

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

210

CWP-19063 of 2018

Date of decision : 19.10.2023

Virpal Singh

....Petitioner

Versus

State of Punjab and Ors.

....Respondents

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

Present :- Mr. Sahil Soi, Advocate for the petitioner.
Ms. Niharika Sharma, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

Having preferred the instant petition, petitioner has invoked the jurisdiction of this Court under Article 226 seeking a writ of Mandamus directing the respondents to pay him compensation for his illegal detention in police custody for a period of 217 days on account of false case having been registered vide FIR No.141 dated 30.08.2016 under Sections 306,376,313,182,195,120-B IPC at Police Station Sadar, Samana, District Patiala.

Learned counsel for the petitioner does not dispute the fact that the judgment of acquittal in the aforesaid FIR was passed by the Court of learned Addl. Sessions Judge (Exclusive Court for Heinous Crimes against Women), Patiala in Sessions Case No.12 dated 16.01.2017 as the witnesses turned hostile with having not supported the case of prosecution.

There is no finding recorded by the Court as regards false implication. Order of acquittal has been passed as the witnesses did not support the prosecution case.

Since the entitlement of petitioner as regards quantum of compensation as well as issue of false implication are disputed questions of facts and the same cannot be gone into by this Court, at this stage.

Faced with the situation, learned counsel representing the petitioner prays for withdrawal of the petition with liberty to pursue alternative legal remedy before the appropriate competent Court, if so advised.

Disposed of as withdrawn with the liberty aforesaid. Needless to mention that in the event of petitioner preferring appropriate suit/claim before the Competent Court, the period during which instant writ petition remained pending before this Court shall be taken into consideration while computing the period of limitation.

19.10.2023
manoj

(VINOD S. BHARDWAJ,)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable : Yes