

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.12826 of 2013
Date of decision:28.04.2017

Gurparkash Singh and others ... Petitioners

Vs.

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. R.P.Singh, Advocate
for the petitioners.

Mr. T.N.Sarup, Addl.A.G.Punjab.

Mr. R.K.Arya, Advocate
for respondents No.9 to 11.

AMIT RAWAL J. (Oral)

The petitioners have approached this Court seeking following relief:-

“Civil writ petition under Article 226/227 of the Constitution of India for issuance of writ, order and direction especially in the nature of mandamus directing respondent No.2 to take necessary/legal department action against respondent No.4 to 7 i.e. Police officials of Police Station Civil Lines Batala, who implicated the entire family including two female members in a false case of murder by lodging an FIR No.133 dated 09.06.2011 (Annexure P-1) on the basis of one unidentified body by fabricating evidence, whereas, the alleged deceased

Jagroop Singh is still alive, and further committed severe atrocities and torture on the petitioners and for extracting money from the petitioners' family on account of releasing them.

Further for issuance of writ in the nature of mandamus directing the respondent No.1 i.e. State of Punjab to grant compensation to an extent of Rs.5 lac each in compliance of the mandate of the Hon'ble Court in case titled as Dr. Mehmood Naiyyar Azam vs. State of Chhattisgarh 2012 (3) RCR (Criminal) 925 and D.K. Basu vs. State of West Bengal 1997 (1) SCC 416 on account of the custodial torture and illegal confinement inflicted on the petitioners by the official police respondents by implicating them in a false case of murder which never took place.

Further any other order or direction as this Hon'ble Court may deem fit according to the facts and circumstances of the present case in favour of the petitioners.”

As per the stand taken in the written statement, much less apprised to this Court by Mr. T.N. Sarup, learned Additional Advocate General, Punjab on instructions from H.C. Nirmal Singh that FIR bearing No.133 dated 09.06.2011 has been registered under Sections 302, 201, 404 of Indian Penal Code against the petitioners and cancellation report has been submitted.

The grievance of the petitioners in the present writ petition is that they have been unnecessarily harassed particularly at the hands of private respondents No.4 to 11. If at all, the petitioners have any grievance, they have to seek the vindication of the same by filing a civil suit for damages by placing on record all possible material not only cancellation report but also all tenable evidence.

In view of the aforementioned observations, no further order is required to be passed. Accordingly, the writ petition is disposed of as having been rendered infructuous.

(AMIT RAWAL)
JUDGE

April 28, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No