

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

207

CWP-18467-2015 (O&M)
Date of Decision: 02.05.2023

KAVITA

... Petitioner

VERSUS

STATE OF HARYANA & ORS

... Respondents

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

Present: Mr. R.N. Lohan, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana
for respondents No.1 and 13.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition had been filed for seeking issuance of direction to the respondents to conduct magisterial inquiry into the allegations as regards the custodial torture on the husband of the petitioner.

The matter in question was taken up on 02.09.2015, whereby the Haryana State Human Rights Commission, Chandigarh was also requested to look into the allegations levelled by the petitioner and to furnish an independent report with this Court. Additionally, the Deputy Commissioner, Panchkula was also directed to examine the issue/allegations pointed out in the petition with regard to the custodial violence.

Pursuant to the said order, an inquiry was conducted by the Deputy Commissioner, Panchkula and upon examination of the witnesses, the Inquiry Officer submitted a report that there was no evidence of custodial

interrogation/torture. A similar report dated 06.04.2017 was also submitted by the Haryana State Human Rights Commission, Chandigarh.

Learned counsel for the petitioner contends that while conducting the inquiries, the Human Rights Commission as well as the Deputy Commissioner, Panchkula have not taken into consideration the evidences that were available with the petitioner and that he has objections to the conclusion(s) so recorded.

He, however, is not able to controvert that the same would only give rise to the disputed questions of fact and establishment of any such disputed fact would require leading of affirmative evidence.

Under the given set of circumstances and taking into consideration that the matter stands inquired into by the Haryana State Human Rights Commission, Chandigarh as well as the Deputy Commissioner, Panchkula and the objections are being raised with respect to the findings recorded by the Inquiry Officer(s), the evidence that may be so relied upon by the petitioner cannot be accepted at this stage without any affirmative evidence.

Hence without commenting anything on the merits of the present case, lest it may prejudice the rights of the petitioner, the present petition is disposed of with liberty to the petitioner to take recourse to the alternative efficacious remedies available to him in accordance with law.

Any other misc. application(s) also stand(s) disposed of accordingly.

02.05.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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