

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

223

CRWP-11144-2021(O&M)
Date of decision: 09.11.2022

SATWINDER PAL ALIAS SATWINDER KALRA

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. A.K. Saini, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

Mr. Ramandeep Singh, Advocate
for respondent No.5.

AMAN CHAUDHARY. J.

Present petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of mandamus directing respondent No.2 to protect the life and liberty of the petitioner and directing the official respondent Nos..3 and 4 not to harass the petitioner as well as family members unnecessarily and illegally from the hands of respondent No.5 as already an inquiry was conducted in favour of the present petitioner vide inquiry report dated 28.07.2021 (Annexure P-6) by Police officer of same rank as the matter is entirely of civil in nature and for directing the respondent No.2 and 3 to comply with the directions issued by DGP to all police officials of State of Punjab vide letter dated 01.04.2008 (Annexure P-7) in the interest of justice.

Notice of motion in this case was issued on 25.11.2021, pursuant to

which reply dated 28.08.2022 by way of affidavit of B. Chandra Sekhar, IPS, Director, Bureau of Investigation, Punjab has been filed.

Learned State counsel makes a reference to para 5 of the reply to contend that various inquiries had been conducted in the matter, pursuant to which FIR No.2 dated 01.01.2022 under Section 420 and 120-B IPC was registered against Balwant Singh (respondent No.5) and Jasvir Singh. After the investigation, the DSP Samrala submitted a report to the SSP Khanna for recommendation to file cancellation report, which was approved on 25.03.2022.

Learned State counsel on instructions submits that the aforesaid cancellation report was filed in the Court which is now pending before the trial Court.

Para 5(v)(vi) of the reply read thus:-

“Thereafter, the petitioner Satwinder Pal wife of late Sant Prakash Kalra, resident of Ward No. 13, Near Grewal Sweets, Samrala moved another application No. 5323-Peshi dated 19.12.2021 against the abovesaid Balwant Singh, Jasvir Singh etc. which was marked for enquiry to DSP/PBI and NDPS, Khanna.

After enquiry, DSP/PBI and NDPS, Khanna submitted report No. 112/5-A dated 31.12.2021 to SSP/Khanna in which it was recommended to register an FIR against Balwant Singh and Jasvir Singh for commission of offences under sections 420, 120-B of IPC. After approval of SSP/Khanna, case FIR No. 02 dated 01.01.2022 u/s 420, 120-B IPC was registered against Balwant Singh and Jasvir Singh at P.S. Samrala, Police District Khanna.

(vi) After the registration of the abovesaid FIR, an application No. 12-Peshi dated 04.01.2022 was made by accused persons Balwant Singh and Jasvir Singh for fair and impartial

investigation of the above said FIR. The said application was marked by SSP/Khanna to DSP/Samrala to verify investigation on 04.01.2022. DSP/Samrala submitted report dated nil to SSP/Khanna with the recommendation to file cancellation report in the aforesaid case FIR No. 02 dated 01.01.2022 u/s 420, 120-B IPC registered against Balwant Singh and Jasvir Singh at P.S. Samrala, Police District Khanna. The said report of DSP/Samrala was marked by SSP/Khanna to Superintendent of Police/Investigation, Khanna for comments.

SP/Investigation, Khanna submitted his comments to SSP/Khanna, vide report No. 554-5A/Reader/S.P./I dated 26.02.2022 in which he agreed with the aforesaid report of DSP/Samrala. The said report of Superintendent of Police/Investigation, Khanna was approved by the present SSP/Khanna on 25.03.2022 and SHO PS Samrala was directed to ensure necessary action.”

Learned State counsel submits that in view of the above, the present petition has been rendered infructuous.

In view of the aforesaid, no further orders are required to be passed in the present case. Accordingly, the present petition is disposed of as having been rendered infructuous.

However, liberty is granted to the petitioner to avail of alternate remedy, if any, in accordance with law.

(AMAN CHAUDHARY)
JUDGE

November 09, 2022

S.Sharma(syr)

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