

CRM-M-31681-2018

Date of decision: 08.02.2023

Mohinder Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** None for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

On 07.12.2022, following order was passed:-

“A request for an adjournment has been made on behalf of learned counsel for the petitioner to get instructions from the petitioner as to whether he still wants to pursue this petition or not in view of the averments made in the status report dated 26.07.2021.

On his request, adjourned to 08.02.2023.”

However, none has put in appearance on behalf of the petitioner today.

The present petition has been filed by the petitioner for issuance of directions to respondent No.2 to protect the life and liberty of the petitioner and to take legal action against respondents No.3 to 5. On issuance of notice of motion, reply by way of affidavit of Sh. Suhail Mir, IPS, Superintendent of Police, Sub-Division, Phillaur, District Jalandhar, has been filed on behalf of respondents No.1, 6 and 7 and the same is already on the record and Para 1 and 2 of the said reply-affidavit dated 26.07.2021 reads as under:-

“1. That the present petition deserves to be dismissed qua the answering respondents as the allegations leveled by the petitioner in para no.8 of the petition qua having no investigation conducted by the answering respondents are misguided and wrong in nature. It is pertinent to mention here that the representation dated 12.05.2018 (Annexure P-2) attached with the petition was investigated by the Deputy Superintendent of Police, Phillaur, District Jalandhar and the petitioner was called by Police vide letter no. 373/Reader/DSP/Phillaur Dated 06.07.2018 to record his statement. It is worthwhile to mention here that the Panchayat Member of village Mehsampur informed

the Police that the petitioner was residing in England and his house is locked. Accordingly, the office of DSP, Phillaur, Jalandhar has forwarded its report vide letter no.373-5PT/R dated 02.08.2018 to the office of respondent no.6. The petitioner has moved to England without getting recorded his statement, therefore, the representation dated 12.05.2018 (Annexure P-2) of the petitioner was filed. The True copy of same is attached with the reply and the True English Translation of same is being appended herewith as Annexure R-1/T.

2. That the present petition deserves to be dismissed qua the answering respondents as the petitioner has not come to this Hon'ble Court with clean hands. It is pertinent to mention here that the petitioner has concealed the fact qua pendency of Civil Litigation in the Hon'ble Supreme Court of India on the subject of land mentioned by the petitioner in the petition. The representation of the petitioner annexed as Annexure P-2 with the petition has been received in office of respondent no.6 ie SSP, Jalandhar (Rural) wherein the petitioner has mentioned that the matter qua the land in dispute is pending in the Hon'ble Supreme Court of India. Since the matter in dispute was pending in the Hon'ble Supreme Court of India, therefore, the representation of the petition annexed as Annexure P-1 with the petition was filed by the office of respondent No. 2 i.e SDM, Phillaur, District Jalandhar vide its office letter No.6/SDM/2018 dated 13.07.2018. The True copy of same is attached with the reply and the True English Translation of same is being appended herewith as Annxeure R-2/T.”

Since the petitioner was called by Deputy Superintendent of Police, Phillaur, District Jalandhar vide letter dated 06.07.2018 for recording of his statement while considering his Representation dated 12.05.2018 (Annexure P-2) and it transpired that the petitioner has moved to England prior thereto and further, civil litigation is pending between the parties and the said fact has not been disclosed in the petition, therefore, in this view of the matter, this Court is not inclined to interfere in the matter.

Consequently, the same is dismissed accordingly.

08.02.2023
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(NAMIT KUMAR)
JUDGE

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