

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-14531-2018****Date of Decision: 26.11.2018****Jai Bhagwan****...Petitioner****vs.****State of Haryana and others****..Respondents****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. Surinder Jaipal, Advocate for
Mr. Arjun Sheoran, Advocate, for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN,J

Prayer in this petition is for issuance of a direction for fair and impartial investigation in the complaint dated 22.11.2017 (Annexure P1) submitted against some more of the inhabitants of the village.

Counsel for the petitioner submits that the petitioner is resident of village Bhatla Tehsil Hansi, District Hisar and belongs to schedule casts category. It is further stated that on 15.06.2017 there was a dispute in the village regarding water, in which two sections of the society, one to which the petitioner belongs and the other of higher castes, were involved and in that regard, the petitioner has given complaint (Annexure P1) to the learned District & Sessions Judge, Hisar, with the allegation(s) that he (petitioner) and his family members are feeling threat to their life and liberty at the hands of another inhabitants of the village who have socially boycotted the petitioner.

Vide order dated 06.04.2018, the District & Sessions Judge, Hisar, was directed to submit a report as to whether any action has been taken on the basis of complaint dated 22.11.2017. Thereafter, the District &

Sessions Judge, Hisar submitted a report alongwith an inquiry report dated 28.03.2018 conducted by Superintendent of Police, Hansi and the case was adjourned as counsel for the petitioner wanted to inspect the record.

Perusal of the report submitted by District & Sessions Judge, Hisar and on the basis of enquiry report dated 28.03.2018 submitted by Superintendent of Police, Hansi, shows that on the complaint made by petitioner-Jai Bhagwan against one Satbir, during enquiry, 17 persons of the village were involved and their statements were recorded. On the basis of the statements of the parties, the police found that the dispute is for not providing the fodder for the cattles and in fact there was a dispute with regard to the rate of barseim (fodder) and according to the petitioner it was fixed as Rs.7500/- per kanal whereas the other party claimed it is to be Rs.8200-8300/- per kanal. The operative part of the enquiry report is reads as under:-

“In reference to the subject cited above, an investigation was conducted by Deputy Superintendent of Police, Hansi Town. As per the report, both the parties were joined in the investigation. The complainant Jai Bhagwan has alleged that Satbir (a villager) s/o Chandu Lal, caste Jat, had threatened his son and drove him away from the main street. Respondent Satbir, in this regard, has told that he lives in the village very amicably and he has never hindered any boy of the village from crossing the street. He has told that he does not even know the son of Jai Bhagwan. He has, thus, accused Jai Bhagwan of spewing the venom of castiesm in the Bhatla village. He has produced his affidavit separately saying therein that in the streets of the village many boy roam and play and he does not

know who is the son of Jai Bhagwan. He has said that Jai Bhagwan is spewing venom of castiem in the village by leveling false allegation on him. I have never, he said, made castiest comment on anyone in the village. I am, he said, a member of *Sarv Jatiye Bhai Chara Samiti*, Bhatla. The complainant has also alleged that the villager Shyam Sundar s/o Soma Panjabi had refused to give him the barsin (a crop), which he had purchased from him, under the pressure of “sawarnas” of the village. In this regard, statement of respondent Shyam Sunder was recorded and an inquiry was made whereby he told that he has sold out the barsin-sown in the field- to Jai Bhagwan at his shareholder's instance, without asking his family members, on cheaper rate. However, later on, he refused to give him bersin at the behest of his family members in greed of higher rate. Therefore, instead of refusing him flatly, he declined to give him bersin while naming some of jat members behind the refusal. In this regard, he (Shyam Sundar) has produced his affidavit, saying therein that about three months ago he had sown bersin in his one acre land, which was shared by him and his brother. He said, “Jai Bhagwan Sodhi s/o Chandu Lal of my village had asked me to sell the bersin to him. I was not aware of bersin price, therefore I agreed to sell it to him for 7500/- per Kanal suggested by him, but when my family members came to know about it, there emerged a clash at our home. Family members told that price of bersin were 8200-8300/- per Kanal. Knowing this price, I also felt greedy and therefore refused to give bersin to Jai Bhagwan. When Jai Bhagwan asked me as to why I was refusing to give him bersin, I declined [sic]. However, the truth is this that no jat member had asked me not to give bersin to

Jai Bhagwan. Apart from jats, no one from any community too had asked me not to give bersin to Jai Bhagwan. Nor Jai Bhagwan had given me any earnest money. Only I had talked to Siri regarding giving bersin. I had agreed to give bersin at the instance of Siri. I have not refused to sell bersin at any one's (from the village) instance. Jai Bhagwan has leveled false allegation on me. I am a poor man. I had sown bersin to sell it. I will sell it to one who gives me better price.” Apart from him, other reputed persons of the village Bhatla including following members of Bhai Chara Samiti joined the investigation and produced their affidavits.

1. Ved Parkash
2. Kuldeep s/o Hajarilal r/o Bhatla
3. Hawa Singh s/o Hardeva r/o Bhatla
4. Dharmbir s/o Lalji Ram r/o Bhatla
5. Hargyan s/o Raldu Ram r/o Bhatla
6. Naresh s/o Harke Ram r/o Bhatla
7. Shamsher s/o Hardeva r/o Bhatla
8. Jagdish s/o Lakshman Dass r/o Bhatla
9. Ramchander s/o Risal Singh alias Risala r/o Bhatla
10. Jaikishan s/o Patram r/o Bhatla
11. Krishan s/o Diwan Singh r/o Bhatla
12. Jai Bhagwan s/o Jogi Ram r/o Bhatla
13. Krishan Kumar s/o Makkan r/o Bhatla
14. Ramesh s/o Ganga Shah r/o Bhatla
15. Lila alias Raghubir s/o Dhan Singh r/o Bhatla
16. Karmbir s/o Phul Singh r/o Bhatla
17. Naresh s/o Dharm Singh r/o Bhatla.

All the aforesaid persons have held that the allegation leveled by Jai Bhagwan s/o Chandu Ram, Vikas s/o Jogi Ram (residents of Bhatla) is false. They have

accused Jai Bhagwan, Vikas and others such as Balwan s/o Vishal, Raj Kumar s/o Chandu, Rajat Kalsan advocate of spewing venom of castiesm and alluring dalits in the name of getting them huge amount from the commission [sic]. They have told that there is no boycott in the name of caste in the village.

During investigation it was found that because of a controversy happened earlier in the name of caste in the village Bhatla, both the parties are levelling allegations and counter allegations on each other. The matter of village Bhatla regarding social boycott in the name of caste is controversial one. In this regard, report No. 26 has been registered on 02.12.17 at Sadar police station, Hansi. Also, in order to maintain peace in the village Bhatla, a permanent police chowki has been set up by the order of higher officers. The situation in the village is normal. Therefore, the complaint may be filed. Hence, copy of investigation report of investigating officer is enclosed herewith for your kind perusal.

Encl. as above.

Sd/-

Superintendent of Police,
Hansi”

Since, the only prayer in this petition is for issuance of a direction to investigate the complaint, which has already been done by the Superintendent of Police, Hansi and it is stated in the enquiry report that in order to maintain peace in the village Bhatla, a permanent police post has already been set up, no further action is called for.

Disposed of.

26.11.2018
smriti

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No