

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Decided on: 19.12.2018

1. CRM-M No.46408 of 2017 (O&M)

Ayush Bhalla
.....Petitioner
Versus
State of Punjab and others
.....Respondents

2. CRM-M No.45618 of 2017 (O&M)

Ayush Bhalla
.....Petitioner
Versus
State of Punjab and others
.....Respondents

3. CRM-M No.49579 of 2017 (O&M)

Rakesh Mehta
.....Petitioner
Versus
State of Punjab and others
.....Respondents

4. CRM-M No.49580 of 2017 (O&M)

Rakesh Mehta
.....Petitioner
Versus
State of Punjab and others
.....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Aayush Gupta, Advocate
for the petitioner (in all the petitions)

Mr. M.S. Nagra, AAG, Punjab.
(in all the petitions)

Mr. R.S. Bajiyan, Advocate

for Mr. Rahul Rampal, Advocate
for respondent No.7 (in all the petitions)

ARVIND SINGH SANGWAN, J. (Oral)

On 06.12.2017, the following order has been passed by
this Court in CRM-M No.46408 of 2017:-

“Prayer in this petition is for issuance of a direction to official respondents to not to unnecessarily call the petitioner on the basis of the complaints filed by respondent No.7 – Gulzar Singh as on an earlier occasion also he has filed false complaints against the petitioner, which have been enquired into by the police and were found to be false.

Counsel for the petitioner has drawn the attention of this Court towards the order dated 08.02.2017 passed by the Additional Deputy Commissioner of Police, Ludhiana where it has been held that in view of the previous enquiries there is no need to take any further action on the complaints filed by Gulzar Singh and the same is consigned to record room. A direction was also issued to SHO, Police Station Haibowal, ACP-Cill, ADCP-3, ADCP-Headquarter, ACP-Investigation, ACP-Headquarter, ACP-E.O. Wing that in case any complaint is received from the aforesaid Gulzar Singh/respondent No.7 against the petitioner, the same be filed and consigned to record room without calling the other party so that the precious time of the police be not wasted. It is further submitted that again respondent No.7 has lodged a complaint before the Deputy Commissioner of Police, Ludhiana and he has started calling the petitioner again for conducting another enquiry.

Counsel for the petitioner has further argued that in an identical matter where the respondent No.7 has filed

other complaints, the petitioner has filed CRM-M No.45618 of 2017 in which notice of motion has been issued for 23.02.2018 and the police authorities have been directed not to call the petitioner in pursuance to the complaints filed by respondent No.7 without looking into the previous enquiry reports.

Notice of motion for 23.02.2018.

To be heard along with CRM-M No.45618 of 2017 on the date fixed.

In the meantime, the Deputy Commissioner of Police, Ludhaina is directed not to call the petitioner in pursuance to the complaints filed by respondent No.7 without looking into the previous enquiry reports conducted by the police.”

Counsel for the petitioner has referred to the order (Annexure P9), in which the following observations have been made by the Additional Deputy Commissioner of Police, Zone-I, Ludhiana:-

“Therefore, keeping in view the previous inquiries on the subject cited matter, there is no need of any further action on the above complaints. The same are required to be consigned to the record room. Besides this, the SHO Police Station Haibowal, ACP-Gill ADCP-3, ADCP-Headquarter, ACP-Investigation, ACP-Headquarter, ACP-E.O. Wing, be directed that if in future any complaint/application will be received by them from Gulzar Singh party, regarding matter under complaint, then the same be consigned too the record room without calling the other party so that the wastage of precious time of the polie, could be saved.

9. *Ground of conclusion: on the basis of para No.8.*

10. Recommended proceeding: It is recommended that the subject cited complaints be consigned to the record room.

*Sd/-
(Joginder Singh)
Additional Deputy Commissioner of
Police, Zone-1, Ludhiana.”*

Reply by way of an affidavit of the Assistant Commissioner of Police (West), Ludhiana is on record and as per the reply, it is stated as under:-

“1. That earlier various applications were moved by respondent No.7 against the present petitioner on which enquiries were conducted and the applications were filed/consigned to the record room. Proceedings u/s 182 IPC (Annexure P6) have also been launched against respondent No.7 for filing false complaints against the petitioner. Thereafter, respondent No.7 had moved another application dated 16.05.2016 Annexure P-8 on which enquiry was conducted by the ADCP-1, Ludhiana during which it was found that in view of the previous enquiries, there is no need to take any further action on the complaints filed by respondent no.7. A direction was also issued to the SHO-P.S. Haibowal, Investigation, ACP-Gill, ADCP-3, ADCP-HQ and ACP-E.O. Wing that in case any complaint is received from respondent No.7 against the petitioner, the same be filed without calling the petitioner.

2. That, however, thereafter respondent no.7 filed an application with the Chief Minister, Punjab on which enquiry was marked to Sh. Surendra Lamba, IPS, ADCP-3, Ludhiana but thereafter the petitioner filed a petition before the Hon'ble High Court bearing CRM

No.M-45618 in which the Hon'ble High Court vide order dated 30.11.2017 Annexure P-11 has directed the ADCP-3, Ludhiana not to call the petitioner. Now the said petition is also pending before this Hon'ble Court and fixed for 16.05.2018 alongwith the present petition. Thus, the said complaint is now subject matter in the said petition bearing CRM No.M-45618 of 2017 filed by the present petitioner.

3. *That, now, again respondent no.7 has moved a complaint with the Commissioner of Police, Ludhiana against the present petitioner on which enquiry was marked to the DCP, Ludhiana but vide interim order dated 06.12.2017 passed by this Hon'ble Court in the present petition, this Hon'ble Court has directed the DCP, Ludhiana not to call the petitioner in pursuance to the complaints filed by respondent no.7 without looking into the previous enquiry reports conducted by the police. Accordingly now the petitioner is not being called by the DCP in the said enquiry and the DCP is perusing the previous enquiry reports without calling the petitioner and thereafter the said complaint will be disposed of accordingly. Hence, the present petition is liable to be dismissed on this ground alone.”*

In view of the same, counsel for the State has submitted that no further action is being taken on the complaints given by respondent No.7.

Considering the affidavit filed by the Assistant Commissioner of Police (West), Ludhiana, the aforesaid petitions are disposed of with a direction that the respondents will strictly adhere to the undertaking given by them in the Court. Liberty is also granted to

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CRM-M No.49580 of 2017 (O&M)

the petitioner(s) to file afresh petition in case they still feel any
harassment at the instance of respondent No.7.

(ARVIND SINGH SANGWAN)
JUDGE

19.12.2018

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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No