

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

CRM-M-34057-2021 (O&M)

Date of decision: 07.09.2021

Kesar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Shamsher Singh Gill, Advocate for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Prayer in the present petition is for issuance of directions to respondent No. 2 for considering the representation dated 14.08.2021 (Annexure P-5) of the petitioner

Learned counsel for the petitioner submits that this is a totally civil dispute. An agreement to sell dated 05.03.2020 was executed between the petitioner and respondent No. 5 after receiving the earnest money and as per the said agreement, the remaining amount was to be paid by respondent No. 5 on or before the date of the registration of the sale deed i.e. 10.07.2020. On 10.07.2020, the petitioner appeared and marked his presence in the office of Sub-Registrar, Payal, but respondent No. 5 did not come present on the said date. Thereafter, the petitioner has filed a civil suit for declaration on 03.08.2021, wherein respondent No. 5 is appearing and his written statement is yet to be filed.

Learned counsel for the petitioner further submits that instead of following the proper procedure, respondent No. 5 in connivance with official respondents, is pressing the petitioner to return the earnest money else to face a criminal case. The petitioner has submitted a representation dated 14.08.2021 (Annexure P-5) to respondent No. 2-Senior Superintendent of Police, Khanna, Police District Khanna.

At this stage, learned counsel for the petitioner confines his prayer to the extent that the petitioner would be satisfied, if his aforesaid representation is decided by respondent No. 2, within a stipulated period. In support of his case, he relies upon the judgment passed by Hon'ble Supreme Court of India in Commissioner of Police and others Vs. Devender Anand and others, 2019(4) RCR(Criminal) 72.

Notice of motion to respondents No. 1 to 4- State only.

On the asking of this Court, Mr. Avtar Singh Sandhu, Addl. AG Punjab, accepts notice on behalf of the respondent-State.

In view of the above, the present petition is disposed of with a direction to respondent No. 2-Senior Superintendent of Police, Khanna, Police District Khanna, to decide the representation dated 14.08.2021 (Annexure P-5) of the petitioner, in a time bound manner, preferably within a period of one month from the date of receipt of certified copy of this order, in accordance with law.

07.09.2021

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

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