

In the High Court of Punjab and Haryana at Chandigarh

**CRWP No. 11554 of 2021
Date of Decision: 21.1.2022**

Kamla Devi

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Arjun Lakhanpal, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

(Through video conferencing)

1. Through the instant petition, the writ petitioner claims relief, for a mandamus, being made upon the respondents concerned, to hold an enquiry upon the representations, as carried in Annexures P-1, and, in P-2.

2. When the instant petition came up before this Court, on 09.12.2021, this Court had directed the respondents concerned to file reply on affidavit. The afore made direction has been complied with, and, a reading of paragraph 3 of the reply on affidavit, paragraph whereof stands extracted hereinafter, reveals that the allegations, as made against SI Mahender Singh, are *prima facie* found to be false.

“That in compliance of order dated 9.12.2021, it is submitted that necessary enquiry into the complaints/representations annexed as Annexure P-2 and P-3 has been got conducted through Sh. Rajbir Singh, HPS, Deputy Superintendent of Police, Hisar. The inquiry officer conducted necessary enquiry into the complaint after joining the complainant and SI

Mahender Singh and their statements have been recorded. During the course of enquiry it reveals that on alleged date 25.10.2021, SI Mahender Singh and his team has not been found to be visited in village Dandhoor. On 29.10.2021, the team visited village Dhandoor and apprehended Dalbir son of Om Parkash with 12 bottles of country made liquor and a case FIR No. 980 dated 29.10.2021 under the Excise Act was registered at Police Station, Sadar Hisar. During interrogation Dalbir Singh stated that the recovered liquor was taken from Suresh son of Ram Dass r/o Dhandoor (son of the petitioner). Threafter on 29.9.2021, the team visited village Dhandoor in search of Suresh Kumar but he did not find present at home and her mother petitioner Kamla was found present who stated that Suresh is not present at home. During the course of enquiry the petitioner has stated nothing about the allegations of molestation and scuffle with anybody. There is lot of contradictions in the present complainant and statement of the complainant made during enquiry in the presence of her counsel. The son of the petitioner is criminal type of person and found involved in seven more criminal cases registered at PS City Hisar and Sadar Hisar and arrest of Suresh son of the petitioner was pending in two cases i.e. case FIR No. 980 dated 29.2.2021 under Section Excise Act PS Sadar Hisar and FIR No. 1094 dated 4.12.2021 under Sections 147, 148, 149, 452, 506, 285 of IPC and Arms Act P.S. Sadar Hisar. The petitioner has submitted representations to pressurize the local police to save his son from arrest. The allegations levelled in the representations P-2 and P-3 have been found to be false as such the same was considered and filed by the Superintendent of Police, Hisar on 4.1.2022.”

3. Therefore, the petitioner cannot claim any relief in the petition.

However, learned counsel for the petitioner intends to falsify the afore averment through his placing on record certain video clips. However, if the

fore video clips are certified, as required by Section 65 of the Indian

Evidence Act, to be authentic. Thereupon, the petitioner can place the afore video clips before the respondents concerned, and, thereafter the respondents concerned shall, after hearing all the concerned, proceed to make appropriate orders with respect to the incriminatory role, if any, as claimed against SI Mahender Singh.

4. The petition is disposed of.

(SURESHWAR THAKUR)
JUDGE

January 21, 2022
Gurpreet

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