



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

233

CRM-M-31166-2020 (O&M)

Date of Decision: 09.07.2025

Gurnam Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Arshdeep Singh Brar, Advocate for the petitioner(s).

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J.(Oral)

1. This petition under Section 482 of Cr.P.C. has been filed for issuance of directions to the official respondents No.2 and 3 to take appropriate legal action against erring officials of Police Station Badhni Kalan, District Moga, who in connivance with respondent No.6 have violated the orders dated 09.07.2018 passed by this Court in CRM-M-4324-2017.

2. In compliance to the order dated 18.04.2022 passed by this Court, status report dated 16.05.2022 by way of affidavit of Senior Superintendent of Police, District Moga, was filed wherein it was stated that the release of passport of respondent No.3 for the purpose of its renewal was ordered by this Court in CRM-M-4324-2017, with the condition that he would not fly abroad. However, respondent No.6 never approached the local police to collect his passport, and thus the same was never released to him. Therefore, there was no occasion for the local



police to remotely facilitate the escape of respondent No.6 fled away abroad. The inquiry regarding the status of passport of respondent No.6 was also conducted, an information was also obtained by the Intelligence Bureau (Ministry of Home Affairs), Government of India, which vide letter no.4/CBF/2022(14)-4196 dated 07.05.2022 informed that “*available travel records of above mentioned person have been checked from 01.01.2018 onwards and no arrival or departure could be traced on given passport number or any other passport number based on given name and parentage.*” The relevant portion of the said status report reads thus:-

“9. That, it is respectfully submitted that as per the fact-finding enquiry has also been got conducted by ASP Nihal Singh Wala, it has been revealed that though, aforesaid petitioner/respondent No.6 had never approached to the local police to collect his passport nor performed any journey as it conveyed by the Intelligence Bureau, (Ministry of Home Affairs), Government of India, New Delhi vide letter No.4/CBF/2022(14)-4196 dated 07.05.2022 (Annexure P-3) and same was never released to him, but since the above mentioned Passport No.H-0029176 is not attached with either judicial file nor with the police file and hence responsibility of delinquent official, ASI Jaswant Rai No.492/Moga has been fixed and a regular departmental enquiry has been initiated against said delinquent vide order No.6343-47/B/AC-2, dated 13.05.2022 for the discrepancy. It is further submitted that due action in accordance with the rules and laws will be taken as per the outcomes of said disciplinary action.”

3. However, a discrepancy in the aforesaid status report, wherein it was mentioned that the accused had not travelled on the given passport, and the report submitted by ASI Gurnaib Singh dated 22.05.2020, wherein it had been stated that the accused had gone abroad



subsequent to the orders of the Court, arose, which was directed to be clarified by this Court vide order dated 18.07.2023.

4. In compliance to the order dated 18.07.2023, status report dated 10.05.2025 by way of an affidavit of the Deputy Superintendent of Police, Nihal Singh Wala, District Moga, was filed. Learned State counsel while relying on the contents of the said status report submits that status report dated 16.05.2022 was based on genuine facts. The report dated 22.05.2020 had been submitted by the concerned official without verifying the facts from the department, for which departmental proceedings had been initiated against him. The relevant para of the said status report reads thus:

“3. That in compliance of the above said order, the deponent called the report from the Station House Officer, PS Badhni Kalan. In this report, the SHO PS Badhni Kalan has mentioned that he had perused the record and found that the status report filed by way of an Affidavit of Gulneet Singh Khurana, IPS, the then Senior Superintendent of Police, Moga is based on genuine facts. However, during the trial of the case, Ld. Court issued non bailable warrant against the accused Harjit Kaur. When the concerned employee visited the house of the accused Harjit Kaur, then Member Panchayat and Sarpanch of the village Lohara informed him that the accused had already gone abroad, and accordingly the Ld. Trial Court issued proclamation against said Harjit Kaur. It is submitted that ASI Gurnaib Singh had submitted his report (Annexure P-7), without verifying the facts from the concerned department. In this way the said ASI Gurnaib Singh proved negligent towards his duty. Hence, the departmental proceedings have been initiated against ASI Gurnaib Singh, vide order No.7854-59/S/AC-2 dated 19.08.2024 passed by the Senior Superintendent of Police, Moga.”



5. In view of the above, no interference is call for by this Court.
6. The petition stands dismissed.
7. Pending application(s), if any, shall also stand(s) disposed of accordingly.

(KIRTI SINGH)
JUDGE

09.07.2025

Kapil

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No