

CRWP-4144-2022

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

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CRWP-4144-2022

Decided on : 20.03.2023

Buta Khan

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

After taking action on the representation dated 27.04.2022, which had been submitted by the petitioner, respondent – State filed its reply in the present case, and same was noticed in the previous order dated 06.01.2023, which says as under:-

*“Present: None for the petitioner(s).**Mr. AS Sandhu, AAG, Punjab.*

Learned State counsel files the reply dated 06.09.2022, by way of affidavit of Kuldeep Singh, PPS, DSP Sub-Divisoin Malerkotla, District Malerkotla, 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 in the case file and page mark the same.

Learned State counsel submits that the complaint/representation dated 27.04.2022, addressed to the

Director General of Police, Punjab, has been enquired into, and a case bearing FIR No.42, dated 17.05.2017, under Sections 323, 325, 342, 343, 120-B of IPC, has been registered at P.S. Sandaur, District Sangrur, against the private respondents, who are none other than the police officials.

Relevant paras i.e. para No.7 & 9 of the said reply says as under:-

“7. That in compliance with order of the SSP Sangrur, the SIT has conducted enquiry in this matter and submitted its report vide No. 1196/R/SP(I) dated 13-05-2017 to the SSP Sangrur. The SIT has also agreed with the report of SP Malerkotla. The SIT has stated in the report that SI Kulwant Kaur along with her reader HC Ravinder Singh and her private driver Narinder Singh @ Harry forcibly took petitioner Buta Khan in illegal custody and beaten him mercilessly by them. St Kulwant Kaur has misused her power. The SIT recommended to register FIR against SI Kulwant Kaur, Driver Narinder Singh @ Harry and HC Ravinder Singh. The SSP Sangrur marked this report to Dy. DA Legal, Sangrur for opinion vide order dated 15-5-2017. The Dy DA (Legal) Sangrur gave opinion that prima facie offences u/s 323/325/342/343/120-B IPC are made out against these persons. Then the SSP Sangrur approved the enquiry reports and opinion of Dy. DA (Legal) Sangrur and passed order dated 16-05- 2017 for registration of FIR against the above mentioned accused persons. In compliance with these orders FIR No. 42 dated 17/05/2017 u/s 323/325/342/343/120-B IPC has been registered in PS Sandaur against SI Kulwant Kaur, Narinder Singh @ Harry and HC Ravinder Singh.

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9. That the Petitioner Buta Singh has submitted one application dated 27-04-2022 Annexure P-3 to the DGP Punjab Chandigarh for providing protection to his life and liberty and has stated that SI Kulwant Kaur is threatening to him to withdraw this case against her. He is receiving threatening phone calls from various numbers. One person Hardeep Singh from Ludhiana is threatening to kill him. This application was marked to SP (1) Malerkotla for enquiry. After conducting fair and impartial enquiry, the SP (1), Malerkotla has submitted his enquiry report vide no. 150,187/P/SP(1) dated 23-07-2022 to SSP Malerkotla. The enquiry report reveals that no evidence has come on the file

regarding threatening from SI Kulwant Kaur to the petitioner. Even the petitioner has not produced any witness or evidence to prove the allegations leveled by him against SI Kulwant Kaur etc. It seems that the petitioner has submitted this application against the accused in order to put pressure on them. The enquiry officer has recommended to consign this application. The SSP Malerkotla agreed with this enquiry report and ordered to file the application of the petitioner vide order dated 03-08-2022. The SSP Malerkotla gave intimation to Addl. DGP Public Complaints Punjab Chandigarh vide No 1070/PC dated 11-08-2020.”

Since, there is no representation on behalf of the petitioner, in the interest of justice, adjourned to 20.03.2023.”

Today, again there is no representation on behalf of the petitioner.

Dismissed for non-prosecution.

(SANJAY VASHISTH)
JUDGE

March 20, 2023
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*