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CRWP-3912-2025

ROHANI ALIAS RONI V/S STATE OF PUNJAB AND OTHERS

Present: Mr. Bharat Bhandari, Advocate,
Mr. Vinay Yadav, Advocate,
Mr. Amandeep Singh, Advocate and
Mr. Sushil K. Bhardwaj, Advocate
for the petitioner

Mr. Davinder Bir Singh, Sr. DAG Punjab

The prayer in the present petition filed under Article 226 of the Constitution of India seeking protection of life and liberty of the petitioner and the setting aside of his arrest in FIR No. 83 dated 08.04.2025 under sections 296, 74, 308 (2), 351 of the BNS and Section 66 of the IT Act and declaring the proceedings emanating therefore as non-est in law. Further prayer is for directions to conduct the medical examination of the petitioner by an independent Government Hospital in Chandigarh as also transfer of the investigation to an independent agency.

The case as canvassed by the learned counsel for the petitioner is that the petitioner was forcefully abducted by unknown officials from outside the Sohana Gurudwara during the dusk of 07.04.2025, at around 7 pm, and illegally detained at Police Station Saneta, where he was allegedly subjected to custodial torture, and was even given electric shocks. The gruesome acts did not stop there and video of the petitioner in nude condition was also prepared and circulated. However, it was only on 08.04.2025, in furtherance of a premeditated plan, that the aforesaid FIR was registered to falsely implicate the petitioner. Thereafter, he was taken for his medical examination, which too was carried out in a shoddy manner just to feign compliance. A cursory glance at the same, it is submitted, would be suffice to arrive at the conclusion. The same was also

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pointed out by the learned trial Court in its zimni order dated 11.04.2025(Annexure P-2) dismissing the application for extension of police remand of the petitioner, whereby the injuries inflicted on the petitioner, which were even visible to the naked eye, were directed to be examined by the Medical Board that the SMO, Civil Hospital was directed to constitute. The relevant portion of the said order reads thus:

“Perusal reveals that accused Rony was arrested in this case on 08.04.2025 and since then he is in police custody. The medical examination conducted of the accused on 08.04.2025 i.e. the date of arrest which has been shown is silent with regard to any of the injuries of the accused which are visible to the naked eye. Moreover, sufficient police remand has been obtained by the police and still the investigation is not concluded. No ground is made out for further police remand at this stage. Accordingly, request for police remand is declined and accused is remanded to judicial custody till 25.04.2025 and they be again produced on said date before the Court concerned/Duty Magistrate.

Ahlmad is directed to send the file to the Court concerned immediately.

The SHO/IO is directed to get the injuries examined prior to lodging the accused in the jail. Copy of this Order be given to the SHO/O for necessary compliance. It is further directed that the SHO/TO shall move an application before the SMO, Civil Hospital, Phase-6, SAS Nagar who shall constitute a board of Doctors to examine the injuries on the body of the accused. Separate letter to this effect be also sent to the SMO, Civil Hospital, Phase-6, SAS Nagar.”

It is further advanced by the learned counsel that the petitioner was not taken for his examination as ordered vide order dated 11.04.2025. Infact, he was taken back to the police station where he was allegedly threatened with dire consequences for himself and his family incase he chose to undergo a medical examination. Left with no other option, the petitioner had to give in to the demand when he was taken to the Civil Hospital on the noon of 12.04.2025, where he was made to write his refusal for undergoing a medical. It is also submitted that at no point in time was the petitioner handed a copy of the arrest memo and FIR, and neither was he informed of his grounds of his arrest,

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rendering his arrest as illegal, as is the settled legal position. In this regard, learned counsel for the petitioner has sought reliance on the law laid down by the Hon'ble Supreme Court in ***Vihaan Kumar vs. State of Haryana and others, 2025 SCC Online SC 269***, and ***Prabir Purakayastha vs. State (NCT of DELHI), 8 Supreme Court Cases 254***. The illegal arrest of the petitioner was also challenged before the Duty Magistrate but the same was dismissed in a mechanical manner without due consideration of the pressing circumstances of the case vide order dated 12.04.2025 (Annexure P-5). Learned counsel submits that the petitioner has faced severe atrocities at the hands of the officials in the form of physical torture, harassment and threats from the date of his illegal arrest carried out in gross violation of Article 22(1) of the Constitution of India read with Section 47 BNSS, a narration of which had already been made to the DGP of the State of Punjab in the representation dated 16.04.2025 (Annexure P-8).

The present case involves allegations of gross misconduct of the acting officials and in the opinion of this Court, requires a detailed response qua the chain of events as they unfolded in actuality as also qua the alleged custodial torture that the petitioner was allegedly subjected to. As such, the Senior Superintendent of the Police, Mohali is directed to do the needful and submit a proper and non-partisan response by way of an affidavit in the instant case.

Further, given the serious allegations as they *prima facie* appear, it is kindly asked of the Director, PGIMER, Chandigarh to constitute a Medical Board for 24.04.2025 to thoroughly examine the petitioner for any bodily injuries stated to be inflicted on his person and submit a report qua the same prior to the next date of hearing.



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The Superintendent of District Jail, Rupnagar, is directed to ensure that the petitioner is produced before the Medical Board constituted by PGIMER, Chandigarh on 24.04.2025.

Adjourned to 29.04.2025, for awaiting the affidavit of the SSP, Mohali as also the report of the Medical Board.

Copy of the order be sent to the concerned quarter for immediate compliance. It be also forwarded to the Standing Counsel for PGI to ensure that the needful is done.

22.04.2025
Kavita Nain

(KIRTI SINGH)
JUDGE