

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

254

CRM-M-46233-2018(O&M)

Date of decision: 21.07.2022

VIPAN CHANDOK

....Petitioner(s)

Versus

STATE OF PUNJAB AND ORS

...Respondent(s)

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

Present : Mr. L.M. Gulati and Mr. G.S. Dhillon, Advocates
for the petitioner.

Mr. Karanbir Singh, AAG Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 482 CrPC with a prayer for issuance of appropriate directions to respondent Nos.1 and 2 to protect the life, liberty and property of the petitioner and his son Rahul Chandhok at the hands of respondent Nos.3 to 6.

Pursuant to the notice of motion having been issued, reply by way of affidavit of Vipin Choudhary, PPS, Superintendent of Police, (Investigation) Batala, Police District Batala has been filed. The relevant extract of the same reads thus:-

5. *That, it is respectfully submitted that the allegations of petitioner that his son Rahul Chandok had suffered serious injuries on his person are wrong and hence vehemently denied. It is also wrong and denied that on 7.9.2018 the police had again summoned the petitioner's son to the police station and was tortured for 3 days in the CIA staff are wrong and hence denied. However the call details of mobile No.7009117375 dated 7.9.2018, 8.9.2018 and 9.9.2018 are annexed herewith as Annexure R-2 and from the perusal of the same it has been revealed that on 7.9.2018 45 calls, on*

8.9.2018 46 calls and on 9.9.2018 57 calls were made by him at different time intervals. The son of the petitioner Rahul Chandok was called only once in the police station Civil Lines, Batala and after questioning he was sent back with the respectables with whom he came present in Police Station Civil Lines, Batala.

6. That, it is respectfully submitted that the son of the petitioner had neither submitted any complaint/representation dated 10.09.2018 before Sr. Superintendent of Police, Batala nor has personally appeared before any police officer to redress his grievances.

7. That, it is respectfully submitted that the following cases have been registered against Rahul Chandok son of the petitioner in the Police District Batala:

- i) FIR No.94 dated 15.6.2014 U/s 382 IPC, PS. City Batala. Acquitted on 7.3.2017 on the basis of compromise.
- ii) FIR No.61 dated 11.5.2017 U/s 21/61/85 NDPS Act, PS. City Batala. Under Trial and pending in the court of Smt.Parminder Kaur Bains, SDJM Batala and fixed for 20.02.2019.
- iii) FIR No.137 dated 24.8.2014 U/s 22/61/85 NDPS Act and 25/54/59 Arms Act, PS.City Batala. Pending in the court of Sh.Tejinderpal Singh, Additional Sessions Judge, Gurdaspur and fixed for 14.02.2019.

8. That, it is respectfully submitted that a case FIR No.12 dated 5.1.2019 Under section 304, 201, 120-B IPC Police Station Civil Lines, Batala has been registered on the statement of Balwinder Singh s/o Makhan Singh Caste Jat resident of Navi Abadi Bank Colony Batala against (1) Rahul Chandok S/o Vipran Chandok resident of Purian Mohalla Batala (2) Sunil Kumar @ Sheela S/o Mohan Lal resident of Kapuri Gate, Batala (3) Raja @ Ghgu S/o Karampal R/o Kapuri Gate Batala and (4) Gurpreet Singh @Gopi @Bhaiya S/o Harjinder Singh

resident of Kapuri Gate , Batala, District Gurdaspur. Now the petitioner son is wanted in above said case.

Taking into consideration that son of the petitioner is involved in various cases and specific denial by the Superintendent of Police (Investigation) and that the son of the petitioner only called to the police station once for questioning and was sent back along with his respectables, no further cause of action survives in the present case. It is also worthwhile to notice that even the said response had been filed in the year 2019 and no rejoinder or counter affidavit has been filed to the same. The present petition is accordingly dismissed as not pressed at this stage.

(VINOD S. BHARDWAJ)
JUDGE

July 21, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>