

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-1462-CWP-2021 in/&
CWP-21104-2020 (O&M)

Date of decision : 24.02.2021

Sudershan Chopra

....Petitioner

V/s

Punjab State Human Rights Commission & ors.

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. J.S. Bedi, Sr. Advocate with
Mr. Rubal Garg, Advocate for the petitioner.

Mr. R. Kartikeya, Advocate for respondent no. 1.

Mr. SPS Tinna, Addl. A.G. Punjab.

Mr. Akshay Bhan, Sr. Advocate with
Mr. Rohit Sud, Advocate for respondents no. 4 to 6.

RAJAN GUPTA J. (ORAL)

Case has been heard through Video Conferencing in view of
COVID-19 Pandemic.

Present petition has been preferred against the order dated
01.08.2019 passed by Punjab State Human Rights Commission; operative part
whereof reads as under:-

“Situating thus, we are of view albeit tentatively, that an appropriate interim direction needs to be issued to ensure that no violation of human rights take place. Considered from this angle, it is hereby, in the interest of justice, directed that until further order, the Investigating Agency shall not without obtaining leave of this Commission, take any coercive action against the present complaint at the instance of the respondent herein.

List this case on 2nd September, 2019.

A copy of this order, alongwith a copy of this complaint, be sent each to the DCP Punjab, DGP Human Rights and the Commissioner of Police, Jalandhar, for compliance.”

Petitioner has raised a grievance that Commission has acted beyond its jurisdiction while passing the impugned order which has the effect of staying the investigation. He has *inter alia* placed reliance on judgment in *Jat Ram Vs. Punjab State Human Rights Commission & anr. (2005) 2 SCC 56*.

Mr. Bhan, on the other hand, has vehemently refuted the aforesaid plea. He submits that the Commission is well within its rights to pass the order in question. He amongst other precedent has placed reliance on judgment of Madras High court in W.P. No. 41791 of 2006 titled as as *Abdul Sathar Vs. The Principal Secretary to Government Home Department, Fort St. George, Chennai* .

Admittedly, the order which has been impugned in the present petition is interim in nature. Final order is yet to be passed. We, thus, feel that end of justice would be met if the parties are permitted to raise all the pleas before the Commission itself at the time of final hearing. However, as the matter pertains to investigation pursuant to an FIR, we would request the Commission to decide the matter as expeditiously as possible, preferably within a month, with liberty to counsel to cite the judgments they seek to place reliance upon.

Disposed off.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

February 24, 2021

Ajay

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No