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Present: Mr. Gurpreet Singh Bhasin, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

(Presence marked through Video Conference)

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1. The allegations and factual averments contained in the petition are so grisly and frightful, one can only hope, as is contended by the learned State counsel, that the same are fictitious. He argues that in fact, a honey trap was laid by the petitioner, which later boomeranged on her. If that be not so, then it is a case which reflects the sordid state of affairs in Punjab Police, particularly in the Crime Investigation Agency (CIA) at Bathinda. The very protectors/enforcers of law and order have turned into predators, making a young 38 years old widow mother victim of their lust, as has been more elaborately stated in the petition. This Court refrains to give the narrative thereof to maintain and respect the privacy of the petitioner, whose son, all of 19-20 years, while he was suffering/convalescing from Covid-19 infection at his residence, was picked up by CIA police officials in broad day light on 06.05.2021 at 10.00 a.m., when she declined to succumb to the sexual favor sought from her. An FIR, allegedly a false one, was registered against her son under NDPS Act by planting contraband on him so as to arm twist the petitioner. Eventually, under duress to get her son released, she yielded to the sexual demands of the CIA staff. In fact, given the nature of allegations and the controversy involved herein, it is imperative that the identity of the petitioner be kept secret. Accordingly, the Registry to take appropriate steps to delete her name from the memo of parties in petition. Wherever possible to do so, Madam 'X' be pasted at the appropriate places

pen drive (Annexure P-3) which contains the recorded conversations between her and respondent No.5 (an ASI) as well as certain live video clippings in support of her rape allegations, a heinous crime otherwise, but is being termed as honey trap by the defense. Truth will only unfold in time once it is properly investigated, in accordance with law.

2. On a Court query qua the steps taken so far in FIR No.68 dated 12.05.2021 registered under Section 376 IPC at Police Station Cantt, District Bathinda on the complaint of the petitioner, learned State counsel, on instructions, submits that vide order dated 13.05.2021, a Special Investigation Team (SIT) has been constituted. Sh. Surinder Pal Singh, Superintendent of Police, (Headquarter) Bathinda, Sh. Paramjeet Singh, Deputy Superintendent of Police (D) Bathinda and Sh. Gurmeet Singh, Station House Officer, Bathinda Cantt have been made SIT members to conduct investigation. It is rather intriguing, given the nature of sensitive investigation, that no lady police official has been involved, which is even otherwise the requirement of law in cases of this kind. To say the least, it is highly deplorable to see the insensitivity with which the district police officials have acted, in constituting the SIT having all male members.

3. In the premise, this Court is compelled to direct respondent No.1-State of Punjab through its Director General of Police to constitute a new SIT which shall now be headed by Ms. Gurpreet Deo, Additional Director General of Police, in her capacity as Chairperson and since she is based in Chandigarh, the other two members who would assist her shall be Ms. D. Sudarvizhi, Senior Superintendent of Police Sri Muktsar Sahib and Ms. Prabhjot Kaur, Deputy Superintendent of Police, Budhlada, Mansa.

4. Ms. Prabhjot Kaur, Deputy Superintendent of Police, Budhlada Mansa shall be the Investigating Officer and shall proceed under the administrative

overall superintendence and control of the SIT shall be vested with the Chairperson Ms. Gurpreet Deo, Additional Director General of Police. The investigation shall also be carried out by the aforesaid lady IO/police officer in both the cases i.e. FIR No.68 dated 12.05.2021 registered under Section 376 IPC and FIR No.40 dated 06.05.2021 registered under Section 18(b) of the NDPS Act, 1985 at Police Station Cantt, District Bathinda.

5. In addition, learned Chief Judicial Magistrate, Bathinda shall also get the FSL report with regard to the audio/video recordings made by the petitioner from her cell phone, upon the same being submitted in the Court, which shall be treated as part of case property.

6. Since, the learned counsel for the petitioner has submitted that petitioner is fearful that the police officials who are involved in the case, may try to bodily harm her and tamper with the evidence and/or destroy the same, learned State counsel to also seeks instructions as to what steps so far have been taken under the “Witness Protection Scheme, 2018” as per judgment rendered by Hon’ble the Apex Court in ***Mahesh Chawla and others vs Union of India [Writ Petition (Criminal) No.156 of 2016]***. It also is expected from the learned State counsel to seek instructions with regard to the time period within which the investigation shall be completed.

7. Learned State counsel shall also seek instructions as to the steps taken so far to proceed against the accused, in criminal proceedings arising out of both the FIRs, as well as departmental action taken, if any. Instructions be sought on or before the next date of hearing i.e. 27.05.2021.

(ARUN MONGA)
JUDGE

May 25, 2021

gurpreet