

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-48393-2024 in/and
CRM-46901-2024 in
CRM-M-54283-2024

KULWINDER SINGH AND ANR

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

Present: Mr. Nikhil Ghai, Advocate
for the petitioners.

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. L. S. Sidhu, Advocate
for the complainant.

CRM-48393-2024 in CRM-46901-2024

This is an application for placing on record the affidavits of the sureties of the applicants and the photographs dated 02.12.2024 clicked in the police station Sohana, District SAS Nagar, Mohali as Annexures A-9 to A-11 respectively.

For the reasons mentioned in the application, the same is allowed subject to all just exceptions. Annexures A-9 to A-11 are taken on record.

Application stands disposed of.

CRM-46901-2024

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 for extension of time for joining the investigation granted by this court vide order dated 29.10.2024.

Today, earlier in the pre-lunch session, the case was called and affidavit of Simran Singh, Inspector/Station House Officer, Police Station Sohana, District SAS Nagar has been filed on behalf of the respondent-State in compliance of the order dated 02.12.2024, stating that the petitioners have not joined the investigation on 02.12.2024 at 02:00 p.m. and otherwise also the Station House Officer himself was not present in the police station since he was attending the Court proceeding in the High Court before a Coordinate Bench of this Court.

The said affidavit is taken on record and copy of the same has been furnished to the learned counsel for the petitioners today in the morning.

Learned counsel for the petitioners would though contest the said affidavit filed by the Station House Officer concerned asserting that the police authorities are not allowing the petitioners to join the investigation despite the fact that both the petitioners were present in the police station and in support thereof, has produced copy of the photographs which depict that the accused-petitioners are standing at the main gate of the police station.

This very fact was though contested by learned State counsel asserting that he has the CCTV footage pertaining to 02.12.2024 right from 10:00 a.m. till 05:00 p.m. to assert that the petitioners do not come present at police station to join the investigation at any point of time and the photographs have been managed just to create a defence before this Court at some other time that too merely at the main gate of the police station.

Be that as it may, without going further into the controversy, this Court directed the Station House Officer who is present in Court to report back in the police station along with a direction to the petitioners to join the investigation today at 02:00 p.m.

This Court when took up the matter in post-lunch session at 02:00 p.m., the situation was again same with the blames and counter-blames being made by the petitioners through their Advocate as well as the State counsel.

Since the submissions from both the sides did not inspire confidence, this Court thought it proper to watch the proceedings through video call and directed Mr. Jaspal Singh Guru, AAG, Punjab to connect the Station House Officer, SAS Nagar, Mohali on video call via WhatsApp. Accordingly, the Station House Officer was connected and on the other hand, Mr. Nikhil Ghai, Advocate directed his clients-present petitioners to report at the Police Station.

Petitioner No.2-Karan Singh was present at that time in police station and on the asking of this Court, he went to the room of the Station House Officer, who was joined after 10 to 15 minutes as well as petitioner No.1-Kulwinder Singh.

This Court has thoroughly watch the proceedings being conducted by Mr. Simran Singh, Station House Officer, SAS Nagar, Mohali on video call. He made a statement that both the petitioners have joined the investigation and are not required for further custodial interrogation.

In the light of above, the petition stands disposed of inviting no further interference from this Court.

05.12.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No