



207

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-14492-2022

Date of Decision : **16.05.2025**

INDAL KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Gopal Sharma, Advocate,
for the petitioner.

Mr.Pankaj Mulwani, DAG, Haryana.

Ms. Aashna Aggarwal, Advocate,
for respondent no.5.

KULDEEP TIWARI, J.(Oral)

1. The petitioner claims himself to be a victim of atrocities, as committed upon him by the police officers/officials concerned, has approached this Court by filing the instant petition under Article 226 of the Constitution of India, for issuance of directions upon the respondents to constitute a commission comprising of some judicial officer, or any senior police functionary of Vigilance Department, Haryana, to investigate the transgression custodial violence and torture upon him, by respondent no.5-ASI Mukesh Kumar,

2. Succinctly, the petitioner is an accused in a case FIR bearing No.80, dated 10.02.2022, registered under Sections 406, 420, 467, 468



and 471 of the IPC, at Police Station City Sonipat, in which he was arrested. It is alleged that during arrest respondent no.5, not only committed atrocities upon the petitioner, but also got a huge amount of money transferred, from the bank account of the petitioner, to the account his close relative, by illegally and persistently using petitioner's mobile phone.

3. On an earlier occasion considering the inapt and inconclusive inquiry conducted by the local police, this Court vide order dated 28.02.2025, directed the Commissioner of Police, Sonipat, to re-examine the allegations made by the present petitioner, through the instant writ petition, especially, taking into account, the transaction details mentioned in paragraph no.3 of the petition, with the order that said inquiry be conducted by the Commissioner of Police, by constituting an SIT, which shall be headed by an officer not below the rank of an IPS officer. The relevant part of the order dated 28.02.2025, is extracted hereinafter:-

“1. The instant writ petition encloses prayer for issuance of directions upon the respondent(s) to appoint a Commission comprising of a judicial officer or a senior police officer of vigilance department to investigate the transgression, custodial violence and torture allegedly committed by respondent No.5 upon the petitioner. Not only this, the respondent No.5 is also alleged to have forcefully got transferred money from the petitioner's bank account, through his mobile, in the bank accounts of his accomplice(s).

2. Consequent upon issuance of notice upon the instant writ petition, a detailed reply was filed by the learned State counsel. This reply makes disclosure about conducting of a detailed inquiry on the representation made by the petitioner. The inquiry officer concluded that, at the time of his arrest, the petitioner handed over his mobile to his friend Pappu @ Doctor, who then on instructions purveyed by the petitioner, made the transactions in the bank accounts provided by one Advocate Neeraj Malik, who was engaged by the petitioner.

2025.PHHC.068106



3. This Court has examined the inquiry report enclosed with the reply (*supra*) and finds that, the amount, which is alleged to have been transferred for the purpose of paying the counsel's fee, is not in consonance with the bank record placed before this Court inasmuch as the bank record reflects transactions with some other people as well. Moreover, the inquiry report is completely silent about the date of petitioner's arrest. The petitioner alleges that he was arrested on 10.02.2022, however, his arrest was shown to have been made on 11.02.2022 and during that period, he was illegally detained by the respondent No.5.

4. In view of the above, this Court deems it appropriate at this stage to direct the Commissioner of Police, Sonipat, to re-examine the allegations made by the petitioner in the present writ petition, especially taking into account the transaction details mentioned in paragraph No.3 of the instant writ petition. This inquiry shall be got conducted by the Commissioner of Police through constituting an S.I.T., which shall be headed by an officer not below the rank of an IPS officer. This inquiry shall be completed before the next date of hearing and the Commissioner of Police shall file his personal affidavit in this regard on the next date of hearing.

5. It is clarified that, since the Final Report has already been presented in the FIR No.80 dated 10.02.2022 (Annexure P-1), as registered against the petitioner, hence the direction (*supra*) of this Court shall not be construed to be any direction for re-investigation of the FIR, rather the directions (*supra*) are for conducting inquiry in respect of the allegations of petitioner's illegal confinement and forcible transfer of money from the petitioner's mobile by the respondent No.5.

6. List on 29.04.2025.”

4. In compliance to the order (*supra*), the Commissioner of Police, vide order dated 04.03.2025, constituted an SIT, headed by Ms. Prabina P. IPS, Deputy Commissioner of Police, East Zone, Sonipat, having its members Mr. Rahul Dev, ACP, City, Sonipat and Inspector Mahesh Kumar, with a direction to conduct the inquiry in the instant FIR.

5. After completion of the inquiry, the SIT (*supra*) furnished its report dated 31.03.2025, and as per the said report, the allegations, as levelled by the petitioner, against respondent no.5, were not found to be correct.

6. Considering the above, this Court is of the considered view that no further direction is required to be passed in the instant matter.



Therefore, the instant petition is hereby, **closed**. Furthermore, in case the petitioner fetches any grievances, from the inquiry report (*supra*), he is at liberty to challenge the same, before an apt court of law by filing an apt motion.

7. **Disposed of** accordingly.

May 16, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No