



117+228 (05 cases)

1. CRWP-12219-2021(O&M);
2. CRM-M-33333-2021 (O & M);
3. CRM-M-14018-2023 (O & M);
4. CRM-M-10592-2022 (O & M) &
5. CRM-M-3468-2023(O&M)

**AMANDEEP KAUR V/S STATE OF PUNJAB AND OTHERS**

Present: Ms. Anmol, Advocate  
and Mr. Arshdeep Randhawa, Advocate  
for the petitioner in CRWP-12219-2021.

Mr. Sunil Chadha, Senior Advocate  
with Mr. Paras, Advocate  
and Mr. Siddharth Sanwaria, Advocate  
for the petitioner(s) in CRM-M-10592-2022.

Mr. Deepender Singh, Addl. A.G. Punjab.

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**CRM-W-1551-2024 in CRWP-12219-2021**

For the reasons mentioned in the application, the same is allowed.

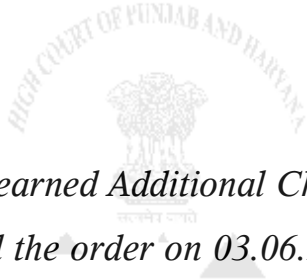
The documents annexed as Annexures P-17 to P-19 are taken on record subject to all just exceptions.

**MAIN CASES**

On 13.11.2024, the following order was passed in CRWP-12219-2021:

*“Learned State counsel has submitted the affidavit of Saumya Mishra, IPS, Senior Superintendent of Police, District Ferozepur on behalf of respondents No. 1, 2 and 4. Same is taken on record. Registry is directed to tag the same at the appropriate place.*

*Learned counsel for the petitioner inter alia submits that in spite of the fact that accused was declared as proclaimed offender second time on 02.03.2023, he was allowed to travel abroad and the local police is hand in glove with the accused. Learned counsel further contends that thereafter, one application was filed by the petitioner for rectification of the order dated 02.03.2023,*



*however, learned Additional Chief Judicial Magistrate, Ferozepur has passed the order on 03.06.2023, which is available on record along with the affidavit filed by the State of Punjab as Annexure R-10 and perusal thereof indicates that accused has been declared as a Proclaimed Offender and proclamation of the accused has already been effected under Section 82(i) of Cr.P.C. and the aforementioned order is still in operation and more than 20 months have passed from the date of proclamation issued under Section 82(i) of Cr.P.C. and the local police has not made any effort to apprehend the accused and submit him to the process of Court, it is further contended that the accused is roaming freely and threatening the petitioner as well as her counsel and even moved an application before the concerned Bar Council against learned counsel for the petitioner. Learned counsel further submits that application seeking anticipatory bail to the petitioner has been dismissed by the Hon'ble Supreme Court way back on 05.02.2011.*

*On 06.08.2024, the following order was passed:*

**“CRM-W-990 & 991-2024**

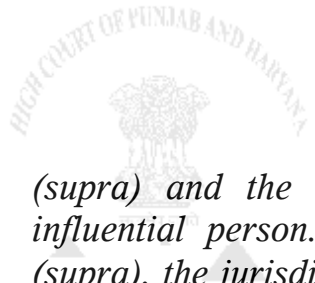
*These applications have been filed under Section 582 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for placing on record Annexures P-8 to P-16 and also for exemption from filing certified and true typed copies thereof.*

*In view of the averments made in the applications, same are allowed. Annexures P-8 to P-16 are taken on record subject to all just exceptions and exemption sought is granted.*

**CRWP-12219-2021**

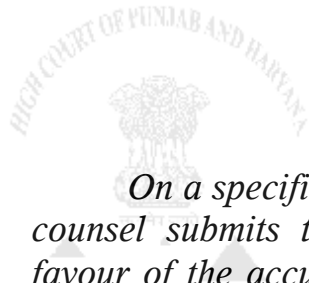
*Present criminal writ petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking issuance of direction to respondents No.2 to 4 to protect the life and liberty of the petitioner and her family members at the hands of accused person and further direction to respondents No.2 to 4 to stop the repeated enquiries/investigation in FIR No.159 dated 10.10.2020 under Sections 354, 354-A, 506, 509 of the Indian Penal Code, 1860 (for short 'IPC') and Section 67-A of the Information Technology Act, 2000 (Sections 376, 511 & 342 of IPC added later on), registered at Police Station Kulgari, District Ferozepur.*

*Learned counsel for the petitioner, inter alia, contends that the petitioner is complainant in FIR*



*(supra)* and the accused in the said FIR is an influential person. In spite of registration of FIR (*supra*), the jurisdictional police authorities have not concluded the investigation, therefore, the petitioner approached this Court by filing CRM-M-15579-2021 and only after this Court passed the order dated 08.04.2021 in the aforementioned petition, final report under Section 173 Cr.P.C. was filed before the jurisdictional Magistrate. The anticipatory bail of the accused was dismissed by learned Additional Sessions Judge, Ferozepur on 28.10.2020 (Annexure P-3) and this Court, vide order dated 12.11.2020, also dismissed his anticipatory bail petition i.e. CRM-M- 36799-2020 (Annexure P-4). Even the SLP (Crl.) No.965/2021 filed against the aforementioned order dated 12.11.2020 was dismissed on 05.02.2021 (Annexure P-5). Yet the investigating agency, at the behest of the accused, after filing of final report under Section 173 Cr.P.C., presented supplementary report under Section 173(8) Cr.P.C. recommending cancellation of FIR (*supra*). Learned Judicial Magistrate 1st Class, Ferozepur, on 10.01.2022, passed a detailed order (Annexure P-9) and rejected the cancellation report. On 24.03.2022, learned Judicial Magistrate 1st Class, Ferozepur declared the accused as proclaimed offender. The apprehension of the petitioner stands vindicated from the conduct of the jurisdictional police authorities, who were playing second fiddle to the accused. In spite of passing of order declaring the accused as proclaimed offender and issuance of lookout circular, the accused travelled to Canada and his visit to abroad was facilitated by local police, otherwise he would have been arrested at the airport. To put pressure on the petitioner, the local police has registered a false case against her under the provisions of Electricity Act, 2003 and Section 420 of IPC. The influence of the accused can be seen from the fact that he was provided security by the order issued by the Director General of Police, Punjab on 04.01.2022 (Annexure P-10). The petitioner is the victim of sexual assault at the hands of accused, who is being sheltered and given patronage by the Punjab Police and the petitioner is compelled to run from pillar to post to seek justice.

*Per contra*, learned State counsel submits that the accused has already approached this Court seeking quashing of the order, vide which he was declared a proclaimed offender and has also sought quashing of the order passed by learned Judicial Magistrate 1st Class, Ferozepur for rejecting the supplementary report filed under Section 173 (8) Cr.P.C.



*On a specific query of this Court, learned State counsel submits that there is no interim order in favour of the accused in any of the petition filed by him before this Court. Further, learned State counsel could not controvert the fact that anticipatory bail of the accused has been dismissed upto the level of the Hon'ble Supreme Court way back on 05.02.2021 (Annexure P- 5).*

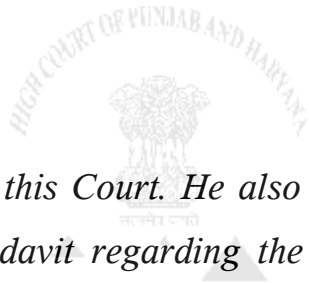
*In view of the above, Senior Superintendent of Police, Ferozepur is directed to file his affidavit in the facts and circumstances of the present case and would also file his report whether the petitioner is not entitled to any protection under the Witness Protection Scheme, 2018 as formulated by the Hon'ble Supreme Court in **Mahender Chawla and others Vs. Union of India and others, 2019 (14) SCC 615** and indicate the steps taken to submit the accused to the process of law.*

*Adjourned to 13.11.2024”*

*A perusal of the affidavit filed today by the learned State counsel on behalf of the Senior Superintendent of Police, Ferozepur, indicates that the queries raised by this Court vide order dated 06.08.2024 have not been adequately responded by the jurisdictional police authorities. The contents of the affidavits are mere reiteration of the facts which are already available on the record. Moreover, no information has been provided with respect to the query raised in the concluding para of the said order regarding protection under the Witness Protection Scheme, 2018.*

*Further, there is no interim order in favour of the accused by any Court of law and his anticipatory bail has been dismissed by the Hon'ble Supreme Court way back on 05.02.2021. In fact, he has been declared as proclaimed offender on 02.03.2023, yet no steps have been taken by the police to apprehend him.*

*The learned State counsel could not controvert the fact that the anticipatory bail of the accused has been dismissed three years ago and he was declared as proclaimed offender 20 months ago. He has further assured this Court that all possible efforts would be made to submit the accused to the process of law and undertakes to file a fresh affidavit of the Senior Superintendent of Police, Ferozepur, to comply with the order dated 06.08.2024*



*passed by this Court. He also undertakes to provide information in the affidavit regarding the steps taken in compliance of the directions issued by this Court in **'Darshan Singh Vs. State of Punjab and others'** CRM-M-55907-2023 (O&M) decided on 21.12.2023.*

*On the assurance given by the learned State counsel, one more opportunity is granted to the jurisdictional police authorities with the earnest hope that all efforts would be made to uphold the majesty of justice and vindication of law.*

*Adjourned to 09.12.2024 for further consideration”.*

On the last date of hearing i.e. on 13.11.2024, an opportunity was granted to the jurisdictional police authorities, on the assurance given by learned State counsel, with the earnest hope that all efforts would be made to uphold the majesty of justice and vindicate the due process of law.

In compliance of the order dated 13.11.2024, an affidavit dated 08.12.2024 tendered by Saumya Mishra, IPS, Senior Superintendent of Police, District Ferozepur, on behalf of respondent Nos.1, 2 and 4, was produced in the Court today. The same is taken on record. A copy thereof has been supplied to the counsel opposite.

A perusal of the affidavit indicates that on 03.12.2024, a letter was written to all the Deputy Commissioners posted in Punjab seeking details of immovable property registered in the name of the accused. Thereafter, on 07.12.2024, a similar letter was written to all the Deputy Commissioners in the country seeking details of immovable properties registered in the name of the accused. Further, departmental proceedings have been initiated against Inspector Gurpreet Singh for not making any efforts to comply with the provisions of Section 83 Cr.P.C. when the accused was declared proclaimed person in the year 2023.

Further, a hue and cry notice was issued at a belated stage i.e. on 03.12.2024. It seems that the jurisdictional police authorities have not made any concerted effort and all the measures taken by them, in compliance of the aforesaid order, appear to be a mere eye-wash. A perusal of the status report further reveals that the statements of the servants and gun-man of the accused were recorded. The accused had also approached this Court by filing CRWP No.10867 of 2024, which was dismissed as withdrawn on 11.11.2024.

Additionally, the pictures of the accused from June 2024, taken from his social media account are available at Annexure P-18. The affidavit also indicates that departmental action has been initiated against Inspector Gurjant Singh for cancelling the lookout circular issued on 17.11.2020, which resultantly, facilitated the accused to travel abroad. A fresh lookout circular was only issued on 12.11.2024, after this Court had passed a detailed order.

Upon scrutinizing the affidavit dated 08.12.2024, this Court has arrived at the conclusion that the two Inspectors, who occupy lower rung of the state police hierarchy, have been made scapegoats in the present case, in order to create a smokescreen. The conduct of the police authorities leads this Court to infer that senior officials are shying away from taking appropriate action against the accused, whose anticipatory bail has already been dismissed by the Hon'ble Supreme Court on 05.02.2021 and who was subsequently also declared a proclaimed offender on 02.03.2023. Till date, neither has the accused-escapee been arrested nor any concrete efforts have been made by the relevant police authorities to follow the drill of Section 83 of Cr.P.C.

This approach of the Punjab Police reflects sheer incompetence on its part. In spite of repeated orders passed by this Court, no tangible effort has been made to comply with the same. This conspicuous failure to perform their duty leaves this Court with no other option but to attach the salaries of the

Station House Officer heading the Police Station where the FIR (supra) was registered as well as his supervisory officer i.e. Deputy Superintendent of Police. The Deputy Inspector General of Police (Ferozepur Range) and Senior Superintendent of Police, Ferozepur are also directed to remain present in the Court on the next date of hearing.

Learned State counsel has assured this Court that the accused-escapee shall be promptly submitted to the process of law.

Learned State counsel is directed to file compliance report before the next date of hearing, after receiving a certified copy of this order.

A copy of this order be sent to Director General of Police, Punjab for his information. A copy of this order also be handed over to learned State counsel for information and strict compliance.

Adjourned to 16.12.2024.

A photocopy of this order be placed on the file of other connected cases.

Ordered accordingly.

**December 09, 2024**  
*manisha*

**(HARPREET SINGH BRAR)**  
**JUDGE**