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IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-13842-2022(O&M)

Date of Decision: 02.12.2024.

Malkit Singh & anr.

.. Petitioners

Versus

State of Punjab & ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Sarthak Gupta, Legal Aid Counsel
for the petitioners

Ms. Akshita Chauhan, DAG, Punjab.

Mr. Akashdeep Singh, Special Public Prosecutor,
for respondent No.4/CBI.**VINOD S. BHARDWAJ, J. (ORAL)**

Prayer in the present writ petition is for directing the respondents to impartially investigate custodial death of deceased Manpreet Singh @ Billa, leading to FIR No.69, dated 04.06.2021 registered at Police Station City Budhlada, District Mansa, under Section 304 IPC and Section 3(v) of SC and ST (Prevention of Atrocities) Act, 1989 as also General Diary No.38 dated 25.05.2021.

Learned counsel for the petitioner contends that Manpreet Singh @ Billa (son of the petitioners) aged 18-19 years, was picked up by the local police of District Mansa at late night on 22.05.2021 and was given merciless beatings and torture at Police Station City Budhlada, District Mansa, resulting in his death under suspicious circumstances on 23.05.2021 itself. The post mortem report of the deceased (Annexure P-1) was conducted which reflected as many as 23 injuries on the person of deceased Manpreet Singh @ Billa. Pursuant to the notice issued, the respondents have filed a short reply by way



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of affidavit of Navneet Kaur, PPS, Deputy Superintendent of Police, Sub Division Budhlada, District Mansa. As per the response filed thereunder, the stand taken is that on the evening of 22.05.2021, at about 9.45 PM, Manpreet Singh @ Billa was taken to Police Station City Budhlada by the police officials on their motorcycle, due to his minor scuffle with his neighbour. Signatures in this regard were taken by the Night Munshi. A report was also called from the then Station House Officer, Police Station City Budhlada-respondent No.3 bearing No.424/5A, dated 23.05.2021, wherein it is pointed out that a complaint was moved by one Gurlal Singh son of Baldev Singh, resident of Ward No.1, Budhlada against son of the petitioners namely Manpreet Singh @ Billa for giving beatings to his son namely Arshdeep Singh, but as Duty Officer SI Balkaur Singh along with police officials was busy in connection with official duty in respect of occurrence of an accident, no immediate action could be taken on the above mentioned application. Deceased Manpreet Singh @ Billa was taken by the PCR party to the Police Station City Budhladha on their PCR motorcycle and after 10-15 minutes of taking Manpreet Singh @ Billa to police Station City Budhlada, Ravi Singh and Surinder Singh, residents of his locality arrived at police station to take him along with them, on which Night Munshi had instructed them to bring some of his family members, following which petitioner No.2 Pappi Kaur @ Bhappi Kaur i.e. mother of Manpreet Singh @ Billa, accompanied with Balli Singh reached the police station. At that time, duty officer was busy in writing the communication in the investigating room adjoining to the main gate in respect of the accident that took place on the previous night and at that relevant time President of Municipal Council namely Sukhpal Singh and other persons were also present there. Then petitioner No.2 i.e. mother of the Manpreet Singh @ Billa, Ravi Singh, Surinder Singh and Balli Singh were instructed to



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wait under the shed in the courtyard of the police station. Then Manpreet Singh @ Billa was called in the courtyard of the police station by the Night Munshi of the police station through the guard duty constable and on the assurance as given by petitioner No.2 and other persons accompanying her, Manpreet Singh @ Billa was released from the police station along with them. In the morning hours, Night Munshi S.C. Lakhvir Singh 996/Mansa had telephonically informed SI Surjan Singh, Station House officer, Police Station City Budhlada, that the boy against whom an application was received during the previous night and in whose respect a ruqa was received from Civil Hospital, Budhlada, that his dead body had been received at Civil Hospital, Budhlada.

This Court has noticed the stand of the respondents but it has nowhere explained the presence of 23 injuries on the deceased and all of them below the abdominal area. The injuries are thus on a pattern and not just random injuries in a scuffle or fight. Besides, the DSP has filed his reply on the basis of a report submitted by the SHO against whom allegations have been levelled. The SIT constituted later also does not give any reasonable explanation and seem to be an eye-wash.

On going through the petition as also the reply filed by the respondents coupled with post mortem report which reflects as many as 23 injuries on the person of deceased Manpreet Singh @ Billa, which injuries have not been satisfactorily explained, I find that the matter requires proper investigation.

Learned counsel for the petitioners contends that he would be satisfied in case investigation in this case is transferred out of Punjab and to some Senior Police Official in the State of Haryana.



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Learned State counsel is not in a position to raise any serious objection to such a prayer.

Under the given circumstances, this Court deems it appropriate to transfer the investigation of the aforesaid case bearing FIR No.69, dated 04.06.2021 registered at Police Station City Budhlada, District Mansa, under Section 304 IPC and Section 3(v) of SC and ST (Prevention of Atrocities) Act 1989 as also General Diary No.38 dated 25.05.2021 at the same Police Station to Ms. Himadri Kaushik, IPS, currently posted as DCP Panchkula. The entire record of the case shall be transferred by the respondent-State of Punjab within a period of two months from the date of receipt of certified copy of this order whereupon the officer assigned the investigation shall conduct an independent investigation, without being prejudiced by the investigation already conducted by the respondent officials.

The petition stands allowed accordingly.

All pending miscellaneous applications also stand disposed of.

02.12.2024.
monika

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No