

CR-M-57881-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-57881-2022 (O&M)

Date of decision: March 06, 2024

Gursharan Singh

....Petitioner

versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE HARSH BUNGER**

Present:- Mr. K.S. Sidhu, Senior Advocate with
Mr. Praagbir S. Dhindsa, Advocate and
Mr. Kartik Bansal, Advocate for petitioner.

Mr. Dhruv Dayal, Additional AG Punjab.

SUDHIR SINGH, J. (ORAL)

Petition herein is, *inter alia*, for issuance of a direction to respondent No.2-Director General of Police, Punjab, to implement the directions issued by learned Additional District and Sessions Judge-cum-Special Judge, Bathinda, in para No.41 of judgment dated 20.12.2021, regarding registration of an FIR, under Sections 218/ 465/ 466/ 469/ 471 and 120-B of the Indian Penal Code, 1860, against respondents No.4 to 8 and to prosecute them, in accordance with law.

2. As regards the relief sought herein, status report by way of affidavit dated 22.02.2023 was filed on behalf of respondents No.1 to 3. Following statement, in para-5 thereof, has been made:-

“5. That it is submitted that on the directions of the Director General of Police, Punjab, Chandigarh, a Special Investigation Team was constituted by the Inspector General of Police, Bathinda Range, Bathinda. The Inspector General of Police, Bathinda Range, Bathinda sent the report of the Special Investigation Team to the Director General of Police, Punjab, Chandigarh vide his office letter No.144-45/BTAR/PC

dated 25.07.2022. It is submitted that as per the report of the S.I.T., no alleged conspiracy was found to have been committed by Insp. Ravinder Singh, SI Harpinder Kaur and SI Amandeep Kaur and it was also stated in the said report that no departmental proceeding or legal action is required to be taken against the above said police officers. The S.S.P., Bathinda wrote a letter No.15/ASU dated 04.01.2023 to the Director General of Police, Punjab, Chandigarh requesting for informing the action taken on the report sent by the Inspector General of Police, Bathinda Range, Bathinda. The Director General of Police, Punjab, Chandigarh vide his letter No.563 dated 20.01.2023 informed the S.S.P., Bathinda that the above said report No.144-45/BTAR/PC dated 25.07.2022 of the Inspector General of Police, Bathinda Range, Bathinda has been consigned to record room. So, on the basis of the aforesaid letter dated 20.01.2023 of the Director General of Police, Punjab, Chandigarh, the Senior Superintendent of Police, Bathinda vide his office order No.380-86 dated 14.02.2023 has ordered for consigning the departmental proceedings to record room. No cause of action has occurred to the petitioner to file the present petition. The present petition is liable to be dismissed.”

3. When the matter was taken up by learned Single Judge of this Court on 15.12.2023, a statement was made by learned State counsel that an additional detailed affidavit was required to be filed in the present case.

4. In compliance to afore-said order dated 15.12.2023, additional detailed report by way of an affidavit dated 20.01.2024 of Deputy Superintendent of Police, City-II, Bathinda was filed by learned State counsel. Relevant para Nos.20 to 25 thereof read as under:-

“20. That Special Investigation Team submitted its report no.49/5C/SP(Inv) dated 05.07.2022 to Senior Superintendent of Police, Bathinda with the recommendation that from the perusal of the call recordings produced by Kuldeep Kaur in a pendrive, it is found that no police official/officer had conspired with complainant Kuldeep Kaur at the time of registration of the case, only some negligence might have committed by Inspector Ravinder Singh, SI Amandeep Kaur and SI Harpinder Kaur, so departmental proceedings should be initiated against them and no further action is required to be taken against them.

21. That Senior Superintendent of Police, Bathinda was also agreed with the recommendation made by Special Investigation Team and submitted his comments to the office of

Inspector General of Police, Bathinda Range, Bathinda vide office letter no.1556/S dated 08.07.2022 that recommendation has already been made to initiate departmental inquiry against the above named delinquents. No evidence has come that the above named officials were connived with complainant Kuldeep Kaur on or before the day of the registration of the case, so no further action is required to be taken and the application of Gursharan Singh, DSP now petitioner was recommended to be filed.

22. *That Inspector General of Police, Bathinda Range, Bathinda submitted the report of Special Investigation Team along with the comments of Senior Superintendent of Police, Bathinda and application no.131/PC-2BTA-R dated 29.03.2022 of Smt. Kuldeep Kaur to Director General of Police, Punjab, Chandigarh vide report no. 144-45/BTAR/PC-1 dated 25.07.2022 with the recommendation that no further action is required to be taken.*

23. *That the investigation report conducted by Special Investigation Team sent by Inspector General of Police, Bathinda Range, Bathinda vide report no.144-45/BTAR/PC-1 dated 25.07.2022 has been approved by Director General of Police, Punjab, Chandigarh and an information was also received in the office of Senior Superintendent of Police, Bathinda vide letter memo no.563/CB-3 dated 20.01.2023.*

24. *That Superintendent of Police, City, Bathinda made a recommendation that in view of the inquiry report of Special Investigation Team and other documents, departmental inquiry was recommended to be dropped. The said recommendation was approved by Senior Superintendent of Police, Bathinda vide office order no.380-86/SU dated 14.02.2023.*

25. *That on 10.04.2023 the learned Court of Shri Baljinder Singh Sra, Additional Sessions Judge, Bathinda dropped the proceedings under section 344 (4) of Cr.P.C against Inspector Ravinder Singh, SI Amandeep Kaur and SI Harpinder Kaur and the following order was passed:-*

“Heard.

It transpires from the record that this Court vide order dated 23.05.2022 directed the DGP, Punjab to get the matter examined from SIT. Report of SIT indicates that the respondents were not instrumental in lodging of the false FIR against GSP Gursharan Singh.

Be that as it may, it further transpires from the record that the judgment dated 20.12.2021 passed by this court has been challenged in the Hon’ble High Court by filing criminal revision petitions bearing no.123 of 2022 and 908 of 2022. It is further informed that an appeal against the judgment has also been filed by the prosecution before the Hon’ble High Court.

In view of the interdict imposed by Section 344 (4) Cr.P.C, at this stage, the proceedings are dropped

against the respondents. They are ordered to be discharged. However, Public Prosecutrix shall have the liberty to revive the proceedings depending on the outcome of the criminal revision petitions and appeal pending before the Hon’ble High Court. File be consigned to record room”.”

5. It transpires that a Special Investigation Team (SIT) was constituted by the Director General of Police, Punjab, and apparently, no objection is shown to have been raised by the petitioner in that regard. The SIT has already submitted its report as indicated in the foregoing paras and there is no reason to disbelieve the report *ibid*.
6. Considering the aforesaid facts, no further order is required to be passed in the present petition.
7. Disposed of, accordingly.
8. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(HARSH BUNGER)
JUDGE

March 06, 2024
mahavir
Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No