaints dated 19.08.2021 Annexures P-5 and P-6. The petitioner also made a complaint on 02.09.2021 (Annexure P-8) to protect his life and liberty from the hands of respondent Nos.5 to 9 or to constitute a special investigating team of Senior Police Officials to conduct fair and independent investigation or to pass any other appropriate order or direction as the Court may deem fit and proper.

2. Learned counsel for the petitioner pointed out that son of petitioner namely Deepak was implicated in FIR No. 454 dated 19.07.2021



under Sections 323, 34, 387, 506 and 308 of IPC, copy of FIR is Annexure P-1. On 16.08.2021 at about 11.30 A.M., SI Subhash along with Head Constable Rakesh Kumar, Constable Virender and Constable Surender came to his house and asked about whereabouts of his son Deepak. He disclosed the police party that he was not aware about the whereabouts of his son and on this they forcibly took him from his house and was put in a private vehicle Swift Dzire car by abusing him in front of his family and other villagers and was given beating by SI Subhash. On the way, Kanwarpal father of other accused Neeraj was also picked up and was abused and given beating. They were brought to CIA-III Chandani Bagh Panipat where they were illegally detained by the police. Three more boys were also arrested on the same day. On the next day at about 12.00 o'clock noon, Inspector Anil Chillar gave beating to them. Puneet and Amit were got released on 17.08.2021 by their parents who bribed SI Subhash. Present petitioner was wrongly confined for three days even though he was not involved in any criminal case. Ultimately, his son surrendered in the Court by filing application dated 18.08.2021 alleging that present petitioner was detained in lockup since 16.08.2021. Copy of said application is Annexure P-2. SI Subhash in reply denied that petitioner was in their custody. Thereafter, on the same day, officials of CIA-III dropped him at his house at 9.30 P.M. in Police Vehicle No. HR06AQ210. This incident was captured in CCTV Camera. Present petitioner was medico legally examined on 18.08.2021 at Community Health Centre Samalkha, Panipat, copy of MLR is Annexure P-4. The present petitioner filed various complaints but no action was taken and ultimately present petition has been filed.



3. Status report has been filed where it is mentioned that a fair impartial inquiry was conducted by ASP Pooja Vashisht. There was procedural lapse on the part of delinquent officials but no cognizable offence was committed. Allegations of kidnapping, wrongful confinement and torture were found to be false and baseless. Therefore, no FIR was registered. Copy of order passed in departmental inquiry is Annexure P-4. Sh. Shashank Kumar Sawan, IPS, Superintendent of Police, Panipat is present in the Court who reiterated that on account of procedural lapse on the part of delinquent officials, departmental inquiry has been conducted. However the respondents No.5 to 9 have not committed any cognizable offence.

4. I have considered the allegations detailed in the petition as well as status report filed by Sh. Ajit Singh Shekhawat, IPS, Superintendent of Police Panipat. As per status report, it is conceded that there was procedural lapse on the part of delinquent officials regarding which department inquiry was conducted, but did not find commission of cognizable offence, as a result of which no FIR was registered. The present petitioner has placed on record copy of application Annexure P-2, according to which his son Deepak surrendered in FIR No.454 dated 19.07.2021 Police Station Samalkha confirming that his father was apprehended by CIA-III Police and wrongly detained since 16.08.2021. Still photographs when he was released at night time by the police are Annexure P-3. There is out door patient ticket of present petitioner dated 18.08.2021 (Annexure P-4). Various representations filed by the petitioner are also placed on record as Annexures P-5, P-6 and P-8.

5. Learned counsel for the petitioner confirmed that petitioner



has other legal remedy available to approach the Illaqa/Magistrate for seeking direction for registration of FIR. Status report indicates that police authority has proceeded against the police officials by initiating departmental proceedings considering it only as procedural lapse.

6. Considering the aforesaid factual position, no purpose would be served by keeping the present petition pending in this Court. The petition filed by the petitioner is disposed of with the direction to seek appropriate remedy for registration of FIR as provided under Code of Criminal Procedure.

7. With this direction the petition is accordingly disposed of

8. Pending miscellaneous application(s), if any, stand disposed of accordingly

(AMARJOT BHATTI)
JUDGE

27.08.2024
monika

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |