

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.11212 of 2015

Decided on: 21.04.2015

Gurpreet Singh

. . . Petitioner

Versus

Union Territory, Chandigarh & others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Abhinav Gupta, Advocate
for the petitioner.

Mr. J.S. Toor, A.P.P. U.T., Chandigarh.

RAJ MOHAN SINGH, J. (Oral)

On 10.04.2015, this Court passed the following order:-

“Learned counsel for the petitioner relies upon the order dated 20.8.2014 passed in CRM-M No. 28218 of 2014, whereby respondent No.3 was directed to look into the grievance of the petitioner in terms of representation dated 9.1.2014. Learned counsel submits that the said order has not been complied with, while deciding the representation of the petitioner on 25.2.2014 inasmuch as that the order is just a stereo type of the proceedings undertaken by the police and the same does not show application of independent and judicious mind.

Notice of motion for 21.4.2015.

In the meanwhile, respondent No.3 is directed to submit status report of the case.”

2. Today, Mr. J.S. Toor, A.P.P. standing counsel for U.T., Chandigarh states that representation dated 09.01.2014 already stood decided on 25.02.2014 vide Annexure P-10.

3. Learned counsel for the petitioner states that the decision dated 25.02.2014 was never communicated to the petitioner. It is obtained by his Advocate through the process of R.T.I. and thereafter filed CRM-M No.28218 of 2014 in which, following order dated 20.08.2014 was passed:-

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure for directing respondent Nos.1 and 2 to take action on the representation dated 09.01.2014 (Annexure P/2).

Having heard learned counsel for the petitioner and after perusing the paper-book, however, without commenting on merits of the case, instant petition is disposed of with a direction to respondent no. 2 – Superintendent of Police, Chandigarh, to look into the grievance of the petitioner specifically representation dated 09.01.2014 (Annexure P/2) and take action in accordance with law.”

4. Learned standing counsel for U.T. Chandigarh states that once the representation of the petitioner has already stood decided vide order dated 25.02.2014, there was no necessity to decide the same afresh as the petitioner had concealed the factum of decision in his CRM-M No.28218 of 2014.

5. Taking entire stock of the situation, I am of the view that the order dated 25.02.2014 is not speaking order in as much as that it does not cover the prayer made by the petitioner in his representation.

6. Be that as it may, it would be just and expedient to direct respondent No.2 to look into the matter in the context of representation dated 09.01.2014 afresh and decide the same by passing speaking order on the representation expeditiously preferable within a period of one month from today after the receipt of certified copy of this order.

7. Thereafter, petitioner be conveyed the decision on his representation.

8. Disposed of.

[Raj Mohan Singh]
Judge

21.04.2015
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