

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

CWP-14944-2013 (O&M)

Date of decision:- 11.09.2018

Dalbir Saroha

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- None for the petitioner.

Mr. Pawan Girdhar, Additional Advocate General, Haryana.

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KRISHNA MURARI, C.J. (ORAL)

CM-9649-2018

The application for placing on record certain documents is allowed subject to all just exceptions.

CWP-14944-2013

This Public Interest Litigation is filed by the petitioner seeking the following main reliefs:-

Issue a writ in the nature of mandamus for holding fair and impartial inquiry in the fake encounters by Haryana Police personnel and any other order or direction which this Court may deem fit in the facts and circumstances of the case.

2. A written statement has been filed on behalf of the State of Haryana raising serious issue about the credibility of the petitioner. It is stated that this petition has been filed just to gain popularity and to achieve wrong motive by pressurizing the police so that no proper action may be taken against the petitioner in respect of five FIRs which were registered against him out of which one is under investigation and in two cases challans have been filed in the Court. From a perusal of the written statement, it also appears that the petitioner is a habitual litigant as there are details of at

least seventeen cases stated to have been filed by him before this Court. It appears that the petitioner is in the habit of filing writ petitions on same cause of action and then withdrawing the same and filing fresh petition without seeking any leave from the Court to file fresh petition. Though the record indicates that the petitioner is represented through counsel, but today when the matter is called out, nobody is present to assist us in the matter. A perusal of the averments made in the petition goes to show that a reference to five cases of fake encounters has been made. However, from a perusal of the written statement, we find that in all the five cases, after the alleged aforesaid encounters, FIRs were registered with the concerned Police Stations and in all such matters Magestrial inquiry was directed wherein the statements of close relatives of the deceased were recorded and no apprehension was expressed by them in respect of the fake encounters. It is also stated that in some of the cases, co-accused were arrested and put to trial and even during the trial the issue of fake encounters never cropped up. It appears that the petitioner has no locus in the matter and has simply raked up the issue in order to pressurize the police in respect of the criminal cases which have been registered against him.

3. A Public Interest Litigation at the behest of such a litigant is not liable to be entertained and the same accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

11.09.2018
Amodh

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