

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102

CWP-34331-2019

Date of Decision:12.09.2022

Kashmir Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

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

Mr. Saurav Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ , J.(Oral)

Prayer in the instant civil writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of mandamus directing the respondent Nos.1 to 3 to hold an independent enquiry and investigation into the representation (Annexure P-4) made by the petitioner on 25.09.2019.

Reply by way of affidavit of Shubeg Singh, Deputy Superintendent of Police, Dharamkot, District Moga on behalf of respondent Nos.1 to 4 had been filed wherein it was specifically stated that enquiry into the application submitted by the petitioner was duly conducted by the Superintendent of Police(H), Moga and during enquiry it was found that a number of cases under the NDPS Act had already been registered against the

inhabitants of village Daulewala, District Moga, due to which the police used to conduct regular raids in the said village. Even on 10.12.2018, the police-party had conducted search of the village Daulewala.

Upon intimation being received that the petitioner is admitted in Civil Hospital due to sustaining injuries, the police-party reached at Civil Hospital and recorded the statement of the petitioner wherein she had levelled allegations against SI Kashmir Singh. A DDR No.25 dated 14.12.2018 had been registered as the matter was found suspicious. The said DDR was duly verified by the then DSP, Dharamkot and it transpired that no such occurrence as alleged by the petitioner had ever taken place and that the petitioner had got recorded her statement with an intention to pressurize the police-party so that subsequent raids in the village are not conducted. DDR No.31 dated 17.12.2018 was also registered in this regard. The allegations levelled by the petitioner against the police-party were found to be false and the enquiry officer recommended to consign the said application being false one.

Apart from this, on the basis of application of the petitioner, enquiry was also conducted by the Superintendent of Police (Crime Zone), Bathinda and all the allegations levelled by the petitioner were found to be false in the said enquiry as well. The aforesaid response by the respondent-State was submitted in September 2020 and despite a lapse of nearly two years, no counter to the same has been filed by the petitioner.

It has also been pointed out by the State Counsel that final report under Section 173 Cr.P.C. stands filed against the petitioner for being in possession of 13 grams of Heroin. He further submits that charge had been framed against the petitioner on 02.12.2019 and the case is under

progress. He contends that the complaint as well as the present petition are motivated and malicious.

Faced with the above, learned counsel appearing on behalf of the petitioner does not press the present civil writ petition and seeks liberty to take recourse to the appropriate remedy(ies) as available to the petitioner in accordance with law.

Dismissed as withdrawn with liberty, as aforesaid.

September 12, 2022
seema

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No