



पंजाब पंजाब PUNJAB

AD 873607

IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA,

At CHANDIGARH

Case No. 5458/RHC(6)

Smt. Chandrakala Thakur

wd/o. Indrakant Thakur

...Complainant

V/s.

Ms. Ekta

Civil Judge (Jr. Divn.), Ludhiana ...Accused/Respondent

DEPONENT: Chandrakala wd/o Indrakant Thakur,

Aged about 57 years, Occ.: Housewife,

R/o House No. 14060, Street No. 2,

1 | Page



Ram Nagar, Tibba Road,

Ludhiana -141007

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Chandrakala Thakur aged about 57 yrs. Wd/o. Indrakant Thakur, Indian Inhabitant Occu. : - housewife, R/o. House No. 14060, Street No. 2, Ram Nagar, Tibba Road, Ludhiana - 141007 the Complainant, do hereby state on solemn affirmation as under:

1. I say that I am Chandrakala Thakur, mother of one of the accused namely Mukesh Thakur. I say that previously a complaint was lodged by Lucky Gupta alias Jaihind Gupta, about illegal withdrawal of Rs. 11,861/- from his Paytm Account. After taking great efforts, they both (i.e. Mukesh and Lucky) got & came to know the details about the illegal withdrawal from the concern bank that the said amount has been illegally withdrawn by one Amritpal Singh alias Vicky.

Hence, they filed a complaint with ACP/East Ludhiana and also with Commissioner Ludhiana. Therefore, the said person i.e. Amritpal Singh alias Vicky and his relatives came to settle the dispute with them (i.e. Mukesh and Lucky). But when, they were asked to tender unconditional apology and submit their bank statements in order to check previous record of illegal



withdrawal of money if they have not cheated to other persons.

I say that being aggrieved by the said action my son and Lucky, the brother of cheater, who is food inspector, intervener in this matter threatened them and told that he has good relationship with Commissioner of Police and they can implicate both (i.e. Mukesh and Lucky) in criminal matter.

I say that when the said complaint of cheating and forgery filed by Lucky for fraud, cheating and forgery. Despite having clear bank proofs the said complaint was not investigated by the police. It was incumbent upon the Police to register F. I. R. against the said cheater; they danced on the tune of senior police officials, who were good friends of said food inspector.

1. I say that on 19.8.2017, they both (i.e. Mukesh and Lucky) arrested by police in the morning at about 5.30 a.m. and after having passed a whole day, and police did not produce them before concern Magistrate. When I tried to know about the offences/crimes in which they came to be arrested, then the police officers insulted and threatened me with dire consequences. They were taken to CIA office where again I tried to meet my son and Lucky, but police did not allow me to meet them and not inform about the reasons of their arrest.



2. I say further that after this situation I filed a complaint against the Magistrate Ekta Civil Judge (Jr. Divn.), Ludhiana. Because when my son and Lucky produced before the concern said Magistrate, they both (i.e. Mukesh and Lucky) told and explained about beating, assaulting and orally informed about ill-treatment by the hands of Police. But the said Magistrate did not take it on record anything and directed them to give the complaint in writing. It took 10 minutes for them to write the complaint, but till that time the Magistrate left the court. Magistrate neither did not take a complaint on record nor refer the accused to medical hospital the same.

I say that it is to be noted that my son Mukesh were badly beaten by police, even Lucky was not able to stand up before court. All these atrocities have committed when a complaint about illegal handcuffing in previous offence, committed by police upon both the accused, by falsely implicating them. However upon the said complaint Hon'ble Punjab State Human Rights Commission please to direct to the Commissioner of Police, Ludhiana to conduct enquiry about illegally handcuffing and paraded the accused in the locality at the instance of one Sukhdev Singh (Food Inspector), whose brother's complaint about committing fraud of paytm was made by Lucky and Mukesh. Therefore, for shielding the accused of Paytm fraud the Ludhiana



police involved both of them Mukesh and Lucky in series of false offence upon false complaint. However, as the present complaint, I filed before this Hon'ble Court/Authority, against the concern Duty Magistrate by name Ekta, who flouted all the laws and knowing every facts, and illegality, did not follow the directions and guidelines of Hon'ble Supreme court, as passed in catina of judgments, such as D.K. BASU, ARNESH KUMAR etc.etc.

To some up my complaint against the concern Magistrate, I most respectfully draw the attention of the Hon'ble Authority, who guided me and directed me, vide Letter No.5458/RHC(6) dated 20-9-2017 (copy of the said letter is annexed herewith for ready reference of the Hon'ble Court/Authority) to file affidavit in support of my complaint. Hence, I points out towards following illegality (deliberate) committed by the Learned Duty Magistrate:

- (i) It is submitted that due to the atrocities of police Ludhiana, and we were not informed the reasons of arrest and messages were given to us that both the accused were taken to CIA for killing them in encounter. Hence, we were very much humiliated and all the police officers, who arrested Mukesh and Lucky on 19-8-2017 at 5:30 a.m. and 6:00 a.m. in the morning did not inform us the reasons



for arrest and taken them with them and we could not find their trace, though we moved to every police station, Commissioner of Police office, CIA (Crime Investigation Agency) office. We also tried to contact every police officers, on mobile calls and through email since morning but no reply was given to us.

Hence, I went to Magistrate court on 20/08/2017 at about 2.00 O'clock. I went to meet duty magistrate court and Hon'ble Ekta was sitting in the court. So I filed my complaint dated 20-8-2017, against the illegality, illegal arrest of Mukesh and Lucky, and about PATYM fraud committed by Patym Agent (Amritpal Singh alias Vicky). She took the complaint from me and kept with her.

- (ii) I have also informed the concern Duty Magistrate that five police person have arrested Mukesh and Lucky on 19-8-2017 at 5:30 to 6:00 p.m. But no clue was given to us about their arrest, nor police prepared any arrest panchnama nor followed the due process of law of arrest etc. and handed over the said compliant to magistrate by hand.

Hereto annexed copy of my complaint dated 20/08/2017 to magistrate and same is marked as

Exhibit - "A".



(iii) However, it is also submitted that the accused were produced before the Duty Magistrate court presided over by Duty Magistrate Hon'ble Ekta, at about 3:45 p.m. The Hon'ble Duty Magistrate asked me as to when the accused were arrested from my house. To which I replied on 19-8-2017, in between 5:00 a.m. to 5:30 a.m. There after she asked the I.O. as to when the accused were arrest the I.O. (Sulkhan Singh) replied to Magistrate that accused were arrested at 6:30 a.m. on 19/08/2017. Even magistrate asked to I.O. whether intimation was given to relative of accused. To which I.O. replied that he had given intimation at 6:00 O'clock (19/08/2017). Then, the Learned Magistrate, further to the I.O., as to whom the intimation was given. But, the I.O. replied, that he didn't know the names of the person intimated.

It may please be noted that magistrate didn't follow the law as directed by Hon'ble Supreme court in various land mark judgments including D.K. Basu, Arnesh Kumar, etc. Similarly, the magistrate also failed to note down the reply of I.O. to avoid any action against police. It is submitted that the accused, and myself requested the magistrate to supply copy of F.I.R., remand application, etc. But neither police nor the



magistrate could provide us any information as to why the accused were arrested and produced before the court.

- (iv) I, as well as on my behalf and other people tried to file application for obtaining certified copy, officers of the court did not allow to file. However, somehow, we requested one advocate by name Anjum Arora to apply for certified copies. However we do not know the outcome of that effort.
- (v) One person has handed over Xerox copy of order dated: 20-8-2017 of Hon'ble Duty Magistrate. On perusal of the said order of judicial custody 02/09/2017. It appears that the Learned Magistrate deliberately did not mention time of production of accused before her. I am now learnt that the Magistrate has to mention time of production of accused before court, ill-treatment complaint at the hands of police and referring the accused to Medical Officer for obtaining medical report, in the event of any complaint of assault or injuries. The Learned Magistrate also failed to write down my as well as submission of accused, about the timing of arrest of accused in between 5:30 a.m. to 6:00 a.m morning (19-8-2017). However, Learned Magistrate, mention that No time of arrest of the accused has been mentioned



on the arrest memos and rejected the application of police custody filed I.O.

Here to annex copy Said order dated 20/08/2017 & the same is marked as **Exhibit - "B"**

4. That, the Learned Magistrate deliberately, with intention to shield and save the skin of the erring police officers, committed many offences, did not follow the popular directions and guidelines of Hon'ble Supreme Court in catina of judgments such as D.K. Basu, Arnesh Kumar's cases. It is not like that it was due to negligence, but it was with deliberate intention to save the police officers and therefore, did mention the time of production, reasons of arrest, complaint of ill-treatment, did not mention the reply of I.O and complaint of accused. She directed the accused to give the complaint in writing. But, as blank paper not available, they (accused) somehow, obtain blank paper for writing the complaint of ill-treatment as directed by Learned Magistrate. However, no advocate was provided to the accused but Magistrate falsely mention name of one advocate and stated that provided for representation of accused and falsely stated name of one advocate Pawanjit Kaur (Free Legal Aid Counsel). I state that I was also present in the court at the time of production of accused, and no advocate was available there. Therefore, somehow the accused reduced the complaint of ill-treatment in



writing. But, alas, when they completed writing, she did not take the same and left the court without taking the complaint on record. It may be noted that such accused are in fact under the custody of Magistrate and they are supposed to take every care of the accused, so far as law permits. Hence, the Learned Magistrate committed many illegalities, and deliberately flouted the laws of in violation of directions of Hon'ble Supreme court.

5. Therefore, I pray to take strict action against the Learned Magistrate so that message be given to the society that we are still living in Civilized society and Punjab & Haryana states are also coming under the category of civilized and law abiding society.

(I state and reiterate that whatever I have stated in affidavit in support of complaint is to the best of my own personal knowledge; I believe the same to be true.



Place : 

ਚੰਦ੍ਰਾਕਲਾ ਠਾਕੁਰ

Deponent

Date : 25/9/12

(Chandrakala Thakur)

VERIFICATION

I, Chandrakala Thakur, Aged 57 years, Occ.: Housewife, Indian Inhabitant, residing at House No. 14060, Street No. 2, Ram Nagar, Tibba Road, Ludhiana -141007, the Complainant above

named do hereby state and declare on solemn affirmation that
whatever is stated in the above paragraphs are true to my own
knowledge and belief and I believe the same to be true.

Solemnly affirmed at Ludhiana

On this 25 day of 9, 2017

ਚੰਦਰਕਾਲਾ ਥਾਕੁਰ

Deponent

(Chandrakala Thakur)



Explained, Interpreted &

Identified by me;

213409864985
I know the deponent/Signatory and he/she has signed/marked his/her R.T./L.T. in my presence

Before me;

Advocate

Signature Attested
[Signature]
NOTARY PUBLIC
Ludhiana, Distt (Pb.)

25 SEP 2017

Confidential HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH
Speed Post

No. 5458 /RHC(6) Date 20/9/17

To

Smt.Chandrakala Thakur wd/o Indrakant Thakur
(mother of Mukesh Thakur)
R/o H.No.14060,
Street No.2, Ram Nagar,
Tibba Road, Ludhiana.
M.No.-79735-71454

Subject: Your complaint dated 22.08.2017 against Ms.Ekta, Civil
Judge (Jr.Divn.), Ludhiana.

MEMO

You are hereby asked to furnish your duly sworn affidavit
attested by Oath Commissioner/Notary Public in support of the
allegations levelled in the complaint.


20/9/2017
Assistant Registrar(Confidential)
for Registrar Vigilance


Exhibit - "A"

शिकायतकर्ता :

चंद्रकला ठाकुर

पता: मकान नं. 14060, गली नं. 2,

राम नगर, टिब्बा रोड, लुधियाना -141007

Mob. 79735-71454

दिनांक : 20.08.2017

सेवा में,

Duty Magistrate Ekta

J.M.F.C. Court,

(4th Floor), Ludhiana

विषय: मेरे बेटे मुकेश ठाकुर व पीड़ित लकी गुप्ता उर्फ जयहिंद के साथ की गई धोखाधड़ी की सबूतों के साथ चार महीने पहले दी गई शिकायत पर कार्यवाही न करके उन पर ही झूठी तीन-तीन F.I.R. दर्ज करने के मामले में संज्ञान लेते हुये कार्यवाही किये जाने हेतु।

महोदय,

मेरे बेटे मुकेश ठाकुर व पीड़ित लकी गुप्ता उर्फ जयहिंद ने Paytm के द्वारा उसके खाते से चोरी किये जाने के मामले में चार महीने पहले शिकायत की थी मगर उस मामले में पुलिस के द्वारा आज तक कोई कार्यवाही नहीं की गई और ना ही F.I.R. दर्ज की गई।

मगर रंजिश के तहत कि, मेरे बेटे मुकेश ठाकुर व पीड़ित लकी गुप्ता उर्फ जयहिंद ने शिकायत क्यों की? के नाम पर अपराधियों व भ्रष्ट अधिकारियों ने इन दोनों पर ही तीन-तीन झूठी F.I.R. दर्ज करवा दी है और जान से मारने का भी कहा जा रहा है।

इस मामले में मेरी व मेरे बेटे की तरफ से पंजाब राज्य मानवाधिकार आयोग व अन्य विभागों में शिकायत की थी, जिसमें केवल पंजाब राज्य मानवाधिकार आयोग से ही इंकवारी माँगी गई बाकि किसी भी विभाग से कोई कार्यवाही नहीं की जा रही है। कल दिनांक 19.08.2017 को सुबह 5.00 बजे बिना किसी पूर्व सूचना व दस्तावेज़ दिखाये बेटे का अपहरण किया व पूरे दिन गायब रखा जिसकी वजह से सेशन कोर्ट में आवेदन दिया गया।

जब काफी फोन व ईमेल किये गये तब कहीं जाकर रात 10.30 बजे पुलिस थाने बस्ती जोधवाल में रखा है, ऐसा पता चला।

मेरे बेटे मुकेश ठाकुर व पीड़ित लकी गुप्ता उर्फ जयहिंद को अपराधियों के व भ्रष्ट पुलिस अधिकारियों के खिलाफ शिकायत किये जाने की वजह से परेशान किया जा रहा है उसकी जान का खतरा है।

मैं चाहती हूँ कि, मेरे बेटे मुकेश ठाकुर व पीड़ित लकी गुप्ता उर्फ जयहिंद के मामले को खुद संज्ञान में लेते हुये सारे शिकायती दस्तावेज़ देखें व मजिस्ट्रेट की निगरानी में जाँच करवाये जिससे मेरे बेटे व पीड़ित लकी गुप्ता उर्फ जयहिंद को इंसाफ मिल सके व न्याय की जीत हो।

मैं निम्न बिंदुओं पर कार्यवाही के लिये प्रार्थना करती हूँ :

1. Paytm से धोखाधड़ी के मामले में संज्ञान लेते हुये पुलिस को F.I.R. दर्ज करने का आदेश दें।
2. सुबह 5.00 बजे बिना किसी पूर्व सूचना व दस्तावेज़ दिये धक्के मार कर कॉलर व गर्दन पकड़कर अपहरण करके ले गये और रात 10.30 बजे तक कोई खबर नहीं मिली बीच में CIA के ऑफिस में इन दोनों को बस्ती जोधवाल पुलिस थाने के सिपाही लेकर आये थे जिसका हम लोगों को वहाँ खड़े होने की वजह से पता चला तब वहाँ के बड़े अधिकारी से मिलने व जानकारी प्राप्त करने की कोशिश की तो वहाँ के इंचार्ज जतिंदर कुमार द्वारा लगभग धक्का देते हुये बाहर का रास्ता दिखा दिया गया और मिलने ही नहीं दिया गया जिससे मेरे बेटे को किस अपराध में गिरफ्तार किया गया है कि जानकारी मुझे नहीं हुई और ना ही मुझे अभी तक गिरफ्तारी से संबंधित कोई भी दस्तावेज़ दिया गया है।
3. पुलिसवालों की वेबसाइट पर ही 'सिटिज़न चार्टर' में डी.के.बासु की गार्डलाईन दी गई है जिसका पूरी तरह उल्लंघन किया गया है अतः संज्ञान में लें व कार्यवाही करें।
4. Justice A N Mullah called the police an organized gang of criminals, इस वाक्य को ध्यान में रखते हुये हमारे द्वारा भेजी गई शिकायती दस्तावेज़ों को देखते हुये मामले की गंभीरता को संज्ञान में लें और उचित कार्यवाही करें।
5. मेरे बेटे व पीड़ित लकी की जान की रक्षा व न्याय की रक्षा के लिये मामला तुरंत संज्ञान में लेते हुये मजिस्ट्रेट की निगरानी में जाँच करवाने का आदेश दिया जाये
6. आवश्यक दस्तावेज़ साथ में संलग्न है।

चंद्रकला ठाकुर

शिकायतकर्ता

दिनांक : 19.08.2017

सेवा में,

Commissioner of Police
The District Magistrate / Deputy Commissioner
Ludhiana

Ludhiana

विषय: पुलिस अधिकारी की शिकायत करने पर उसके द्वारा दुश्मनी निकालने के लिये बिना जरूरी दस्तावेज़ दिखाये उठाकर ले जाने के मामले में पुलिस अधिकारी पर कार्यवाही किये जाने व पीड़ित को भ्रष्ट पुलिस अधिकारी के चंगुल से छुड़ाने बाबत।

महोदय,

मैं चंद्रकला ठाकुर पत्नि स्व. इंद्रकांत ठाकुर (पता: मकान नं. 14060, गली नं. 2, राम नगर, टिब्बा रोड, लुधियाना - 141007 Mob. 79735-71454) हूँ, मेरे बेटे मुकेश ठाकुर के ऊपर झूठी F.I.R. करके उसे मौहल्ले में हथकड़ी पहनाकर घुमाया गया था जिस मामले में मेरी तरफ से पंजाब राज्य मानवाधिकार आयोग में शिकायत की गई थी जिसकी सुनवाई 4 सितंबर को है।

मैंने जिस अधिकारी ASI स्वर्ण सिंह के खिलाफ शिकायत की थी वह आज सुबह 5.00 बजे के आसपास सादी वर्दी में आया (जिनमें दो पुलिसकर्मी ही वर्दी में थे) और बिना कोई जरूरी दस्तावेज़ दिखाये मेरे बेटे की गर्दन पकड़ कर ले जाने लगे, मैंने विरोध किया व जरूरी दस्तावेज़ पूछे तो मुझे धक्का देकर गिरा दिया और गालियाँ बकते हुये चिल्लाते हुये कहने लगे कि, "तुम लोग पुलिस के खिलाफ शिकायत करते हो अब अंजाम भुगतो" उसके बाद मेरे बेटे को लगभग घसीटते हुये ले गये मैंने हथकड़ी पहनाकर मौहल्ले में घुमाने के मामले में इस अधिकारी ASI स्वर्ण सिंह के खिलाफ शिकायत की है, यह भ्रष्ट पुलिस अधिकारी अब मेरे बेटे का दुश्मन बन चुका है और मेरे बेटे को जान से मार भी सकता है।

अतः मेरे बेटे को इस अधिकारी से बचाया जाये और गैर-कानूनी तरीके से मेरे बेटे को उठाये जाने के मामले में कार्यवाही की जाये। जो भी उचित और कानूनी कार्यवाही बनती होगी उसमें मैं पूरा सहयोग दूँगी। मेरे बेटे मुकेश ठाकुर के ऊपर दर्ज किये गये झूठे मामले की शिकायत पहले भी लुधियाना पुलिस कमिश्नर को की जा चुकी है जिसकी कॉपी भी साथ में संलग्न है।

इस मामले में पंजाब राज्य मानवाधिकार आयोग की तरफ से सुनवाई हेतु प्राप्त पत्र भी साथ में संलग्न है।

मेरे बेटे मुकेश की इन भ्रष्ट पुलिस अधिकारी से जान बचाई जाये और इस पूरे मामले की जाँच विशेष जाँच दल (SIT) द्वारा की जाये।

चंद्रकला ठाकुर

चंद्रकला ठाकुर
पता: मकान नं. 14060, गली नं. 2,
राम नगर, टिब्बा रोड, लुधियाना - 141007
Mob. 79735-71454)

दिनांक : 03.07.2017

सेवा में,

पंजाब राज्य मानवाधिकार आयोग
SCO NO. 20-21-22, सेक्टर 34-A,
चंडीगढ़ - 160034

विषय: पुलिस अधिकारी द्वारा दबंगों के साथ मिलकर झूठी F.I.R. के पीड़ितों को हथकड़ी पहनाकर मौहल्ले में घुमाने के मामले में मानवाधिकार के हनन के अंतर्गत कार्यवाही किये जाने हेतु।

महोदय,

मैं चंद्रकला ठाकुर पत्नि स्व. इंद्रकांत ठाकुर (पता: मकान नं. 14060, गली नं. 2, राम नगर, टिब्बा रोड़, लुधियाना - 141007 Mob. 79735-71454) हूँ।

1. मेरे बेटे मुकेश ठाकुर व पीड़ित लकी उर्फ जयहिंद के खिलाफ पुलिस की मिलीभगत से झूठी F.I.R. नं. 236/2017 दिनांक 23.06.2017 को दर्ज की गई है जिनको 24.06.2017 को मजिस्ट्रेट कोर्ट न. ^{Duty} Magistrate में पेश किया गया था जहाँ से 2.00pm बजे के आसपास ज्यूडिशियल कस्टडी में भेजने का आदेश दिया गया था मगर मजिस्ट्रेट का आदेश होने के बावजूद सीधा जेल में ना पहुँचाकर अमृतपाल सिंह उर्फ विकी व सुखदेव सिंह के कहने पर पुलिस के अधिकारियों A.S.I. स्वर्ण सिंह व साथी हवलदार ने मेरे बेटे मुकेश व पीड़ित लकी उर्फ जयहिंद को हथकड़ियाँ लगाकर दिनांक 24.06.2017 की शाम को लगभग 4.30pm से 6.30pm बजे के बीच में मौहल्ले में घुमाया जिससे उनके मौलिक अधिकारों का हनन हुआ व पीड़ा हुई इसलिये पुलिस अधिकारियों A.S.I. स्वर्ण सिंह व साथी हवलदार के खिलाफ मानवाधिकार के हनन के अंतर्गत सख्त से सख्त कार्यवाही की जाये।
2. इस घटना के कई गवाह हैं मगर अमृतपाल सिंह उर्फ विकी, सुखदेव सिंह व पुलिस के डर की वजह से कोई सामने आने के लिये तैयार नहीं हो रहा है। इस मौहल्ले में जैन कंपनी (गली नं. 2, राम नगर, टिब्बा रोड़, लुधियाना - 141007) भी मौजूद है जहाँ आने-जाने के रास्ते में CCTV कैमरे लगे हैं जिससे आनेजाने वालों की पहचान हो सकती है जिसमें हरेक

वाक्या साफ दिखाई दे सकता है। मेरे द्वारा कंपनी के मालिक से निवेदन भी किया गया था कि वह CCTV फुटेज दे मगर पुलिस के दबाव में उनके द्वारा CCTV फुटेज नहीं दी गई इसलिये दिनांक 24.06.2017 की शाम 4.30pm से 6.30pm बजे तक की CCTV फुटेज जब्त करवाई जाये जिससे पुलिस द्वारा किये गये अपराध के सबूत नष्ट ना हो सकें।

3. ज्ञात हो कि, असल मामले को दबाने के लिये अमृतपाल सिंह उर्फ विकी व सुखदेव सिंह ने पुलिस के साथ मिलकर झूठी F.I.R. नं. 236/2017 दिनांक 23.06.2017 दर्ज करवाई है।
4. पुलिस के द्वारा हथकड़ी पहना कर घुमाना सुप्रीम कोर्ट के संविधान का हनन है साथ ही मानवाधिकार का भी हनन है।
5. लकी उर्फ जयहिंद की क्लीनिक से CCTV Camera व प्रिंटर के साथ-साथ अन्य कीमती सामान बिना पंचनामा किये जब्त किये गये जिसको रिकॉर्ड पर भी नहीं लिया गया है।

चंद्रकला ठाकुर

चंद्रकला ठाकुर

Mob. 79735-71454

(शिकायतकर्ता)

संलग्न दस्तावेज़ :

- झूठी आरोपों के आधार पर दर्ज F.I.R. की कॉपी
- जेल वॉरंट



PUNJAB STATE HUMAN RIGHTS COMMISSION
SCO NO. 20-21-22, SECTOR 34-A, CHANDIGARH
Website : www.pshrc.net. Email : pshrc.chd@gmail.com

No. 5714/10/2017 /PSHRC/Judl-/J-2/d 21/7 /2017
C46748

To

01 The Addl. Director General of Police,
I.V.C. cum-Human Rights, Punjab, Chandigarh.

Through
spl.
Messenger

02 The Commissioner of Police

Ludhiana

The Senior Superintendent of Police,

3/1 Chanderbala, Thakur Do Indertant Thakur
P/O Le No- 14060, Cr. No. 2
Rem Nagar Tibba Road,
Ludhiana

Subject - Complaint No. 5714/10/2017 filed by Sh./smt. Chanderbala
Thakur District Ludhiana

Sir

I am directed to refer to the complaint on the above noted subject and to forward herewith a copy of the order dated 21/7/2017 of the Commission for taking necessary action for its compliance, positively before the next date of hearing, i.e. 4/9/2017.

Photo Copy / Copies of Complaint No.

is/are enclosed herewith for taking necessary action in the matter.

Yours faithfully

[Signature]

Chanderkala Thakur wd/o Inderkant Thakur resident of H. No. 14060, Gali No. 2, Ram Nagar Tibba Road, Ludhiana has sent this complaint stating that her son Mukesh Thakur along with Lucky have been implicated in a false case FIR No. 236 dated 23/6/2017 under sections 384/420/511/500/120 B/34 IPC PS Basti Jodewal, Ludhiana and despite order of the court remanding them into the judicial custody they were paraded in their locality with handcuff in an illegal manner with action of police amount to violation of human rights.

We have considered the complaint. In Prem Shankar Shukla v/s Delhi Administration AIR 1988 SC 1535 the Supreme Court has laid down that the police cannot use handcuff in routine manner, it must to used when there is a danger of the person becoming violent or when the person being arrested is likely to escape from custody that too with the prior permission of the Court. In this view of the matter it is a case wherein enquiry is required to be held. Accordingly, cognizance is taken and the Commissioner of Police, Ludhiana is directed to hold an enquiry whether handcuffing of the

accused was necessary and why they were paraded in Mohalla after court had remanded them in judicial custody. Whether any permission for handcuffing therein was obtained from the court. The Commissioner of Police, Ludhiana shall hold enquiry himself or through an officer not below the rank of SP and submit the report before the next date of hearing.

List again on 4/9/2017.

A copy of the complaint and order be sent to the ADGP

-Cum- Human Rights, Punjab Chandigarh and Commissioner of Police, Ludhiana for compliance.

A copy of this order be sent to the complainant for information.

Sd/-
(Justice Ashutosh Mohanta)
Acting Chairperson

Sd/-
(Avinash Kaur)
Member

July 24, 2017
'UJL'

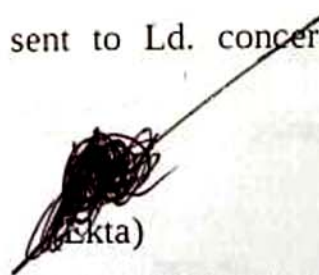
Exhibit - "B"

State Vs. Mukesh Thakur

Present: Sh. Harkamalpreet Singh, APP for the State

Accused Mukesh Thakur and Lucky @ Jai Hind Heera Lal in custody represented by Ms. Pawanjit Kaur, Adv. (Free Legal Aid Counsel)

Accused produced before me being duty Magistrate. An application for seeking police remand of accused has been moved. Heard. Police file perused. No time of arrest of the accused has been mentioned on the arrest memos. Further, no specific ground has been mention for seeking the police remand of the accused and nothing has been mentioned as to whether any recovery is to be effected from the accused or not. Therefore, no ground is made out to remand the accused to police custody. Accordingly, accused Mukesh Thakur and Lucky @ Jai Hind Heera Lal are remanded to judicial custody till 02.09.2017. Papers be sent to Ld. concerned court immediately.



(Ekta)

(Unique Identity Code:PB0463)

JMIC(D)/Ldh/20.08.2017

Manu