

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CWP-25186-2023 (O&M)
Date of decision:14.05.2024

PARMINDER KAUR AND OTHERSPetitioners

VERSUS

STATE OF PUNJAB AND OTHERSRespondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Sandeep S. Majithia, Advocate
for the petitioners.
Ms. Harpriya Khaneka, DAG. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

CM-2364-CWP-2024

For the reasons mentioned in the application, the same is allowed and accompanying documents i.e. Annexures P-6 and P-7 respectively are taken on record.

CM-8091-CWP-2024

For the reasons mentioned in the application, the same is allowed as prayed for and better version of Pen Drive is taken on record as Annexure P-6.

MAIN CASE

1. Prayer in the present writ petition is for seeking issuance of directions to respondent No.2 to initiate appropriate action against official

respondents for illegally abducting petitioners No.2 and 3 and illegally detaining petitioner No.2 for a period of two nights without there being any complaint or case against her.

2. A status report had been filed wherein the respondents have averred that the matter was looked into by the Assistant Commissioner of Police and a report was called from the SHO of Police Station Division No.6, Police Commissionerate, Jalandhar regarding the averments made in the petition. It is thereafter reported that petitioner No.1 –Parminder Kaur had filed a petition bearing CRWP-9515-2023 before this Court, praying for issuance of writ in the nature of Habeas Corpus directing production of detenues namely Arjinder Kaur, Jaspinder Kaur, Gurpanth Singh and Manjinder Kaur and to appoint Warrant Officer to raid the premises of the abovesaid Police Station, Division No.6.

3. A warrant Officer was appointed in the said writ petition vide order dated 22.09.2023. The Warrant Officer visited the Police Station, Division No.6 alongwith the petitioner No.1-Parminder Kaur and search the Police Station, however, the alleged detenues were not found there. An entry in this regard was made at Police Station, Division No.6, Jalandhar vide DDR No. 25 dated 22.09.2023 at 20:48 hrs. As the alleged detenues were not found present at Police Station, Division No. 6, Jalandhar, the petitioner No.1 informed the Warrant Officer that she apprehended that the alleged detenues might be at the residential quarter of Lady Constable Jasvir Kaur bearing No. 791/JAL. The Warrant Officer visited the above said residential quarter, however, the detenues were also not found present there. A DDR No. 26 dated 22.09.2023 at 21:36 hrs was recorded about the same on the same day. A report was thereafter filed by the Warrant Officer.

4. Consequently, Criminal Writ petition No. 9515 of 2023 was disposed of vide order dated 09.10.2023 by this Court. It has been submitted that the petitioner No.1-Parminster Kaur has been making false allegation against the concerned police officials with ulterior motive to harass the police officials. It is further stated that Sukhwinder Singh @ Sukha-husband of petitioner No.1 is a habitual criminal and is accused in 13 different criminal cases. The details of the same are as under:-

- i) *FIR No. 65 Date 28.06.2017 U/s 379, 411, 420, 465, 467, 468, 471, 120-B IPC, PS City Abohar, District Fazilka.*
- ii) *FIR No. 73 Date 26.08.2018 U/s 379, 411, 420, 465, 467, 468, 471, 120-B IPC, PS City Mehta, District Amritsar.*
- iii) *FIR No. 60 Date 04.03.2022 U/s 379 IPC, PS Makboolpura, District Amritsar.*
- iv) *FIR No. 116 Date 07.04.2022 U/s 379, 411, 201 IPC, PS Makboolpura, District Amritsar.*
- v) *FIR No. 127 Date 11.07.2022 U/s 379 IPC, PS Ranjit Avenue, Amritsar.*
- vi) *FIR No.132 Date 16.07.2022 U/s 379, 411, 472 IPC, PS Ranjit Avenue, Amritsar.*
- vii) *FIR No. 186 Date 12.09.2023 U/s 379, 411, 413 IPC, PS Division No.6, Jalandhar.*
- viii) *FIR No. 74 Date 07.06.2023 U/s 379, 34, 201, 413 IPC, PS Division No.2, Jalandhar.*
- ix) *FIR No.96 Date 14.07.2023 U/s 379, 34, 201, 413 IPC, PS Division No.2, Jalandhar.*

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- x) FIR No. 111 Date 19.06.2023 U/s 379, 34, 201, 413 IPC, PS Division No.2, Jalandhar*
- xi) FIR No.116 Date 03.09.2023 U/s 379, 34, 201. 413 IPC, PS Division No.2, Jalandhar.*
- xii) FIR No. 117 Date 03.09.2023 U/s 379, 34, 201, 413 IPC, PS Division No.2, Jalandhar.*
- xiii) FIR No. 104 Date 21.09.2023 U/s 379 IPC, PS Division No.1, Jalandhar.*

5. A Civil Miscellaneous Application has also been filed by the petitioner whereby a Pen Drive has been placed on record to contend that the video clips could not be presented earlier and that the perusal of the aforesaid Video Clip would established that the petitioner No.2 had been taken in illegal detention by the official respondents

6. Taking into consideration, the averments made by the petitioner and also the response filed by the respondent-State, the Present writ petition is disposed of at this stage with liberty to the petitioner to approach the Commissioner of Police, Jalandhar alongwith all evidence and material that she may have in support of her case and to present the same to the Commissioner of Police whereupon, the same shall be inquired into by the Commissioner of Police and appropriate action, if any, shall be taken as per law.

(VINOD S. BHARDWAJ)
JUDGE

MAY 14, 2024
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No