

**IN THE COUNTY COURT AT SLOUGH**

The Law Courts  
Windsor Road  
Slough, SL1 2HE

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**Before:**

**DISTRICT JUDGE CATHERINE COMISKEY**

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**Between:**

**THAMES VALLEY POLICE**

**Claimant**

**- and -**

**SUKHPAL SINGH**

**Defendant**

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**MS JULIE BALL for the Claimant**  
**MR LYALL THOMPSON for the Defendant**

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**APPROVED JUDGMENT**

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**DISTRICT JUDGE COMISKEY:**

1. I have been considering in this hearing two sets of allegations of breach of a civil injunction order made by this court on 9 March 2020 and varied on 27 March 2020. This is a committal application; it has been heard throughout in open court.
2. The Claimant is Thames Valley Police and the Defendant is Mr Sukhpal Singh. Both parties have been represented at this hearing by counsel.. I am satisfied that the Defendant has had plenty of opportunity to instruct legal representation; I considered that point earlier in the hearing when an adjournment application was made.
3. The injunction order made on 9 March is one made under the Anti-Social Behaviour, Crime and Policing Act 2014. Certain parts of that have not been relevant to the matters before me today. I will identify the paragraphs of the order which apply in due course. I am satisfied that the Defendant was served with the original order and he was present in court when the order was varied.
4. The Defendant, indeed, accepts that he was served with the order as originally drafted, although he has raised before the court an issue as to what “map” was included with the papers he received. The fact that he made an application to vary the order as early as 13 March indicates that he was aware that there were certain areas he could not attend within High Wycombe and, as the thrust of his application to vary appeared to relate to him being able to reside at 38 Oakridge Road, it is very clear to me that he understood at that point he was not allowed to live there.
5. There was a hearing on 27 March 2020 before his Honour Judge Richard Clarke at which the terms of the exclusion zone order were varied to allow attendance within the area for certain defined purposes. I am satisfied the Defendant was well aware of what he could and could not do by 27 March, if not before.
6. The first set of applications was made on 15 May 2020 and, as I understand it, Mr Singh was brought before a Judge sitting in Oxford on that day, having been arrested. The alleged breaches relate to paragraphs 3, 5 and 6 of the order and relate to aggressive, intimidating and threatening behaviour to Becky Thompson, said to be on 3 and 29 April, contacting and speaking to Karam Singh on various dates in April and May and entering the exclusion zone, in particular 38 Oakridge Road, on four occasions, being three dates in April and one in May. There was a schedule of allegations attached to the application.
7. An application made shortly thereafter, on 21 May, alleges breaches of paragraphs 1, 2, 3 and 5 of the order, as amended. It relates to using foul and abusive language when arrested on 14 May, racially abusing, spitting at and assaulting a resident at the Buckingham Hotel on 15 April, and being in the exclusion zone on 20 May. No point was taken by the Defendant concerning the presentation of the Claimant’s evidence in the form of witness statements rather than affidavits, and if I need to waive the requirement for affidavits I do so.
8. I have heard oral evidence today from Mr Karem Singh, Mrs Ritu Singh, PCs McCarthy, Quick and Bajwa for the Claimant and I have also heard from the Defendant in person. He was reminded earlier in the hearing about his right not to self-incriminate and that he did not need to give evidence but could choose to do so. He did choose to

do so and, as noted, he has the benefit of legal advice and representation. I am not going to rehearse all of the evidence which I have heard or read.

9. The witnesses who gave evidence orally confirmed the truth of their witness statements. Ritu Singh made one amendment to hers before confirming its truth. All the witnesses who gave oral evidence were cross-examined and I am satisfied that I have heard enough and that the Defendant has had a fair opportunity to test the Claimant's case. I have also been referred to witness statements of other police officers, PC Morris, PC Spain and PC Williams. I have been referred to a witness statement of Mark Warburton and I have had the opportunity to view some police bodycam footage and listen to an audio recording.
10. As I say, I will not rehearse exactly what I have read and heard, otherwise the hearing will proceed for too late this evening. We are already at 6.20pm and I do not wish to detain people longer than absolutely necessary. I remind myself before making any findings that it is for the Claimant to prove the allegations to the criminal standard - that is so that I am sure that the allegations are proved beyond reasonable doubt.
11. I will deal with the specific allegations. The first allegation relates to abusive behaviour towards Becky Thompson. We could not get hold of this witness during the day. The court attempted on three occasions to contact her. Her phone appeared to ring and go to voicemail on several occasions. It is unclear why she was not able to participate today. I am told she was willing and able to attend and I am not casting any doubt on that. However, despite our best efforts, she was not able to be in attendance.
12. The Claimant has applied to adjourn the hearing of that allegation to be heard with certain other matters which, at the end of this hearing, I need to address, which are allegations relating to an arrest on or about 15 August. The Defendant resists the application to adjourn. Having considered the nature of the allegations and the request to adjourn, I am not satisfied it is proportionate to adjourn and relist. Whilst the allegation made is not insubstantial, it is not a gross breach nor is it the only alleged breach and, rather than adjourn, I dismiss that allegation.
13. In relation to the allegation about to phone calls to Mr Karam Singh, first of all, I note that paragraph 6 of the order prohibits contact of any kind. It does not say that it only prohibits abusive or threatening contact.. Contact alone would be sufficient to prove that allegation.
14. The Defendant accepts that he is aware that he should not contact Karam Singh. His position is that he had no reason to do so. He accepts, having heard the phone call of 3 April 2020, a phone call which was recorded, that that phone call contains abusive language. For example, the recipient of the call is addressed by the caller as a "stupid cunt", but the simple issue is: was it the Defendant who made those calls?
15. Mr Karam Singh has known the Defendant all of their joint lives; they are brothers. His evidence was he was very clear that it was the Defendant who placed the call to him. Mrs Singh has known the Defendant a long time in her capacity as Mr Karam Singh's wife and, again, she was sure. PC Bajwa had not known the Defendant for so long. She also says that the voice heard on the recording is the Defendant.

16. The Defendant suggests that the call was placed by an unknown person, perhaps put up to it by Mr Kaaem Singh, and that those calls were made in the context of a family dispute concerning their late mother's estate. I note that by the time of the alleged calls – the first relied on was on 3 April - the Defendant was already aware a possession order had been made against him in relation to the family dispute and that the time to challenge that order had passed. I accept, however, that there is an ongoing dispute about the estate.
17. The contents of the call, in so far as I could hear them, included reference to that dispute, so whoever placed the call was aware of the issues in that matter. I am also satisfied that whoever placed the call was aware of the involvement of PC Bajwa in dealing with the Defendant. Of course, I am not a voice expert, but I had three credible witnesses who say it was the Defendant as against the Defendant who says that Mr Karam Singh put somebody else up to make these calls.
18. I do not find that suggestion to be in any way credible. I cannot see any benefit to Karam Singh, certainly not by that stage in the dispute, of taking such a step. I am satisfied to the required standard that the allegation has been proved; that is a breach of paragraph 6 of the order.
19. With regard to the “exclusion zone” allegations, four of those are made in the first application, on 15 May , and a further one in the 21 May application. The Defendant admitted in his evidence that he was in the exclusion zone on 11, 25 and 26 April and 14 May at or near 38 Oakridge Road and on 20 May 2020 at “The Chimes” which is also within the exclusion zone. He accepted that he was the person who could be seen in the CCTV footage and was present at The Chimes, within the zone, when he was arrested on 20 May.
20. The Defendant suggested there was some confusion about the extent of the exclusion zone. He appeared to suggest that the boundary allowed him to be at or near 38 Oakridge Road. I cannot accept that submission. The order clearly states that the Defendant is not permitted within the Oakridge area which clearly includes Oakridge Road. The Defendant was in court on 27 March seeking to amend the order and, therefore, there was a clear opportunity to clarify if there were any confusion at all about the extent of the exclusion zone.
21. I am sure he was aware he was not allowed to be at 38 Oakridge Road. Officers escorted him from there on or about 10 March. They would not have needed to do so if he had been permitted to be in that property. Indeed, the Defendant's complaint to a large extent during this hearing was that he had been rendered homeless by the making of the exclusion order, and I do note that was just as the Covid-19 pandemic struck. If he genuinely thought he was allowed to live at his home or attend there, then he would not have been homeless.
22. He says his reason for attending was to secure the property, ensure items were stored and so forth. I had not seen any prior reference to that being a reason for his attendance at 38 Oakridge Road. He had been allowed to attend after the variation application with officers in order to collect items and secure the property and so he was aware that, other than that, he should not have been there. On the evidence he gave me today, his partner, Ms Johnson, has continued to occupy the property and it is very unclear, therefore,

why she could not have tidied up or secured the property if indeed she has continued to live there. .

23. So far as The Chimes is concerned, on 20 May there can have been no doubt at all about what the exclusion zone was. I note what the Defendant said about needing to find somewhere to stay for that particular evening, but I am not satisfied he has provided a good reason to have entered the exclusion zone. I am satisfied to the required standard with regard to breach of the exclusion zone, that is paragraph 5 of the order, on all five occasions pleaded.
24. So far as the allegation of racial abuse and assault by spitting is concerned, the alleged victim of that incident was a resident at the Buckingham Hotel. I accept that the Defendant was arrested in relation to that matter and I also note and accept that he was evicted from the Buckingham Hotel shortly afterwards. Noting that the Claimant is required to prove the allegation to the criminal standard and that I have no direct evidence of any of the events, or even of the exact circumstances of the eviction, I cannot be satisfied to the required standard. That allegation is not proved.
25. So far as the allegations relating to the police officers and the circumstances of the arrest on 14 May 2020 are concerned, I have heard evidence about that from two of the officers involved, PC McCarthy and PC Quick and read witness statements of others. In relation to that, there is some body-worn camera footage of the circumstances of the arrest. We do not have audio or visual recordings in relation to the transportation from 38 Oakridge Road.
26. It is said that some words were used to PC McCarthy of a threatening nature which prompted PC McCarthy to say, in what I accept was a sarcastic comment, "I'm quaking in my boots". The officer told me he said that to show the Defendant that he was not, in fact, intimidated, but PC McCarthy could not recall the words used and I could not make them out on the footage.
27. I cannot be satisfied that there was threatening language used on that occasion. Indeed, on the bodycam footage that I clearly have, I could not discern any particular threatening language, and that is what is covered under paragraph 3 of the order. I do accept that the behaviour that I observed was clearly belligerent, but I could not discern any use or threat of violence or abusive or threatening language.
28. Paragraph 2 of the order encompasses "disorderly behaviour" and it gives examples of what will be classified as disorderly behaviour. Part of the allegation relates to various unpleasant sexual references made during the transportation. I note that the officers described that discussion differently. The Defendant told me, when various specific phrases were put to him, that he did not recall using such phrases. In particular, he does not recall saying things like, "You're a fucking twat". I do not need to find that any specific words were used in the car.
29. The allegation relates to the circumstances of the arrest as well as transportation. I accept that there is some history between the Defendant and, by this stage, quite a number of officers in the High Wycombe area, including PC McCarthy. The language that I heard on the bodycam footage during the arrest includes referring to PC McCarthy, or another officer, as a "fucking idiot".

30. That in itself would be sufficient to prove the use of foul language. Indeed, that expletive was used on a number of occasions during the arrest situation, including in relation to taking the Defendant's jumper with them and that he needed his jumper. So, clearly, foul language was used and that is something which is prohibited by paragraph 2 and I am, therefore, satisfied that that allegation has been proved with regard to paragraph 2 but not paragraph 3 of the order. Those are my findings.

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*This Judgment has been approved by the Judge.*