

Sr. No.121

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

CWP No.27631 of 2017 (O&M)

Date of Decision:05.12.2017

Manjit Lal

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Vijay Lath, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner Manjit Lal is serving as Assistant Sub
Inspector under Punjab Police.

The instant petition has been filed seeking a writ of
certiorari for quashing of Annexure P-7 to the extent it relates to
the present petitioner at Sr. No.106.

Pleadings on record would demonstrate that Annexure
P-7 is a list and details of the complaints disposed of and
recommendations made in relation thereto by the Commission of
Inquiry of Justice Mehtab Singh Gill (retired) and
Sh. B.S.Mehndiratta (District and Sessions Judge) Retd.

Shorn of unnecessary details, it may be noticed that the
State of Punjab vide notification dated 05.04.2017 constituted a
Commission of Inquiry to go into the aspect of false cases/FIRs
having been registered. At Sr. No.106 in the list at Annexure P-7

is pertaining to criminal proceedings having been initiated by complainant Manjinder Kaur against Major Jarnail Singh FIR No.122 dated 17.10.2013, registered at Police Station Balachaur, District SBS Nagar, under Sections 323,324,452,148 and 149 IPC. Apparently, the accused has earned acquittal at the hands of the trial Court. Judgment of acquittal has been affirmed even by the Appellate Court. Present petitioner was stated to be the I.O. in the matter and the Commission of Inquiry recommended prosecution of complainant Manjinder Kaur under Section 182 IPC and for grant of adequate compensation to the accused/applicant and to be recovered from the I.O.

The sole contention raised by Mr. Vijay Lath, Advocate is that the order passed by the Commission of Inquiry is to the clear prejudice of the petitioner and in violation of the procedure contemplated under Section 8 (B) of the Commissions of Inquiry Act, 1952. It is urged that Section 8 (B) of the Act mandates the grant of an opportunity of being heard during the course of inquiry by the Commission in the eventuality of any person who is likely to be prejudicially affected.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the instant writ petition is pre-mature and no interference is called for at this stage.

Placed on record at Annexure P-9 is memo dated 06.09.2017 issued from the Office of the Secretary to Government of Punjab, Department of Home Affairs and Justice and addressed

to the Director General of Police, Punjab on the subject of the Interim Report by Justice Mehtab Singh Gill (retired), Commission of Inquiry. In such memo, it has been clearly recited that the DGP may initiate action against the erring employees as per recommendations of the Commission and in case the Police Department feels that no action is required to be taken against the official concerned, then the case may be referred back to the Government with justification.

What clearly emerges is that no final order has been passed till date against the petitioner. Certainly there are recommendations made by the Commission of Inquiry as regards the complainant in the aforementioned case to be compensated and the same to be recovered from the I.O. i.e. present petitioner.

Be that as it may, these are mere recommendations. There is no document placed on record for this Court to conclude that the recommendations stand accepted finally by the competent authority. Rather memo dated 06.09.2017 (Annexure P-9) leaves it to the Police Department to consider the recommendations and thereafter to either initiate action against erring officials or to form an opinion that if no action is required to be taken then the case may be referred back to the State Government along with justification.

Under such circumstances, there would be no occasion for this Court to delve into the matter and to record any opinion as regards the recommendations that may have been made by the Commission of Inquiry against the petitioner and contained at Sr.

No.106 at Annexure P-7.

The recommendations have to be considered by the competent authority and thereafter a final view is to be taken.

No interference at this stage is called for.

Writ petition is disposed of as pre-mature.

05.12.2017
vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No