

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

**CRM-M-28043-2023
DECIDED ON: 20.10.2023**

GURSHARAN SINGH AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. C.M. Munjal, Advocate
for the petitioners.

Mr. Rajiv Verma, DAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. In compliance to the previous order dated 24.08.2023, an affidavit has been filed today by Mr. Mukhwinder Singh Bhullar, PPS, Senior Superintendent of Police, Jalandhar (Rural), Punjab, wherein he states that no such representation was ever made by the petitioner at any point of time.
2. Though, the State Authorities that too the disciplined force, who is the the Investigating Agency, is not expected to wait for any representation for making serious efforts. While assisting the Court during the pendency of earlier writ petition preferred by the petitioner on the same cause of action and due to lack of sensitive approach of District Police, matter could not be adjudicated in time and the petitioner was compelled to approach this Court by filing 3rd round of litigation, wherein he was finally granted the concession of anticipatory bail vide order dated 06.06.2023, but the matter was kept open for calling upon the explanation of the Senior Superintendent of Police, Jalandhar (Rural) Punjab on account of callous approach adopted by his office.

3. However, taking a lenient view at this stage and considering the averments and explanation mentioned in the affidavits dated 04.07.2023 and 04.10.2023 of the aforesaid Officer and also hearing the submissions of Mr. C.M. Munjal, Advocate for the petitioners, this Court is not inclined to proceed further with the issue. Still, it cannot loose sight of the fact that on account of lapse of police authorities, the petitioners had to suffer unnecessary harassment, to meet the ends of justice, this Court deems it appropriate that before putting an end to the controversy needs to be compensated, though, by no means such insensitive and inhuman attitude of the State cannot be undone.

4. It is only a liberal view being taken against the Officer and his subordinates, whosoever were erring in performing their duties and instead of more going tough, which could hamper their service career and also considering the assurance given by Mr. Rajiv Verma, DAG Punjab to the effect that such act shall not be repeated in future and Officers will be cautious, Sh. Mukhwinder Singh Bhullar, PPS, Senior Superintendent of Police, Jalandhar (Rural), Punjab is directed to make good for the loss and sufferings faced by the petitioners by paying Rs.5,000/- as cost to each of the petitioner to borne from his personal pocket.

5. The present petition stands disposed of in the aforesaid terms.

7. The compliance of the aforesaid direction be made within a period of two weeks from the date of receipt of certified copy of this order and the State is directed to furnish compliance report alongwith receipt of payment made towards the said cost to both the petitioners, with the Registry of this Court within a period of three weeks.

(SANDEEP MOUDGIL)
JUDGE

20.10.2023

Meenu

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