

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10114-2018

Date of decision: 12.11.2018

Ashwani Kumar

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. V.S. Kang, Advocate for
Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for issuance of directions to the police authorities to conduct an enquiry on the complaint dated 30.05.2015 filed by the petitioner.

Reply by way of affidavit of Deputy Superintendent of Police, Dinanagar, District Gurdaspur is on record and in this reply, it is stated as under: -

“That the petitioner had filed an application dated 26.05.2015 before the office of the Assistant Superintendent of Police, Dinanagar. The inquiry got conducted by Sh. Akhil Choudhary, IPS, Assistant Superintendent of Police, Dinanagar. The Inquiry Officer submitted his report to the office of respondent No.3 on

08.01.2016 that "In the report of DTO Gurdaspur this bus has been registered in the name of Sh. Ganesh Das s/o Malo Ram Village Bhimpur (Gharota), District Gurdaspur by way of transfer on 26.04.2012 and at present Ganesh Das aforesaid is the owner of the bus. From this, it has been clear that Ganesh Das aforesaid has prepared wrong forged document in the name of Surjit Singh from M/s Cargo Motors Pvt. Ltd. Jalandhar and purchased the chasis of Truck No.MAT38653498K30195 in the name of Surjit Singh and later on Ganesh Das in connivance with officers/employees of transport department has fit the body of the bus over the same and got transferred the bus in the name of Ganesh Das on 26.04.2012. Ganesh Das in order to take personal gain has committed the tax evasion by preparing forged document in the name of Surjit Singh by M/s Cargo Motors Pvt. Ltd. Jalandhar by purchasing a new truck and by fitting the bus body has committed tax evasion from Government. Therefore, if it is approved that action be taken against Ganesh Das s/o Shalo Ram r/o Bhimpur Gharota Pathankot after obtaining the report from Deputy District Attorney, Legal.

The then SSP/Gurdaspur send the case to Dy. District Attorney, (Legal) for legal opinion on 29.01.2016. As per the discuss of the Dy. District Attorney (Legal), the case sent to the Superintendent of Police, Detective to re-examine (this matter relates to police or Transport Department) on 21.03.2016. The

Inquiry Officer – Sh. Pardeep Malik, PPS, Superintendent of Police, Investigation, Gurdaspur submitted his report to respondent No.3 on 05.04.2016 that the matter be sent to the Vigilance Department.

Then SSP/Gurdaspur again marked case to the Superintendent of Police, Headquarters, Gurdaspur to examine on 12.05.2016. The Superintendent of Police, Headquarters, Gurdaspur submitted his report that “As per the statement of Sh. Jagwinder Singh Grewal, Addl. Deputy Commissioner (General) and DTO, Motor Vehicle Inspector is competent to make the statement regarding the passing of vehicles and full tax was paid to the Transport Department regarding above said buses.

As per the report of Inquiry Officer and opinion of Deputy District Attorney (Legal), Gurdaspur, the case was filed by respondent No.3 on 21.11.2016.”

Learned State counsel submits that in view of the aforesaid enquiry, the complaint was already filed on 21.11.2016.

In view of the above, no further action is required in the present petition.

[ARVIND SINGH SANGWAN]
JUDGE

12.11.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No