

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38446-2019

Date of Decision: 03.10.2019

Dalbara Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Inder Pal Singh, Advocate,
for the petitioner.

Mr. M.S. Dhillon, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order dated 10.09.2019, an affidavit of Sh. Sandeep Kumar Garg, Senior Superintendent of Police, Sangrur, has been filed by learned State counsel, which is ordered to be taken on record. A copy thereof has already been given to learned counsel for the petitioner.

Learned counsel for the petitioner points to paragraph 7 of the affidavit to submit that in fact the appointment of one Dr. Sandeep Kumar, as the Principal of Guru Teg Bahadur College, Bhawanigarh, was in fact cancelled, but after a 're-enquiry' is stated to have been conducted by the Assistant Director, Services, upon which he was reinstated. A copy of the communication addressed to the SHO, Police Station Bhawanigarh, by the Assistant Director (dated 02.07.2019), has been annexed with the affidavit of the SSP.

Thereafter, it has also been stated in the affidavit that according to the enquiry report, Dr. Sandeep Kumar was found to have been possessing the

necessary qualifications and eventually therefore, a cancellation report was submitted to the court of the Area Magistrate on 17.09.2019, but with that report not accepted by the learned Magistrate, with a direction therefore having been issued for re-investigation of the case, which learned State counsel submits is being done.

That being so, with the matter already under consideration with the trial Court, a parallel set of proceedings naturally cannot continue before this Court, the trial Court being the competent court to decide on the correctness of the investigation or not at this stage.

Consequently, without making any comment on the merits of the case, this petition is dismissed, with the petitioner obviously always at liberty to avail of his remedy upon any subsequent report being filed upon the re-investigation conducted by the police, which report shall be submitted to the trial Court within a very reasonable time.

However, a direction is still issued to the SSP, Sangrur to bear in mind the fact that, earlier, the appointment of Dr. Sandeep Kumar was cancelled and that order was reversed, which would be a matter to be gone into in detail in such investigation, with the SSP to ensure that proper investigation is conducted.

Since learned counsel for the petitioner has submitted that even the Punjabi University, Patiala, had not accepted the appointment of the aforesaid person, naturally, that aspect would also be investigated by the investigating agency, and a final report submitted to the trial court accordingly. However, it is made clear that this court has expressed no opinion on the merits of the case, for or against the aforesaid Shri Sandeep Kumar. Thus, the report to be submitted to the competent court by the investigating agency, would be based wholly on the evidence gathered by the investigating officer, with it however to be ensured by

the SSP that a proper investigation is actually conducted.

A copy of this order be given to learned counsel for the State under the signatures of the Bench Secretary of this Court, for onward conveyance to the SSP, Sangrur.

October 03, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.