

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

**CRWP No. 7028 of 2020
DATE OF DECISION : 23.09.2020**

Raj Bahadur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. G. S. Sandhu, Advocate,
for the petitioner.

Mr. V. G. Jauhar, DAG, Punjab.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

This is a petition under Articles 226/227 of Constitution of India seeking issuance of writ in the nature of mandamus directing respondents No.2 to 5 to protect the life and liberty of petitioner from respondents No.6 to 9. Further directions have been sought to conduct fair investigation in FIR No.060 dated 24.05.2018 under Sections 308/427/341/34 IPC registered at Police Station Kabarwala, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner contends that respondents No.6 to 9 gave deadly beating to the petitioner and on his statement the aforesaid FIR was registered. He further contends that no action has been taken against the private respondents as no arrest has been made in the said case. It is further contended that private respondents are giving threats to the petitioner to get him involved in a false NDPS case.

3. In this regard, the petitioner made complaint to the Senior Superintendent of Police, Sri Muktsar Sahib dated 21.07.2020(Annexure P-2) but no action has been taken thereon till date.

4. On the last date of hearing status report was called. Pursuant thereto, learned State counsel has today tendered a copy of the status report through email, in the course of hearing, copy whereof has been supplied to the petitioner's counsel. The same is taken on record. Let the original be filed in the Registry. He submits that cancellation report has been prepared by the police and the same will be filed in the Court shortly.

6. Relevant para of the status report is reproduced hereunder :

“5. That during the investigation, Pushpa Rani wife of Ramesh Kumar moved an application (No.680-PC4/18 dated 30.05.2018) to S.S.P, Sri Muktsar Sahib pleading the innocence of the accused, requested for conducting an enquiry into the matter. The D.S.P Malout conducted the enquiry in the said application and submitted the enquiry report No.1898-PC-Reader-DSP dated 30.11.2018 and during the enquiry, the FIR in question was found to be false. The enquiry report was approved by the S.S.P, Sri Muktsar Sahib. The main facts of the enquiry report given herein below :

- (i) The accused Jugnu and Rimpaa are real brothers and are sons of Ramesh Kumar. The accused Raj Kumar and Deepa are father and son and they are close relative of said Ramesh Kumar. So, all the accused are from the same family as well as are close relatives.
- (ii) In the FIR in question, the petitioner stated that on 13.05.2018 when he was coming to Panniwala Fatta from Malout on motorcycle, the accused caused injuries to him near village Midda. The damaged motorcycle No. PB30L-3462 was inspected and the enquiry was also made from the persons living in nearby Dhanis by visiting the spot and

their statements were also recorded. During the enquiry, it was found that the motorcycle fell down either due to its hitting against something or on its own due to which the petitioner received injury on his head. Both the indicators of the motorcycle were in broken condition. It was found that no altercation or fight took place on 13.05.2018 near Gurudwara village Midda. As per tower location of mobile of the petitioner, at the time and date of alleged occurrence, he was present at village Panniwala Fatta while the accused Jugnu and Rimpa were present in the bhog ceremony of Sita Rani wife of Madan Lal and accused Deepa and Raj Kumar were present at village Bodiwala.

- (iii) No altercation or fight took place at the spot on 13.05.2018 near Gurudwara village Midda.
- (iv) During the enquiry, it was found that the petitioner trapped Mamta Rani (sister of accused Jugnu and Rimpa) in his love and the petitioner wanted to marry her forcibly. Ramesh Kumar got married his daughter Mamta Rani with Munish Kumar son of Ajit Ram resident of Sri Muktsar Sahib. The petitioner by making phone calls, defamed Mamta Rani due to which Mamta Rani was given divorce and after divorce her marriage was performed at Malout. The petitioner continued to harass her even after her marriage at Malout.
- (v) It was found that the petitioner got registered false FIR in order to put pressure on the family of Ramesh Kumar so that they get marriage of Mamta Rani with the petitioner.”

7. In view of the status report, the present petition is rendered infructuous and is disposed of accordingly, with liberty to seek appropriate recourse to the closure report, supra, if still aggrieved. No grounds to interfere by this court are made out. Disposed of.

SEPTEMBER 23, 2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ARUN MONGA)

JUDGE