

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-PIL No. 51 of 2020 (O&M)

Date of decision:- 18.05.2020

Jagshir Singh

.....Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

Present:- Mr. Saurabh Kapoor, Advocate, for the petitioner.
Mr. P.S.Bajwa, Addl. Advocate General, Punjab.

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RAVI SHANKER JHA, C.J. (ORAL)

With the consent of the petitioner and the learned counsel for the respondents, the matter is being taken up and heard via video conferencing (Webex App software).

This petition has been filed by the petitioner by way of public interest litigation praying for issuing a direction to the respondent-authorities for taking action against the police officials posted at Police Station, Dakha, District Ludhiana, as it is stated that they had detained and tortured Kashi Chaudhary son of Kailash Chaudhary and his family members in the police station when he had gone to report that his daughter has committed suicide.

On receipt of advance copy of the petition, State of Punjab has submitted a response in which it has been stated that on receiving information regarding the death of Sonam daughter of Kanshi Ram on 25.04.2020, the authorities initiated proceedings under section 174 of the Code of Criminal Procedure. It is stated that a board of Doctors examined the dead body of Sonam on 26.04.2020 and reports of Chemical Examiner and Department of Pathology are awaited. It is stated that a complaint regarding the torture etc. was filed by the wife of Kailash Chaudhary which was examined and found to be false. Further, for a death had occurred, the police was/is bound to investigate and enquire into the matter and take action in accordance with law.

Having heard learned counsel for the petitioner as well as the learned Additional Advocate General appearing for the State of Punjab, it is observed that the present petition has no element of public interest involved in it. The persons who have been alleged to be tortured have not approached this Court. The petitioner has no concern with the case and is taking up the issue without any authorization by the members of the family of the deceased. The authorities of the State have set the criminal law into motion and investigation etc. is going on. It is stated by the learned Additional Advocate General that action in accordance with law shall be taken by the authorities.

In such circumstances we are of the considered opinion that a public interest litigation by a busy body in respect of an issue which does not involve element of public interest cannot be entertained. More so the police authorities are investigating the matter and taking action in accordance with law.

In such circumstances the petition filed by the petitioner is meritless and accordingly stands dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

18.05.2020
ravinder

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