

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

**CRM-M No.10913 of 2017
Date of Decision: 31.03.2017**

Jarnail Singh

.....Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:None.

RAJ MOHAN SINGH, J.(ORAL)

Petitioner has filed the present petition for seeking necessary directions to respondents No.1 and 2 for taking action against respondents No.3 to 5 in respect of commission of cognizable offence.

Petitioner has alleged that his daughter namely Gagandeep Kaur is serving as Teacher. On 31.10.2015 at about 3:30 PM, when she was returning home from her duty, then respondent No.5 along with two unknown persons tried to kidnap her, however she was rescued by her colleague Acchar Singh. Acchar Singh received injuries during the scuffle.

A representation was made by daughter of the petitioner to the Senior Superintendent of Police, Fatehgarh Sahib on 31.10.2015 itself. Again a representation was filed against respondent No.5 before respondent No.2 on 03.11.2015.

The police got registered FIR No.133 dated 04.11.2015 under Sections 324, 323, 341, 506, 34 IPC at Police Station Amloh, District Fatehgarh Sahib on the statement of Acchar Singh. However, real facts were not incorporated in the said FIR. The complicity of the accused in the context of kidnapping the daughter of the petitioner was not incorporated in the FIR and the police did not take any action on the said FIR, rather the said FIR was sought to be compounded as compromise was shown to have been effected between Acchar Singh and respondent No.5.

Petitioner further alleged that daughter of the petitioner ventured to file CRM-M No.42575 of 2015 for protection of her life and liberty, which was disposed of with a direction to respondent No.2 to decide the representation of the daughter of the petitioner in accordance with law within a specified period vide order dated 17.12.2015.

In compliance of aforesaid order, the matter was entrusted to Deputy Superintendent of Police. Allegations have been made in respect of some evil design on behalf of the police officer in the context of advancing an amount of Rs.1 lac. Thereafter, a compromise was shown to have been effected on the subject matter of FIR. Petitioner filed a representation before respondent No.2 giving each and every details of proceedings,

but no action was taken.

Thereafter, daughter of the petitioner ventured to file CRM-M No.31966 of 2016 for transfer of investigation of FIR No.133 dated 04.11.2015, which was disposed of as having become infructuous vide order dated 30.11.2016 on the premise that due to some confusion between the members of the Investigation Agency, report was filed in the trial Court which has since been accepted by the Court. Liberty was given to the daughter of the petitioner to take recourse to the other remedies available to her in accordance with law.

In view of aforesaid allegations made by the petitioner, it would be just and appropriate to obligate respondent No.2 to have a fair look on the grievance of the petitioner and decide the representation dated 09.05.2016 without being influenced by the factual narration as made above. Respondent No.2 would be at liberty to devise his own mechanism to ascertain the truth in the context of representation and thereafter, shall proceed to decide the representation in accordance with law.

Disposed of accordingly.

31.03.2017
prince

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No