

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

245

CRWP-3927-2021 (O&M)
Date of decision: 04.05.2022

SUKHDEV SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Lal Singh Sandhu, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG Punjab.

Mr. Ramandeep Singh, Advocate
for respondent No.6.

VINOD S. BHARDWAJ. J. (ORAL)

Instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondent Nos.2 to 4 to ensure protection of life and liberty of the petitioner and his family members at the hands of respondent Nos.6 to 10.

Mr. Karanbir Singh, AAG Punjab submits that case FIR No.397 dated 26.11.2020 under Sections 323, 341, 506, 148 and 148 of the Indian Penal Code, 1860 has already been registered and a final report under Section 173 of the Code of Criminal Procedure, after conclusion of the investigation, stands filed.

Learned counsel appearing on behalf of the petitioner contends that there is a subsisting grievance insofar as respondent Nos.6 having gotten himself recruited fraudulently in the army in the name of the petitioner and have served for 20 years prior to being superannuated.

Insofar as the said aspect is concerned, it is open to the petitioner to

take recourse of the remedies available to him and to lodge an appropriate complaint to the Union of India and/or to file a complaint before the Illaqa Magistrate, concerned. It would not be appropriate for the Court to move into the civil dispute at this stage. No such overwhelming circumstances are reflected in the present petition as to why the petitioner is not in a position to approach concerned Illaqa Magistrate for the purposes of seeking redressal of his grievances.

Faced with the above, learned counsel seeks to withdraw the instant petition with liberty to take recourse to the alternative remedies available to him in accordance with law.

Dismissed as withdrawn with liberty as aforesaid.

(VINOD S. BHARDWAJ)
JUDGE

May 04, 2022

S.Sharma(syr)

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