
(2001) 05 P&H CK 0128

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 273 of 1996

Rajwinder Kaur

APPELLANT

Vs

Senior Superintendent of Police, Amritsar

RESPONDENT

Date of Decision : 15-05-2001

Acts Referred:

Constitution of India, 1950 — Article 21, 226

Citation : (2001) 3 RCR(Criminal) 94

Hon'ble Judges : S.S. Nijjar, J

Bench : Single Bench

**Advocate : Mr. H.S. Sran, Deputy A.G., Mr. Navkiran Singh, for the Appellant;
Mr. Deepak Thapar, for the Respondent**

Judgement

S.S. Nijjar, J.—This order will dispose of Criminal Writ Petition No. 273 of 1996 and Criminal Writ Petition No. 278 of 1996.

V.K. Jhanji, J. vide his order dated 13.9.1996 directed the Chief Judicial Magistrate, Amritsar, to conduct an enquiry into the allegations made in Criminal Writ Petition No. 273 of 1996. It was the case of the petitioner that her husband and brother-in-law had been illegally detained by Baldev Singh Bhatti, Inspector SHO, Police Station Islamabad and ASI Baldev Singh since 27.2.1996 at about 7 p.m. Her husband Charanjit Singh was aged 34 years and her brother-in-law was aged 30 years. The family had given telegrams to all the higher authorities but no action had been taken. It was alleged that her brother-in-law referred to as the detenu had been badly tortured.

2. In the reply, the allegations made in the petition were denied by the respondents. The case put forward by the respondent was that the detenu had committed theft in the bouse of Smt. Santosh Kaur resident of Putlighar and FIR No. 14 dated 28.2.1996 was registered against the detenu under Sections 454/380 of the Indian Penal Code. The amount of currency nofes stolen were worth of Rs. 31 lakhs. Consequently, the detenu was produced by the Sarpanch for interrogation on 3.3.1996. When the Habeas Corpus petition came up for

hearing, V.K. Jhanji, J. issued directions for a judicial inquiry. The report of the Warrant Officer shows that Ranjit Singh was found in the custody of the Police. After inquiry, the learned Chief Judicial Magistrate has given the finding as follows :-

"From the foregoing discussion, I come to the conclusion that it is proved that on 27.2.1996, Ranjit Singh and Charanjit Singh were picked up by Baldev Singh, SHO, P.S. Islamabad accompanied by ASI Baldev Singh and some other police officials and that Ranjit Singh and Charanjit Singh were kept in illegal detention till 3.3.1996. However, regarding the allegations of torture of Charanjit Singh and Ranjit Singh only further detailed probe can bring out the true facts and the persons actually responsible for the torture. Hence this report."

3. Mr. Navkiran Singh relying on judgment of this Court in Surjit Kaur v. State of Punjab 1996(3) RCR 780 submits that some interim compensation ought to be granted to the detenu-Ranjit Singh. In that case, a sum of Rs. 50,000/- was granted as interim compensation for the illegal detention and torture of the detenu. In the present case, the learned Chief Judicial Magistrate has found that further detailed probe is required to bring out the true facts about the allegations with regard to torture. The learned Chief Judicial Magistrate has, however, found that Ranjit Singh was kept in illegal detention by the respondents from 27.2.1996 to 3.3.1996.

4. In view of the above, this habeas corpus petition is allowed. The respondent-State is directed to pay a sum of Rs. 25,000/- by way of interim compensation to Ranjit Singh son of Bua Singh, resident of village Mahal. Let the amount of compensation be paid within a period of two months from the date of receipt of copy of this order. The respondent-State is also directed to take necessary steps for registration of criminal case/cases against erring Police Official/Officials for illegal detention and torture of the detenus. If, after the registration of the case/cases and the trial of the erring police official/officials all or any of them are found to be guilty, the amount of compensation paid to Ranjit Singh shall be recovered from the official/officials found to be responsible for the crime. It is made clear that the trial Court will decide the matter on its own merits, on the basis of the evidence adduced by the parties, without being influenced by the prima facie opinion expressed by the Chief Judicial Magistrate, Amritsar in the report dated 19.12.1996. The report shall, however, be taken on the record of the trial Court, for the purpose of completion of sequence of events, leading up to the trial. It is also made clear that during the pendency of these proceedings, Baldev Singh Bhatti, SHO and ASI Baldev Singh shall not be posted in Police District, Amritsar.

5. Petition allowed.