

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-10097-2024
Reserved on: 13.12.2024
Pronounced on: 19.12.2024

Manjit Kaur ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

ANOOP CHITKARA, J.

1. Apprehending threat at the hands of respondents No.3 to 5, the petitioner has come up before this Court seeking writ in the nature of mandamus directing the Punjab Police to protect her life and of her family members. In addition to this relief, petitioner had also sought a protection to comply with provisions of Section 160 CrPC before calling the petitioner to police station and to decide her representation Annexure P-1.
2. Petitioner's claim is that on 13.08.2024, respondents No.4 and 5 who are police officials in civil dress entered her house. Petitioner alleged that she was not at home and her elder daughter was present at home. She told them that her parents were not present but they did not listen and harassed her daughter and forcibly entered the house and conducted illegal search and scattered the household articles and they also took away six gold rings kept in the cupboard and Rs.50,000/- cash lying in the cupboard. Petitioner also stated that she received a call from one Sewak Singh who claimed that he is speaking from police station and would return the rings and other material and she had recorded such call and annexed such call on CD. The concerned Superintendent of Police has filed para wise reply to the petition in which it is mentioned that they had received a representation in which she had mentioned about illegal entry of police officials, theft of Rs.50,000/- and gold rings. On this, representation was marked to DySP to conduct detailed inquiry. The concerned DySP submitted report dated 22.10.2024 which reads as follows:-

"4. That the Deputy Superintendent of Police, Sub-Division Attari, District Amritsar (Rural), submitted his report no. 761-5A dated

22.10.2024.

That the following points have come on record in the inquiry conducted by the Deputy Superintendent of Police, Sub-Division Attari, which are mentioned herein for the kind perusal of this Hon'ble Court:

i. That the complainant/petitioner Manjit Kaur was served with various parwanas/notices having No. 122-5E dated 11.09.2024, 129-5E dated 20.09.2024 and 134-5E dated 30.09.2024 to come present before the inquiry officer and get her statement recorded in regard to the representation submitted by her. That all these parwanas/notices were duly noted by the complainant/petitioner in the presence of her father-in-law namely Parkash Singh.

That it is pertinent to mention here that the complainant/petitioner did not come present before the inquiry officer to get her statement recorded on any of the dates given by the police authority, she was asked to come present.

ii. That the complainant/petitioner Manjit Kaur came present before the Deputy Superintendent of Police, Sub-Division Attari on 19.10.2024, and got her statement recorded whereby she stated that she has not brought any evidence which supports the allegations being leveled by her in the representation in regard to the stealing of Rs.50,000/- and gold articles after entering forcefully in her house. That she further stated that her husband has gone outside for some work and she will come present again along with the evidence which support the allegations and she will also bring along the paint labor, who were working in their house on the alleged date of occurrence.

iii. That it has come on record that the complainant/petitioner gave a wrong statement before the inquiry officer when she stated that her husband had gone out for some work because it was found that her husband Labh Singh is an accused in FIR No. 141 dated 09.10.2024 under Section 21/61/85 NDPS Act Police Station Chattiwind, District Amritsar (Rural) and is currently in judicial custody and lodged at Central Jail, Amritsar. Thus, this fact in itself brought on record the mala-fide intention of complainant, while leveling wrong allegations on the officials. However, even after giving appropriate opportunities she failed to bring on record any evidence which proved the allegations.

iv. That it is pertinent to mention here that it has come on record during the inquiry that the complainant's husband Labh Singh and both sons namely Jagraj Singh @ Jago and Akashdeep Singh @ Kalia are also an accused in 7 other FIRs. The details of all these FIRs are mentioned herein below for the kind perusal of this Hon'ble Court:-

- FIR No. 141 dated 09.10.2024 under Section 21/61/85 NDPS Act registered at Police Station Chattiwind, District Amritsar (Rural).*
- FIR No. 84 dated 23.05.2020 under Section 61-1-14 Excise Act registered at Police Station Chattiwind, District Amritsar (Rural).*
- FIR No. 128 dated 09.09.2023 under Section 323, 160, 341, 506, 148, 149 IPC and Section 21, 22, 29/61/85 NDPS Act registered at Police Station Chattiwind, District Amritsar (Rural).*
- FIR No. 181 dated 06.08.2020 under Section 61-1-14 Excise Act registered at Police Station Chattiwind, District Amritsar (Rural).*
- FIR No. 53 dated 04.06.2017 under Section 61-1-14 Excise Act registered at Police Station Chattiwind, District Amritsar (Rural).*
- FIR No. 46 dated 02.04.2020 under Section 188 IPC registered at Police Station Chattiwind, District Amritsar (Rural).*
- FIR No. 157 dated 10.11.2012 under Section 61-1-14 Excise Act registered at Police Station Chattiwind, District Amritsar (Rural).*

It is clear from the criminal record that Manjit Kaur and her family are habitual offenders and are involved in the illicit trade of narcotic substances.

v. That the statement of the 2 police personnel namely Ct. Kuljinder Singh 1793/ASR-R and PHG Palwinder Singh 2606/3 Battalion Amritsar, were also recorded whereby they stated that a Cordon and Search Operation (CASO), was being carried out on the directions of the Director General of Police, Punjab and Senior Superintendent of Police, District Amritsar (Rural). In this regard, raids were being conducted at the houses of habitual offenders. On 13.08.2024, at around 04:00PM, when the police entered their house, they saw that 2 painters were working and 2 females and 1 child were present in the house and the police officials asked for Jagraj Singh @ Jago and they stated that Jagraj Singh is not at home. Thereafter, the police officials did not enter into the house or any room and went back from outside itself.

5. That after conducting the detailed inquiry the Deputy Superintendent of Police, Sub-Division Attari, District Amritsar (Rural), submitted his final report having no. 761-5A dated 22.10.2024, in which it was stated that no evidence has come on record which proves that the allegations leveled by the petitioner/complainant and there are no merits in the same. The said officer further stated that the complainant/petitioner is filing false and frivolous complaints to unnecessarily harass the police officials. Therefore, it was recommended that the representation No. 1734-PP dated 09.09.2024 be consigned to the record room.

That further in regard to the audio recording report from Station House Officer, Police Station Chattiwind was obtained as per which on the perusal of the audio recording, nothing material came on record in regard to the allegations leveled by the petitioner.

Thus, the report dated 23.10.2024 was approved by the deponent on 08.11.2024, and the representation was consigned to the record room."

3. Petitioner filed counter to the reply and stated that the police officials are trying to mis-lead this Court. She was intimidated and forced to sign blank papers. She also annexed affidavit of one electrician as Annexure P-3. Petitioner further submitted that the police officials had tried to implicate entire family in false case. An analysis of above said submissions would lead to the following outcome. Firstly regarding protection, there is no apparent threat to the petitioner and her family members at the hands of police. It is not a case of protection. Regarding the decision on representation, the prayer has rendered infructuous because investigation has already been conducted by DySP which is extracted above. Regarding third prayer, as and when petitioner is called, compliance of Section 160 CrPC be made. Needless to say that whenever an inquiry is conducted, then the police is duty bound to follow provisions of Section 160 CrPC, 179 BNSS and 175 CrPC and 195 BNSS.

4. Given above, it is clarified that in case petitioner is called, then due compliance shall be made unless she is an accused in FIR.

CRWP-10097-2024

5. Petition is disposed of. Regarding theft, it is always open for the petitioner to file appropriate complaint in the concerned police station and in case of alternative approach the concerned JMIC under Section 175 of BNSS. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

19.12.2024
Jyoti Sharma

Whether speaking/reasoned:	Yes
Whether reportable:	No.