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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on : 01.05.2023

Sachin Rai

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rajesh Bhatheja, Advocate
for the petitioner(s).

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. Munish Puri, Advocate
for respondent No.6.

SANJAY VASHISTH, J. (Oral)

1. After hearing the petitioner on 24.03.2023, following order was passed:-

“ *Petitioner - Sachin Rai aged 40 years has approached this Court for issuance of writ in the nature of mandamus for seeking directions to respondents No.2 and 3 for protection of lives and liberty of petitioner and his family members from the hands of private respondents No. 5 & 6. He has also prayed for taking appropriate legal action and to register the FIR under The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against respondents No.5 & 6.*

Learned counsel for the petitioner submits that grievance of the petitioner regarding the incident dated

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17.01.2023 is already highlighted by the petitioner in his representation dated 19.01.2023 (Annexure P-3), which was received in the office of Senior Superintendent of Police, Pathankot (respondent No.2) on 27.01.2023. Counsel also submits that petitioner being a member of the Scheduled Caste community, staying with mother, aged more than 70 years, is threatened by the higher caste community members with bitter consequences.

Notice of motion for 01.05.2023.

On asking of Court, Mr. Anmol Singh Sandhu, AAG, Punjab, who is present in Court, accepts notice on behalf of respondents No.1 to 4(State).

Let requisite copies of complete paper-book be supplied to learned State counsel, during course of the day.

Respondent No.2-Senior Superintendent of Police, Pathankot, is directed to examine the representation dated 19.01.2023 and then to file the status report in the matter, on or before the next date of hearing.”

2. In compliance to order dated 24.03.2023, today, learned State counsel has filed the status report dated 17.04.2023, by way of affidavit of Senior Superintendent of Police, Distt. Pathankot, on behalf of respondents No.1 to 4, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

3. Learned State counsel submits that representation filed by the petitioner against respondent No.6, has already been examined, and no

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substance is found in the same. He further informs that petitioner was afforded opportunity to produce any evidence/witness in regard to the allegations against respondent No.6, and his mother – Krishna Devi, of abusing him.

4. In support of his contention, learned State counsel refers to para No. 3(vii) of the aforesaid status report, which says as under:-

“3(vii). During the inquiry, the present petitioner was asked to produce any witness or evidence which would prove that Respondent No.6 namely Ajy Lalotra had made derogatory caste-based remarks against him and his mother Krishna Devi. However, the present petitioner could not produce any witness or evidence to corroborate the same.”

5. Mr. Munish Puri, Advocate, puts in appearance on behalf of respondent No.6, and files his *Vakalatnama*, in Court today. Same is taken on record, subject to all just exceptions. He points out that respondent No.6 is a practicing Advocate in the District Courts, Pathankot, for the last more than 30 years, and in his complete professional career, he is never named by anybody with such allegations.

6. Counsel for respondent No.6 also submits that in fact the actual dispute is in regard to the land, which is of civil nature, as there is *Phirni* in the village, which leads upto the land of respondent No.6 as well as other villagers, and petitioner is having an intention to grab that *Phirni* land.

In fact, the issue of illegal attempt of having illegal possession of that *Phirni* land, several other civil cases are pending for or against the petitioner.

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8. I have heard learned counsel for the parties and perused the material available on record.

9. After considering the aspect that petitioner has levelled bald allegations against respondent No.6 of using abusive language against him, petitioner was afforded opportunity by the State, no evidence in support of such allegations was produced by him. Moreover, petitioner himself is involved in several civil litigation(s), and said fact is not highlighted in the present petition by the petitioner.

10. Petition stands **dismissed** accordingly.

(SANJAY VASHISTH)
JUDGE

May 01, 2023

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No