

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

CRM-M-42318-2017 (O&M)

Date of decision : 18.10.2019

Mazeed

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naveen Sharma, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

Petitioner has filed the present petition with following substantive prayers:-

“(i) Issue directions to the respondent No.2 to 4 to protect life and liberty of petitioner and his family members at the hands of police officials respondents No.5 to 13 and the police force under respondents No.5 to 13, keeping in view facts and circumstances of the present case.

(ii) to issue direction to conduct judicial inquiry of allegations leveled by petitioner in his representation dated 17.05.2017 (annexure P-2) from District & Sessions Judge, Mewat, as the petitioner is having reasonable apprehension that respondent No.2 to 4 will not conduct impartial probe/investigation into the matter as the allegations are leveled against the police department.”

Keeping in view the allegations made in the petition, learned District and Session Judge, Nuh was requested to conduct the enquiry either himself or through any other competent judicial officer vide order dated 16.02.2018. Order dated 16.02.2018 is extracted as under:-

“Seen Report filed on behalf of Ld. State Counsel.

In view of the allegations made out against the Police Personnel in the original application, the Ld. District and Sessions Judge, Nuh, is requested to conduct an enquiry either himself or through any other Competent Judicial Officer authorised on his behalf and to submit his Report in a sealed cover.

To come up on 01.05.2018.”

Pursuant to the direction, enquiry report has been received in a sealed cover which has been opened.

Learned Additional District and Session Judge has concluded as under:-

“11. So after perusal of all the documents produced by both the sides it is clear that the applicant Mazeed has not substantiated his plea by producing eye witness and concerned doctor to say what actually took place. This Court by sitting in the Court room could hear the parties and to examine the evidence/documents produced by both the side as this Court had no occasion to go to spot or to record the statement of the eyewitnesses present in the village as normally done by the Investigating agency. It was the duty of the applicant to substantiate his allegation with proof/evidence and in absence of same this Court could not find out culpability of police officials as alleged by the applicant Mazeed.”

Keeping in view the aforesaid report, no further order is required to be passed.

Accordingly, the present petition is disposed of.

18.10.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No