



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-12406-2022

Date of Decision : **08.04.2025**

JASKARANJIT SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Kanwar Inder Singh, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

None for respondents no.4 and 7.

KULDEEP TIWARI, J.(Oral)

1. Through the instant writ petition filed under Article 226/227 of the Constitution of India, a prayer is made for issuance of a *mandamus* upon the respondents no.1 to 3 to take immediate action upon the complaint of the petitioner dated 14.04.2022 (Annexure P-4), regarding the incident of third degree torture given to the petitioner in police custody and outraging the modesty of wife of petitioner by respondents no.4 to 7.

2. This Court on 07.02.2025, passed the hereinafter extracted order:-

“The indolent and lackadaisical approach of the SHO concerned has caused grievance to the present petitioner and propelled him to file the instant petition seeking mandamus upon respondents No.1 to 3 to take immediate action upon the complaint, as preferred by the present petitioner.

What reflects from the perusal of the instant petition is that the petitioner was arrested in case FIR No.21 dated 27.2.2022 under Section 18 of

the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Lambra, District Jalandhar. During custody, he was alleged to be made to suffer third degree torture. The petitioner made an application before the learned Illaqa Magistrate concerned and thereupon a specific direction was given to the SMO concerned to conduct the MLR of the petitioner. The MLR was duly conducted and the following injuries were found on the person of the petitioner:-

Sr. No.	Injuries	Marked	Injury Number
1	Abrasion of 1 cm on post auricular area of right ear, No fresh bleeding, Scab Present.	Yes	1
2	Laceration of 1.2 cm on post auricular area of left ear, No fresh bleeding. scab present.	Yes	2
3	C/O pain in nose, No external injury mark, according to patient there is difficulty in breathing through nose. Adv. ENT opinion.	Yes	3
4	Bruise of about 2.5 cm x 2.5 cm on lateral side of left knee, Blue in color.	Yes	7
5	Swelling on right little toe, mobility reduced. Adv. X-Ray.	Yes	8
6	C/O pain in abdomen, no external injury mark.	Yes	9
7	Bruise of about 4 cm on left arm. Blush black in color.	Yes	4
8.	Bruise of about 3 cm on right elbow side, bluish black in color.	Yes	5
9	C/o pain in scrotal area. No difficulty in urination. No external injury present.	Yes	6

Nature of injuries (Simple, Grievous, Dangerous or pending for observation)
3.8 KU.O.

Rest Simple.

Probable Duration of Injury

More than 72 hours

Kind of weapon Used (Sharp, Blunt, Firearm, Fire, Position etc.)

Blunt for all.

Despite a specific complaint and the order of the learned Illaqa Magistrate concerned, as well as the MLR, till date no action whatsoever has been taken by the police authority concerned.

Before proceeding further, this Court would like to give one more opportunity to respondent No.3 to examine the entire issue and file his personal affidavit before this Court disclosing therein what steps have been taken in regard to the complaint of the petitioner.

Adjourned to 17.3.2025.

In case the affidavit is not filed, on or before the next date of hearing, respondent No.3 shall cause his personal appearance before this Court.

It goes without saying that the affidavit (supra) shall be filed not only after considering the facts and circumstances of the instant case, but also keeping in view the law laid down by the Hon'ble Supreme Court in "LALITA KUMARI VS. GOVT. OF U.P. AND ORS," [2013] 14 S.C.R. 713."

3. In deference to the directions issued by this Court, a shot reply dated 15.03.2025, was filed by way of an affidavit of the Senior

Superintendent of Police, Jalandhar (Rural). As per the affidavit (*supra*), an FIR bearing No.13, dated 11.03.2025, has been registered against SHO, Police Station, Lambra, namely Sukhdev Singh, alongwith one Constable Angrej Singh, under Sections 323, 330 and 355 of the IPC, at Police Station Lambra, Jalandhar (Rural), and the investigation in the said FIR, is now underway.

5. Therefore, at this stage, since the FIR has been registered against the erring police officials, no further direction is required to be passed. Consequently, the instant petition is ordered to be **closed**.

6. This Court expects that the registration of the FIR (*supra*) may not remain only a sheer formality, and the investigating agency will conduct the investigation in most fair and unbiased manner.

7. However, in case the petitioner fetches any grievance with regard to the conduct of investigation in the FIR (*supra*), he may either approach the learned *Illqa* Magistrate concerned or this Court by filing an apt motion.

8 **Disposed of** accordingly.

April 08, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

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