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

CRM-M-40976-2021

Date of decision : 01.10.2021

Rahul

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. praying for issuance of directions to respondent Nos.1 and 2 to take action as per law against respondent Nos.4 to 6 who are stated to be the police officials and are accused in FIR No.437 dated 05.09.2021 registered under Sections 306, 342, 34 of the Indian Penal Code, 1860 at Police Station City Fatehabad.

Learned counsel for the petitioner has submitted that the present case is a case of custodial death of the brother of the petitioner and after the enquiry was conducted by the Additional Chief Judicial Magistrate, Fatehabad, an FIR was lodged against respondent Nos.4 to 6. Respondent No.4 is stated to be the Deputy Superintendent of Police, Fatehabad. Respondent Nos.5 and 6 are Sub Inspector, Police Post Bus Stand,

Fatehabad and Head Constable, Reader DSP Branch, Fatehabad respectively.

Learned counsel for the petitioner has further submitted that the petitioner has given a detailed representation dated 13.09.2021 (Annexure P-4) to the Chairperson, National Human Rights Commission and copy of the same has also been given to the Director General of Police, Haryana, among others. He has pointed out that in the abovesaid representation, the petitioner has specifically given the background, on the basis of which the FIR was registered and has submitted that even after lodging of the FIR, all the accused persons are roaming around freely by taking undue advantage of their posts. It is also submitted that the said accused persons who are the police officials, are also pressurizing the petitioner and his family members to change their statements so that the cancellation report can be filed in the Hon'ble Court. It is submitted that even the Superintendent of Police, Fatehabad, is not stopping the said police officials from pressurizing the petitioner and his family members.

Learned counsel for the petitioner has submitted that as per his information, the said respondent Nos.4 to 6 have not applied for anticipatory bail and no action has been taken against them. He has further submitted that at this stage, the petitioner would be satisfied, in case Director General of Police, Haryana or any Senior Officer on the rank of Deputy Inspector General or higher, is directed to look into the representation dated 13.09.2021 (Annexure P-4) and after considering the same, take appropriate action in accordance with law and also protect the life and liberty of the petitioner and his family members.

Notice of motion.

On advance notice, Mr. Manish Dadwal, AAG, Haryana, appears and accepts notice on behalf of the State and stated that he has no objection in case Director General of Police, Haryana is directed to consider the representation dated 13.09.2021 (Annexure P-4).

In the present case, the allegations made by the petitioner are very serious. It is apparent from the reading of the FIR that the same has been registered after an enquiry report had been received from the Additional Chief Judicial Magistrate, Fatehabad. The accused persons are the police officials and respondent No.4, in fact, is Deputy Superintendent of Police, Fatehabad. The present case is a case where the allegations were made that brother of the petitioner had died in custody and as per the representation dated 13.09.2021 (Annexure P-4), instead of appropriate action being taken against the police officials/accused persons, the said persons are stated to be roaming around freely without having applied for anticipatory bail. In fact, it has been stated that the petitioner and his family members are being pressurized to change their statements so that the cancellation report can be filed.

Keeping in view the abovesaid facts and also the seriousness of the allegations made by the petitioner, this Court deems it appropriate to direct the Director General of Police, Haryana to consider the said representation dated 13.09.2021 (Annexure P-4). It is further directed that either the Director General of Police, Haryana would personally look into the matter or would direct the Senior Officer not below the rank of Deputy Inspector General of Police to look into the matter personally and also

consider the representation dated 13.09.2021 (Annexure P-4) and take appropriate action therefrom and also protect the life and liberty of the petitioner and his family members. The Director General of Police, Haryana or Officer so deputed by him not below the rank of Deputy Inspector General of Police would also hear the petitioner personally so as to consider the grievance of the petitioner.

Accordingly, the present petition is disposed of in the aforesaid terms.

01.10.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No