

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

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CRM-M No.4367 of 2019

Date of Decision: February 8th, 2019

Baldev Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ashok Giri, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court with a prayer that in the reply which has been filed to the contempt petition by the Senior Superintendent of Police, District Amritsar (Rural), the Deputy Superintendent of Police, Ajnala, has mentioned that Patwari Baldev Inder Singh, who was appointed in the Circle Awan Wasao from 12.11.2010 to 14.11.2012 was joined in the inquiry and he has stated that the report dated 20.02.2013 (Annexure P-2) and 14.03.2014 (Annexure P-3) are neither prepared by him nor are his signatures thereon. The record was taken and statement was recorded regarding the said aspect from Patwari Baldev Inder Singh, which the counsel contends, is contrary to the records. To support this assertion, reliance has been placed upon the report dated 08.01.2018 (Annexure P-7) of the Tehsildar, Ajnala, wherein it has been stated that the report, reference whereof has been made, stands mentioned in Sr. No.48 dated 20.03.2013. He, therefore, contends that the statement given by the Patwari, which was a part of the report of the Deputy Superintendent of Police, would fall within the ambit of Section 195 (1) (b) Cr.P.C. and, therefore, action be initiated against Mohinderjit Singh, Patwari-respondent No.5 under Section 340 Cr.P.C.

2. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the report of the Deputy Superintendent of Police dated 12.12.2017 (Annexure P-6) as also the report dated 08.01.2018 (Annexure P-7) of the Tehsildar, Ajnala.

3. What has been stated by the Patwari, as has been referred to by the counsel for the petitioner and is a part of the record, which was submitted along with the response of the Senior Superintendent of Police in the contempt petition, was that the report was neither prepared by Baldev Inder Singh nor it contains his signatures. The document on which reliance has been placed by the petitioner is the report dated 08.01.2018 (Annexure P-7) of the Tehsildar, Ajnala. Perusal of the report of Tehsildar, Ajnala, would indicate that it has not been mentioned that the report was prepared by Baldev Inder Singh, Patwari. What has been stated is that a report has been mentioned at Sr. No.48 dated 20.03.2013. This does not indicate, what to say of prove, *prima facie* that any offence has been committed by Baldev Inder Singh while making his submission before the Deputy Superintendent of Police, from the inquiry proceedings.

4. The present petition is totally misconceived and, therefore, stands dismissed being without merits.

February 8th, 2019
Puneet

AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No