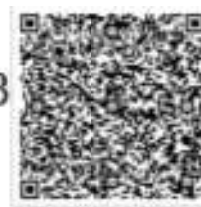


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CRM-M-6263 of 2020 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(281)

CRM-M-6263 of 2020 (O & M)

Date of decision: 03.09.2025

Bhupinder Singh

..... Petitioner(s)

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

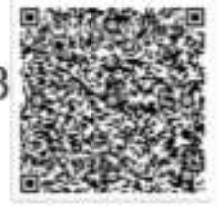
Present: Mr.Gursewak Singh, Advocate,
for the petitioner(s).

Mr. Harkanwar Jeet Singh, AAG, Punjab

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for the issuance of directions to the CBI to investigate the disappearance of Gurdeep Singh purported to have been killed by the police while in custody in the year 1992.

2. The brief facts of the case are that Gurdeep Singh brother of the petitioner was stated to have been detained at the Nabha Jail in FIR No.81 dated 14.10.1991 under Sections 302/34 IPC, Section 25 of the Arms Act and Sections 3, 4 of TADA Act, Police Station Bhadson. He was produced before the Illaqa Magistrate, Nabha on 02.11.1992 and remained in the custody of the police till 09.11.2022. However, while being taken back to Police Station Bhadson, on the pretext of answering the call of nature, he escaped police custody and an FIR No.62 dated 02.11.1992 under Section 224 IPC came to be registered at Police Station Bhadson.



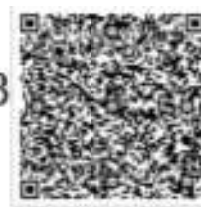
3. Syam Singh, the father of Gurdeep Singh and the present petitioner filed a petition bearing No.CRWP-992-1995 seeking issuance of a writ of Habeas Corpus directing the respondents therein to produce Gurdeep Singh. An enquiry was marked to the Sessions Judge, Patiala and the relevant paragraph of the report of the Sessions Judge, Patiala, dated 29.03.2001 is as under:-

31. Therefore, considering the evidence in this case, I find merit in the prosecution version about the escape of Gurdeep Singh-accused on 02.11.1992 either because of the negligence of the police officials or with their connivance.

4. The DSP, Crime Branch, Patiala also submitted an affidavit in CRWP-992-1995 and the relevant extract of the same is as under:-

4). That during investigation it has been established that Gurdeep Singh Dadhera son of the petitioner is involved in 18 police cases and the police is searching him. Criminal record of Gurdeep Singh Dadhera has been called from the office of SSP/PTL and various Police Stations. Police files relating to these criminal cases have been obtained from different concerned Police Stations and have been perused.

5) During investigation it has come to light that Gurdeep Singh Dadhera was required to Punjab police in many police cases. In the year 1992 he disguised himself and went towards Rajasthan/Gujarat where he together with his companions was arrested in case FIR No.51/92 under section 467, 468, 471, 120-B IPC, 25/27 Arms Act and Section 3, 4, 5 TADA Act by the police of Police Station Bhilwara (Rajasthan). Gurdeep Singh Dadhera tried to escape by jumping from the roof and his one leg was

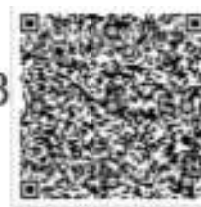


broken. He was caught by the police and a case FIR No.100 dated 21.4.1992 under section 224, 309 IPC regarding escape from police custody was registered against him in Police Station Brahmpuri, District Jaipur(Rajasthan).

6) That District Police Patiala had brought Gurdeep Singh Dadhera from Rajasthan to Patiala on production warrant. After joining him into investigation/enquiry in some cases, the police of Police Station Amloh sent him in maximum security Jail Nabha in case FIR No.72/1991 under section 302, 34 IPC, 25 Arms Act and 3/4 TADA Act.

7) That the police of Police Station Bhadson (PTL) got his production warrant in FIR No.60 dated 20.7.1991 under section 302, 34 IPC and 25 Arms Act and the police was carrying him towards Bhadson on 02.11.1992 from Nabha Jail. When the police party reached near of Cannal of the bridge village Kalar Majri, then Gurdeep Singh Dadhera made the excuse of to need the call of nature and went in the deep lace nearby the Canal. By taking the benefit of darkness and bushes he escaped from police custody. The police party tried to catch him and also fired in the air but he went out of their approach. Regarding as a case FIR No.62 dated 02.11.1992 under section 224 IPC Police Station Bhadson was registered against him. He is being searched by the police till a long time but remained in vain and due to this he has been declared PO.

8) That the statement of police offices/official who were members of the police party at the time of escape of Gurdeep Singh Dadhera has also been recorded.



9) *That the record of unidentified dead bodies from the year 1592 till now of the areas adjoining to big rivers (Bhakhra Main and Ghaggar) have been obtained from the concerned Police Stations and the same have been perused. Besides this the snap and antecedents of Gurdeep Singh Dadhera have been obtained from the petitioner and got published in the newspapers. Efforts have also been made to get their antecedents telecasted through Radio, Television and Internet etc. However, no solid clue is made out so far.*

10) *That the investigation is continue strenuous efforts are being made to achieve the goal and thorough inquiry/investigation. And more time is required for the completion of investigation.*

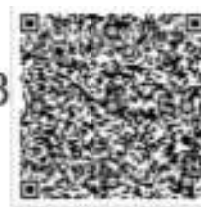
5. Based on the aforementioned enquiry report, CRWP-992-1995 came to be disposed of on 16.03.2007. The order is reproduced as under:-

Perused the inquiry report appended with memo dated 06.12.2006 of the Additional Director General of Police (Crime), Punjab.

No further action is required to be taken in the matter with liberty to the petitioner to file a criminal complaint, if so advised.

Disposed of.

6. Thereafter, Syam Singh filed CRM-M-27292-2015 which petition came to be abated on the death of Syam Singh. The order dated 19.09.2017 is reproduced as under:-



“Learned State counsel has stated that death of the petitioner has been verified, she has placed on file copy of death certificate of Syam Singh in Punjabi and its English translation attested by Notary Public.

Learned counsel appearing for the petitioner also states so. It being so, the petition gets abated and is disposed of accordingly.”

7. Thereafter, an application bearing CRM-38890-2018 in CRM-M-27292-2012 was filed which was dismissed as withdrawn vide order dated 06.03.2019 and the petitioner was granted the permission to file a fresh petition under Section 482 Cr.P.C. The order dated 06.03.2019 is reproduced as under:-

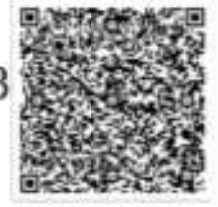
Learned counsel for the applicant states that he be permitted to withdraw the present application granting him liberty to file fresh petition under Section 482 Cr.P.C.

The necessary permission to withdraw the application is granted with the observation that the petitioner may file fresh petition under Section 482 Cr.P.C. in accordance with law.

The application is dismissed as withdrawn.

8. Thereafter, the instant petition has been filed seeking an investigation to be conducted by the CBI.

9. The learned counsel for the petitioner contends that the Gurdeep Singh was arrested in FIR No.81 dated 14.10.1991 under Sections 302/34 IPC, Section 25 of the Arms Act and Sections 3, 4 of TADA Act, Police Station Bhadson. The question of him having escaped from police custody does not arise. There were 08 police men guarding him. As per the

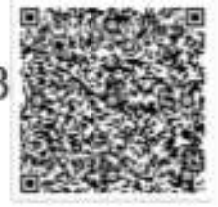


record, no departmental action or any other proceedings were initiated against the said 08 police officials for their dereliction of duty which goes to show that Gurdeep Singh was a victim of custodial killing. The enquiries of the Sessions Judge, Patiala and DSP, Crime Branch, Patiala are also half baked and have not considered the entire facts in their proper perspective. The fact remains that Gurdeep Singh, the brother of the petitioner has not been found in the last 23 years which creates a significant doubt that he was killed in a fake encounter. He, thus, prays that directions be issued for a CBI enquiry into the matter.

10. The learned counsel for the State while referring to the reply dated 21.11.2022 contends that the various enquiries including the one conducted by the Sessions Judge, Patiala have established beyond doubt that Gurdeep Singh escaped from custody and his whereabouts are unknown. It is not a case of custodial death or an encounter killing. In fact, Gurdeep Singh Dadhera son of Syam Singh had a lengthy criminal record with as many as 17 other cases pending against him and was as such a wanted man. The petitioner Syam Singh, father of Gurdeep Singh has filed multiple petitions. In CRWP-992-1995, this Court vide order dated 16.03.2007 had permitted Syam Singh to file a criminal complaint, if so advised. However, no such complaint was filed. It would be a sheer exercise in futility to order a further investigation to be conducted by the CBI 33 years after the escape of Gurdeep Singh from custody.

11. I have heard the learned counsel for the parties and examined the record.

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12. A perusal of the facts as enumerated would establish that Gurdeep Singh was arrested in FIR No.81 dated 14.10.1991 under Sections 302/34 IPC, Section 25 of the Arms Act and Sections 3, 4 of TADA Act, Police Station Bhadson. While in custody, he escaped leading to the registration of FIR No.62 dated 02.11.1992 under Section 224 IPC, Police Station Bhadson. Enquiries have been conducted by the Sessions Judge, Patiala and also the police officials. No clue has been found as regards the whereabouts of Gurdeep Singh. Multiple petitions have been filed by Syam Singh, the father of the deceased-Gurdeep Singh and the present petitioner. One such petition came to be disposed of on 16.03.2007 with liberty to Syam Singh to file a criminal complaint. However, he chose not to do so. At this juncture, to order a further investigation to be conducted by the CBI after 33 years of the alleged occurrence would be a sheer exercise in futility, particularly, in the circumstances, when nothing significant has been pointed out that it is a case of custodial death or a fake encounter.

13. In view of the above, I find no merit in the present petition and the same stands dismissed.

14. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

September 03, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No