

**Court No. - 45**

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**Case :- CRIMINAL MISC. WRIT PETITION No. - 4288 of  
2021**

**Petitioner :-** Resham Singh

**Respondent :-** State Of Uttar Pradesh And 2 Others

**Counsel for Petitioner :-** Syed Imran Ibrahim

**Counsel for Respondent :-** G.A.

**Hon'ble Surya Prakash Kesarwani,J.**

**Hon'ble Gautam Chowdhary,J.**

Heard Shri Arvind Verma, learned Senior Advocate assisted by Shri Syed Imran Ibrahim, learned counsel for the petitioner and Shri Shiv Kumar Pal, learned G.A. for the State-respondents.

This writ petition has been filed praying for the following reliefs:

*"a) Issue a writ order or direction in the nature of mandamus directing the respondent no.2 and 3 to conduct fair investigation with respect to the events that transpired on the fateful day of 03.05.2021; and*

*b) Issue a writ order or direction in the nature of Mandamus directing the Respondents to immediately arrest the erring Police Officials and proceed against them departmentally as per Rules, and*

*c) Issue a Writ order or direction in the nature of Mandamus directing the respondents to conduct free and fair investigation in the present matter and also this Honble Court may graciously be pleased to monitor the investigation so as to secure the ends of justice. and/or*

*d) Pass any such further order(s) as deemed fit and proper in the facts and circumstances of the case."*

In paragraph nos.5 and 6 of the writ petition the petitioner has stated as under :-

*"5. The entire incident which took place on the fateful day of 03.05.2021 has shaken the conscience of the society and the atrocities and brutality committed by the erring officials is beyond imagination, which can be seen from the video as enclosed herein, which shows the torture and injuries inflicted on the Petitioner and his mother and two sisters were humiliated and harassed*

*6. That the brief facts which led to filing of the present petition is enumerated herein below:*

*a) That on 02.05.2021 the brother-in-law of the Victim, namely Late Karam Jeet Singh expired due to which the Victim along with his mother*

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and two sisters was going from Pilibhit to Lakhim Pur Kheri on 03.05.2021 to pay their homage to the departed soul.

b) That while travelling to Lakhim Pur Kheri, the Victim and his family were stopped by the Police Officials at around 9 am at Anaj Mandi, Puranpur, Pilibhit.

c) The Police Officials enquired from the Victim and his family members as to where they were going and also asked for the papers of the car (Maruti Suzuki - Alto) in which they were travelling. The Police Officials who were involved were:

(i) Inspector Ram Naresh Singh;

(ii) Inspector Raees Ahmed;

(iii) 05-06 unknown Police Constables, who can be identified by the Victim (hereinafter referred to as 'erring Police officers' or 'Police Officers').

d) That when the Victim was trying to do as told, i.e., was taking out the papers from the dashboard of the car and it took some time to sort out the papers, as the Victim was having all the requisite papers which were asked by the Police Officials, the Police Officials out of the blue started abusing the Victim and his family members, which included his mother and two sisters. The Victim on hearing the abuses calmly asked the Police Officials to not abuse them as there were women as well who were travelling with him. It was also informed by the Victim that he is a retired member of the armed forces of India and is also a respectable member of the society.

e) That the Police Officials got infuriated on the same and threatened the Victim and his family members that they will teach them a lesson for life and then started abusing him and beating the Victim with lathis.

f) That Inspector Ram Naresh Singh, who is the Thanedar of Kotwali, Puranpur, started beating the Victim up along with his fellow colleagues using fist blows, kicks and lathis. The said Police Officials also started beating the mother and sisters of the Victim. A video clip showing the Police Officials beating the Victim is with the petitioner, however as the present petition is being filed through e-filing mode the video clip cannot be annexed. The same can be handed over to his Honble Court in a Pen Drive or CD as per the direction of this Hon'ble Court as and when required.

g) That the Police Officials did not stop at that but after brutally beating up the Victim and his family members, the erring Police Officials thereafter forcefully took the Victim and his family members to the Kotwali, Puranpur - Police Station, without taking the assistance of any woman Police officer, i.e., to say the mother and two sisters of the Victim were taken to the Police Station disregarding the well laid down principle recognized by the Honble Supreme Court of India in several Judgments. A video clip showing the Police Officials forcefully taking the Victim, her mother and sisters without assistance of women police constables is with

the petitioner, however as the present petition is being filed through e-filing mode the video clip cannot be annexed. The same can be handed over to his Hon'ble Court in a Pen Drive or CD as per the direction of this Hon'ble Court as and when required.

h) That after forcefully being taken to the said Police Station, the Victim was disrobed and then tied up on a cot and brutally beaten up by the said police officials for two continuous hours using "Dandas", Fist and leg blows and gave him third degree torture only to satisfy their ego. The Victim was physically abused, and the Police Officials also used filthy and abusive language towards the Victim and his family members which was humiliating for the Victim and his entire family.

i) That the Police Officials did not stop at physical torture of the Victim, but in order to further humiliate the Victim, they threatened the Victim that they will cut his unshorn hair in order to teach him a lesson of his life.

j) That the atrocities committed by the Police Officials crossed all limits when Inspector Ram Naresh Singh along with the other Police Officials inserted a 'Danda/Lathi' inside the Victim's anus/rectum with an intention to humiliate him and crush his self-respect and to scar the Victim for life. The most disturbing fact about the said incident was the fact that the erring Police Officials seemed to rejoice and enjoy while doing this carnal act at the expense of the Victim and continued with their torture.

k) That the erring Police Officials were made to stop their illegal act by the intervention of family members and few local personnel gathered at the Police Station. The said local personnel not only intervened but also shot a video of their torture. The Police Officials on realizing that the locals had shot the video of their atrocious acts, the said police officials threatened them and got the videos deleted by threatening to implicate them in false cases.

l) That the erring Police Officials in order to save their skin registered a false case against the Victim in order to falsely implicate him and further to "justify" their illegal acts got a "challan" issued in respect of the car of the Victim despite the fact that the Victim had all the necessary documents with him at the said time. A copy of the FIR No. 264 dated 03.05.2021 registered at PS Puranpur against the Victim is being filed herewith and marked as Annexure No. 2 to this writ petition.

m) That the Victim till date is living a life of humiliation due to atrocities committed upon him, as his life flashed before his eyes, while he was being tortured by those very people who swore to protect his life and to uphold the law.

n) That the atrocities for the Victim were not over as the Police officials using their clout even influenced the Government Hospital not to conduct the medical examination of the Victim.

o) That the atrocities of the Police Officials got viral on social media and Respondent No. 3 thereafter got active and called the Victim to his office and assured him that justice would be done to him. Video clip uploaded by the Victim on social media is with the petitioner, however as the present

petition is being filed through e-filing mode the video clip cannot be annexed. The same can be handed over to his Honble Court in a Pen Drive or CD as per the direction of this Honble Court as and when required.

- p) That the Respondent No. 3, thereafter, sent the Victim to a doctor for medical examination on 08.05.2021 but no physical examination was conducted, and the doctor confessed to the Petitioner that they are under tremendous pressure due to the accused being Police Officials. That as, injuries were apparent and even after 5 days of the incident, the Petitioner was having constant pain and despite that the doctors did not examine him and he further overheard the doctors discussing that they have to give a report favouring the Police Officials as otherwise, they have to face the music. The victim was completely shattered to watch the working of the doctors and clout of the Respondents was very obvious. The medical examination though refers to an injury in rectum/anus, but the conclusion was deliberately done in such a way only to help the erring officials. The copy of the medical report ascertaining the injury caused to his rectum dated 08.05.2021 is being filed herewith and marked as Annexure No. 3 to this writ petition.
- q) That due to the pressure mounting on the Police to act as per law, the Respondent No. 3 in order to make an eye wash registered an FIR bearing no. 0272 of 2021 dated 08.05.2021 in all bailable offences and when prima-facie an offence under section 295A and 377 were deliberately left out. The Copy of the FIR bearing No. 0272 of 2021 dated 08.05.2021 registered with PS Puranpur, Pilibhit is being filed herewith and marked as Annexure No. 4 to this writ petition.
- r) That the Victim was finding lot of difficulty in passing stool and was having lot of swelling and pain in his rectum. Thereafter, the Victim on 13.05.2021 met a doctor at S.S. Hospital, Pilibhit in order to seek remedy for his ailment, the doctor got Endoscopy done and it was found that the Victim suffered serious injuries, which included swelling in the anus / rectum of the Victim. Copy of the photographs and medical reports of the Victim dated 13.05.2021 are being filed herewith and marked as Annexure No. 5 to this writ petition.
- s) That it is clear that the Police is influencing the investigation and investigation is being conducted in a biased manner with the intention to save the erring Police Officials and the entire investigation was merely an eyewash as prima-facie case was made out under Sections 295A and 377 IPC against the erring Police Officials which they were trying to botch up in order to save the erring Police Officials.
- t) That the Victim on 18.05.2021 went to the Military Hospital, Bareilly as after so many days also, the Petitioner was in excruciating pain in his injuries and thereafter the Victim was admitted on 18.05.2021 and after treatment of 3 days, he was discharged from the Hospital on 21.05.2021 and before his discharge, Endoscopy was once again conducted, and it was found that injuries have subsided after extensive treatment for 3 days. In the medical examination while treating the Victim, it was found that

*there were injuries in his rectum/anus. Copy of medical reports conducted by doctor Sanjay Sharma at the Military Hospital, Bareilly dated 18.05.2021 is being filed herewith and marked as Annexure No. 6 to this writ petition.*

*u) That the Victim approached the investigating officer and handed over the report dated 13.05.2021 and 18.05.2021 and the investigating officer assured the Victim that he shall act as per law and till date, Sections 295-A and 377 have not been included in the FIR No. 272 dated 08.05.2021 at Police Station Puranpur, Pilibhit which clearly shows that the investigation is biased against the Victim and justice can never be done by local Police who are working hand in glove with the erring Police Officials.*

*v) That the erring Police Officials not only insulted, humiliated, threatened and demeaned the Victim and his mother and sisters, but also the Victim was humiliated and tortured on the basis of his religion and the Police Officials have not registered an FIR under Section 295A IPC as clearly wounded the religious sentiments of the Sikh Community at large.*

*w)That the turban (pagri) of a Sikh man, is considered a religious symbol and is universally accepted as a symbol of respect. Pulling the unshorn hair (Kesha) or knocking off or causing to knock off or even touch or pull the Turban of a Sikh is considered as a religious sacrilege and insulting to the beliefs held by the Sikh Community. The actions of the Uttar Pradesh Police personnel, using uncalled for brutal force against an unarmed, innocent Sikh, that too an army veteran, disrespecting and his family members, which included women, and also disrespecting his religious beliefs has shaken the conscience of the people associated with not only the Indian army but general public at large.*

*x) That the brutality and the atrocities committed by the Uttar Pradesh Police personnel is in utmost violation of the secular nature of the constitution of India and in utter disregard of the fundamental rights of the Victim and his family members. The various acts committed by the erring officials are violative of the rights guaranteed by Articles 21, 22 and 25 of the Constitution of India amongst various others. "*

We have also perused the First Information Report No.0264 dated 3.5.2021, under sections 147, 149, 188, 269, 332, 353, 427 and 504 I.P.C., P.S.- Pooranpur, District- Pilibhit lodged by Sub-Inspector Ram Naresh Singh and the First Information Report No.0272/2021 dated 8.5.2021 under sections 147, 323, 342, 504 I.P.C., P.S.- Pooranpur, District- Pilibhit lodged by the petitioner against the Sub-Inspector, Ram Naresh Singh, Sub-Inspector, Rais Ahmad and 5-6 constables. We have also perused copies of three injury reports filed along with the writ petition. Perusal of the injury reports and First information Reports prima facie, shows a very sorry state of affairs and police atrocities. It, prima facie, indicates breach of

fundamental rights of the petitioner guaranteed under Article 21 of the Constitution of India by the accused police officers/police personnels.

The matter is serious and requires a serious consideration by this Court.

In view of the aforesaid, we direct the respondent no.2 to file a counter affidavit by means of his personal affidavit. In his counter affidavit he shall also indicate the action taken in the matter, if any.

We request the learned Advocate General to assist this Court in this matter on the next date fixed.

Put up as a fresh case at 10:00 a.m. on 12.07.2021 for further hearing.

**Order Date :- 8.7.2021**

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