

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26124-2025 (O&M)

Decided on 16.05.2025

Suraj Mor

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner

Mr. Chetan Sharma, DAG Haryana

Sandeep Moudgil, J.

(1). This petition under Section 528 of BNSS has been filed by the petitioner-complainant seeking to quash the action taken report dated 07.02.2025 (Annexure P19) and inquiry report dated 03.02.2025 (Annexure P18) submitted by the Special Investigation Team constituted in pursuance to the order dated 04.12.2024 passed by this Court in CRM-M-43660-2023. A further prayer has been made for an impartial enquiry into the allegation and also about the medical examination conducted allegedly without consent of the petitioner while in detention on 26.07.2021 by respondent No.4.

(2). Learned counsel for the petitioner contends that the report submitted by the SIT has been prepared without considering and completely neglecting the definitive findings given by the SPCA and as such, the SIT failed to take into account the findings of the second medical examination conducted at Civil Hospital, Gohana, on 26.07.2021 at 11:06 PM and further the petitioner was admitted to PGI, Rohtak, on 27.07.2021, where a third medical examination was carried out and that being so, both the medical

assessments confirmed the presence of injuries on the petitioner, including a fractured tooth.

(3). It is further averred that the police personnel failed to produce the CCTV footage and the Special Investigation Team chose to rely on the statement of Head Constable Jaidev, who claimed that the DVR containing the footage had been requisitioned in connection with another case. He further asserted that, as a result, the CCTV system at the police station was not functioning properly on 26.07.2021 i.e., the day of the incident moreso, when it is an admitted fact that the petitioner's blood sample was taken during his initial medical examination on 26.07.2021 at 6:52 PM but, no such test was ever conducted.

(4). Learned State counsel submits that in compliance with the order dated 04.12.2024 passed by this Court, the SIT was formed headed by DCP, Gohana and during investigation, it has been found that the allegations leveled by the petitioner are fake as no such alleged illegal act were ever committed by respondent No.4. He then submits that the SIT has very fairly found some irregularities in the conduct of respondent No.4 and as such, he has been appropriately punished.

(5). Heard learned counsel for the parties.

(6). The petitioner had approached this Court in CRM-M-43660-2023 seeking directions to get an independent inquiry conducted and to look into the illegal acts committed by Inspector Karamjit Singh – respondent No.4, on 26.07.2021, i.e. torturing, beating, grievously hurting the petitioner, criminally intimidating him, by misusing his official position by giving false evidence under oath, creating false evidence to cause injury, tampering with evidence

etc., while he was posted as Station House Officer, Police Station Sadar Gohana, Sonapat. This Court vide order dated 04.12.2024 ordered to constitute a Special Investigation Team to independently enquire into the allegations leveled by the petitioner with the following direction:-

“Keeping in view the severity of allegations levelled against police officials, which are prima-facie evident from the various inconsistencies recorded, this Court is of the view that to substantiate the averments alleged by the petitioner, this Court being the guardian of the Constitution which enshrines right of free and fair investigation, deems it appropriate, to constitute a Special Investigation Team (SIT) to headed by an officer not below the rank of Superintendent of Police, which shall consist of a D.S.P. (crime) Rank Officer and an Inspector of Police, to conduct an inde-pendent enquiry into the allegations raised in the present petition and it is fur-ther directed that the enquiry shall be completed within a period of two months from the date of the receipt of the present order.”

(7). In deference to the order dated 04.12.2024, the Commissioner of Police constituted an SIT headed by Deputy Commissioner of Police, Gohana and during the investigation, it has been found that no concrete evidence/document came to light regarding the respondent Inspector Karamjit, the then Incharge of Police Station Sadar Gohana though some irregularities were committed by him and as such, he has been suspended. The relevant finding of the SIT reads as under:-

“Regarding the above complaint, it has been found from investigation conducted by Inspector Virendra, In-charge Crime Unit Gohana, that according to letter No.296-301 dated 08.01.2025 of the Commissioner of Police Sonipat, in compliance with the order of the Hon'ble High Court of Punjab and Haryana,

Chandigarh in CRM-M No.43660 of 2023 titled as Suraj Mor versus State of Haryana and Others, an SIT was constituted under the chairmanship of the undersigned and under the membership of Mr. Rahul Dev H.P.S. Assistant Commissioner of Police City Sonipat and Crime Sonipat and Inspector Virendra Singh In-charge Crime Branch Gohana. The investigation of the SIT has been completed. During the investigation of the SIT, it has been found that no concrete evidence/document came to light regarding the respondent Inspector Karamjit, the then Incharge of Police Station Sadar Gohana, taking the complainant Mr. Suraj Mor into illegal custody, beating him, harassing him and causing harm on the basis of false evidence/documents. But some irregularities were committed by the respondent Inspector Karamjit. Certainly, the matter has been raised. In this regard, the respondent Inspector Kamjeet, the then Incharge of Sadar Police Station, Gohana has been suspended and regular departmental enquiry has been implemented by Shri Atmaram H.P.S., the then Deputy Superintendent of Police, Ganaur, after the completion of the departmental enquiry, Shri B. Satish Balan, I.P.S., the then Commissioner of Police, Sonipat has punished the respondent by temporarily stopping one annual increment of his salary. Apart from this, during the enquiry, no concrete evidence was found against the respondent Inspector Karamjeet, the then Incharge of Sadar Police Station, Gohana, on the basis of which any other action can be taken against the above respondent. In relation to the complaint, the complainant Suraj Mor was included in the enquiry and his statement was recorded, which is attached for perusal. In relation to the complaint, action has been taken as per rules. The report is submitted.”

- (8). A perusal of the Action taken report (Annexure P19) and inquiry report (Annexure P18) nowhere suggests that the same is based on non-consideration of all the material evidence and statements of the necessary

parties. There is neither any allegation that the SIT is biased in drawing its conclusion.

(9). Moreover, during investigation the SIT interrogated and recorded statements of various officials/officers and found that (i) no concrete evidence came to light to substantiate the allegations of assault on the petitioner; (ii) the petitioner had entered the police station premises after consuming alcohol which fact has been duly corroborated by independent eye witnesses; (iii) he misbehaved with SPO Rajbir 308 ; (iii) medical examination of the petitioner was done wherein he was found consuming liquor and he also mentioned a total of 5 injuries but no evidence of assault on the petitioner was found; (iv) the allegations leveled by the petitioner of keeping him in illegal custody are not substantiated etc. Besides, the SIT also found some irregularities committed by Inspector Karamjeet and as such, he has been placed under suspension and stoppage of one annual increment has also been imposed upon him.

(10). That being so, there is no ground for this Court to interfere in the ATR and inquiry report submitted by the SIT being based on testimonies of official and independent witnesses and accompanying documentary evidence.

(11). Dismissed.

16.05.2025
V.Vishal

(Sandeep Moudgil)
Judge

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |