

In virtual Court

CRWP-8107-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-8107-2021 (O&M)
Date of decision: 15.02.2022

Suresh Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amit Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for issuance of a writ in the nature of certiorari for setting aside the order dated 08.05.2021, vide which representation filed by the petitioner was dismissed.

Learned State counsel has raised two preliminary objections; one that this petition be treated as Civil Writ Petition and second; on an earlier occasion, the petitioner along with two other persons namely Suraj Kumar and Happy Giri filed CRWP-4435-2020, in which vide order dated 16.02.2021, a direction was issued to the Senior Superintendent of Police, Patiala to take appropriate action on the representation of the petitioner. It is further submitted

that in pursuance of the aforesaid order, the Superintendent of Police, Patiala, vide impugned order, has recorded the following observations: -

“...The Deputy Superintendent of Police, City-1, Patiala, District Patiala has got enquired the matter from the SHO P.S. Civil Lines, Patiala and from the perusal of report of the SHO P.S. Civil Lines, Patiala, it has come into the notice that before filing the present petition the present petitioners had filed complaint bearing No.2073/OP dated 09.07.2020 against ASI Janak Raj and Senior Constable Amritpal Singh on the same set of allegations. During the enquiry proceedings, the complainants/petitioners did not come present to join the enquiry proceedings with the SHO P.S. Civil Lines, Patiala despite issuance of repeated notices to them. Actually the petitioners were called at Police Station, during the investigation of case FIR No.118 dated 04.05.2020 under Section 380, 457 IPC P.S. Civil Lines Patiala and after making necessary interrogation they were allowed to go with the persons who have produced them in the Police Station. The petitioners had filed the present complaint and petition just to put pressure on the police so that they would not be nominated in the above mentioned case and during the enquiry no truth was found in the complaint filed by them and accordingly the complaint filed by the present petitioners was already consigned to record on 28.07.2020 as the allegations of illegal confinement and torture by the official respondents No.3

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and 4 were not proved. During the enquiry, it has also come into the notice that as alleged by the petitioners, that on 11.06.2020 ASI Janak Raj and Senior Constable Amritpal Singh had taken to them forcibly at Police Post Model Town and tortured them were also not proved as on the said date ASI Janak Raj was present in the Police Station and was busy in the official work which was evident from the CCTV footage of Police Station, similarly SC Amritpal Singh was also present in the area of Sullar and YPS Patiala, which is also evident from the CDR of his mobile locations. As no truth was found in the allegations levelled by the petitioners in complaint, the same is recommended to be consigned to record...”

Learned State counsel has further submitted that in fact, the petitioner is an accused in FIR No.118 and on that account, he is levelling false allegations against respondents No.3 & 4, who are serving police officials and have performed the duty, in accordance with law.

In view of the above, I find no merit in the present petition and the same is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

15.02.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No