



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

120

CRM-M-17999-2025 (O&M)
Date of decision: 01.05.2025

Lovely

.....Petitioner

Versus

State of Punjab and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sandeep Godara, Advocate for

Mr. G.S. Sandhu, Advocate for the petitioner.
Mr. Jastej Singh, Addl.AG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

Present petition has been filed under Section 528 of BNSS, 2023 praying for issuance of a direction to respondent Nos.2 & 3 to present the final report of investigation in cross version case G.D No.48 dated 05.12.2023 (P.2) under Sections 323,324,506,148,149 IPC, P.S Civil Lines Batala, District Batala registered as a cross case in case FIR No.327 dated 05.12.2023 (P.1) under Sections 341,323,325,506,148,149 IPC registered at P.S Civil Lines Batala, Police District Batala, District Gurdaspur.

Upon notice, an affidavit of Suhail Qasim Mir (IPS), Sr. Superintendent of Police, Batala has been filed on behalf of respondent Nos.1 to 3 in Court today, which is taken on record. Para 3 to 5 of the affidavit being relevant are reproduced hereinafter:

“3. That upon receiving the order dated 03.04.2025 passed by this Hon'ble High Court, the deponent, sought a comprehensive report from the Deputy Superintendent of Police



(DSP), City Batala, Police District Batala. In response, the said official furnished a detailed report outlining the factual matrix of the present case. The relevant facts, as derived from the report, are set forth hereinbelow for the ready reference and consideration of this Hon'ble High Court:

i) That the present case arises out of a statement made by Sukhraj Singh @ Sukhraj Inderjit Singh (hereinafter referred to as "the complainant in the FIR"), on the basis of which FIR No. 327 dated 05.12.2023 was registered at Police Station Civil Lines, Batala, under Sections 323, 324, 506, 148, and 149 of the Indian Penal Code, 1860. In the said FIR, individuals namely Simarjot Singh, Ranjit Kaur, Harpal Singh, Lovely (Petitioner), Kanwaljit Singh @ A.K., and one unknown person were arrayed as accused.

ii. That it was alleged by the complainant in the FIR that he objected to the construction of a poultry farm by his sister-in-law i.e. Lovely (Petitioner) on a piece of 32 kanal ancestral agricultural land, claimed to be jointly owned with his brother who resides abroad. On 28.11.2023, when the complainant stopped construction activity on the said land, it was alleged that Lovely i.e. the Petitioner, along with her family members Simarjot Singh, Ranjit Kaur, Harpal Singh, A.K., and 3-4 unidentified individuals, arrived at the spot armed with weapons, physically assaulted the complainant, tied his hands, caused multiple injuries, and issued threats. The incident was stated to have been witnessed by the complainant's wife and brother-in-law, following which he was taken to Civil Hospital Batala for treatment.

iii. That in the MLR No. 377/GSK/CH/BTL dated 28.11.2023 in respect of the injuries sustained by the complainant in the FIR i.e. Sukhraj Singh, it was recorded that he had suffered a total of 8 injuries, all caused by blunt weapons. Out of the said injuries, injury No.6 was subsequently declared as grievous based on X-ray report No. 600 dated 01.12.2023, while the remaining injuries were opined to be simple in nature.

iv. That it is pertinent to mention that, based on the statement of the petitioner i.e. Lovely, a cross-case was registered in the aforesaid FIR vide GD No. 48 dated 05.12.2023, initially under



Sections 323, 324, 506, 148, 149 of the IPC. In this cross-case, individuals namely Sukhraj Inderjit Singh, Sukhwinder Kaur, Gurbinder Singh, Gursharan Singh @ Sanna, and 03/04 unidentified persons were arrayed as accused.

v. That in the statement provided by the petitioner i.e. Lovely, she had alleged that on 28.11.2023 at approximately 09:15 AM, while she had hired laborers to prepare a poultry farm on her land, her brother-in-law, Sukhrajinderjit Singh, along with Sukhwinder Kaur, Gurbinder Singh, Sanna, and 03/04 unidentified individuals, arrived at the scene. The petitioner claimed that Sukhrajinderjit Singh, armed with a gandasa, and the others armed with various weapons, physically assaulted her and her servant Kawaljit Singh. The petitioner alleged that she was struck by Sukhrajinderjit LaSingh with a Gandasa. Sukhwinder Kaur with a stick, and other assailants with a Datar and Baseball Bat, leading to injuries. It is further claimed that her servant Kawaljit Singh was also attacked in the course of the incident. Both the petitioner and Kawaljit Singh were later admitted to the Civil Hospital in Batala for treatment.

vi. That investigating agency procured the MLR of the petitioner i.e. Lovely and Kawaljit Singh from Civil Hospital Batala on 05-12-2023. In MLR No. 375/GSK/CH/BTL of Lovely (Petitioner), a total of 5 injuries were recorded, with injuries 1 and 2 were kept under X-ray, and injuries 3, 4, and 5 classified as simple. In MLR No. 376/GSK/BTL of Kawaljit Singh, 4 injuries were recorded, with injuries 2 and 3 were kept under X-ray, and injuries 1 and 4 classified as simple.

vii. That upon the registration of the aforesaid FIR, the accused in the FIR, namely Simarjot Singh, Ranjit Kaur, Harpal Singh, Lovely (Petitioner), and Kanwaljit Singh @ A.K., were arrested on 08/12/2023. Since the offenses were bailable, the aforementioned accused were released on bail.

viii. During the course of the investigation on 12.12.2023 the accused in the cross case, namely Sukraj Inderjit Singh, Sukhwinder Kaur, and Gurbinder Singh, were arrested in the present case. At that point in time, all offences in the cross case



were bailable, and therefore the aforementioned accused were released on bail.

ix. That on 27/12/2023, the Investigating Officer received the X-ray report pertaining to the injured Kawaljit Singh in reference to MLR No. 376/GSK/BTL dated 28-11-2023. As per X-ray Report No. 604 dated 07/12/2023, injury No. 2 was opined to be simple in nature, while injury No. 3 was opined to be grievous and caused by a sharp-edged weapon. In view thereof vide Rapat No. 53 dated 27/12/2023 Section 326 of the IPC was added in the cross case.

x. That thereafter, accused in the cross case Gursharan Singh @ Sanna had joined the investigation on 11.05.2024, pursuant to the concession of Anticipatory Bail granted by the Ld. Addl. Sessions Judge, Gurdaspur. Likewise, accused Sukhwinder Kaur joined the investigation in the cross case on 27.05.2024 pursuant to the Anticipatory Bail granted by the Ld. Addl. Sessions Judge, Gurdaspur.

xi. That it is humbly submitted that one of the accused in the cross-case, namely Sukhwinder Kaur W/o Sukhraj Inderjit Singh, submitted a written representation to the office of the Senior Superintendent of Police, Batala, which was assigned MPC No. 225 dated 03.05.2024. In said representation, the applicant claimed that she been falsely implicated as an accused in the aforesaid cross-case registered vide GD No. 48 dated 05.12.2023. A preliminary inquiry into the allegations raised in the aforementioned representation was conducted by the Station House Officer, Police Station Civil Lines, Batala, and vide report dated 31.03.2025, the said official recommended the filing of the said representation.

xii. That subsequently on 07.04.2025, accused in the cross case namely Sukhraj Inderjit Singh also joined the investigation upon being granted interim anticipatory bail by the Ld. Addl. Sessions Judge, Gurdaspur. Subsequently, on the same date i.e., 07.04.2025, accused Gurbinder Singh was arrested in the present case.

4. That in the aforementioned report submitted by the DSP (City), Batala, it has been specifically observed that during the period from 26.03.2024 to 11.02.2025, the Investigating



Officer of the aforesaid case, namely ASI Gurinder Singh, failed to take any effective steps towards the arrest of the remaining accused persons in the cross case, namely Gurbinder Singh and Sukhraj Inderjit Singh or to file respective Final Reports in the FIR and the cross-case before the Ld. Illaqa Magistrate, Batala, which materially contributed to the delay in the conclusion of the investigation. In view of the above lapses, the deponent, vide Order No. 1081-88/Steno dated 22.04.2025, has directed the initiation of Departmental Enquiry proceedings against ASI Gurinder Singh. Furthermore, vide Show Cause Notices bearing Nos. 1089-90/Steno dated 22.04.2025, notices have been issued to Inspector Prabhjot Singh (the then SHO, Police Station City Batala) and SI Gurdev Singh (present SHO, Police Station City Batala) for supervisory negligence and failure to ensure expeditious investigation, being the Officers-in-Charge of the Police Station during the relevant period, which resulted in the undue delay in the investigation of FIR No. 327 dated 05.12.2023 and the cross-case registered vide GD No. 48 of the same date.

5. That it is humbly submitted that upon culmination of the investigation in FIR No. 327 dated 05.12.2023 and the corresponding cross-case registered vide GD No. 48 dated 05.12.2023, separate final reports under Section 173 Cr.P.C. have been duly submitted before the Ld. Illaqa Magistrate, Batala on 18.04.2025. The matter is now listed for 05.05.2025 for the appearance of the accused before the Ld. Trial Court.

In the light of averments made in the above affidavit, since final report has been furnished before the Illaqa Magistrate on 18.04.2025, and therefore nothing would survive in the present petition and the same is disposed of as having been rendered infructuous.

**(SANDEEP MOUDGIL)
JUDGE**

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1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No