

CWP-21839 of 2017

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2023:PHHC:041413

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

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**CWP No.21839 of 2017
DECIDED ON: 21.03.2023**

Rajender Kumar

.....Petitioner

VERSUS

State of Haryana and others

....Respondents

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

Present: Mr.Munish Kapila, Legal Aid Counsel, for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J (ORAL)

The present writ petition has been filed for seeking issuance of direction to respondents no.6 and 7 to implement the directions issued by respondent no.3–Director General of Police, Sector 14, Panchkula vide letter dated 16.05.2008 (Annexure P-2) and 12.02.2015 (Annexure P-4) in accordance with Haryana Prison Department Jail Canteen Management Rule, 1965 with a further prayer that a fair and impartial inquiry be conducted into the complaint dated 29.01.2014 (Annexure P-3) by some independent Investigating Agency.

Vide order dated 09.10.2017, this Court had directed District & Sessions Judge, Sonipat to examine the complaint Annexure P-3 and to inquire into the allegations set out in the complaint and to submit a report.

Enquiry Report dated 07.11.2017 was thereafter submitted by District & Sessions Judge, Sonipat wherein, it was submitted as under:-

“39. As a sequel to above mentioned analysis in my opinion through this method also it has not come on surface that there was any misuse, misappropriation or embezzlement of “Mulakat Rashi” by the jail authorities.

40. In view of above mentioned analysis it is submitted that the allegations contained in the complaint have not been found to be true, despite extensive probe and it seems that the complainant has filed the above mentioned complaint by picking up imaginary figures which are contrary to ground realities & the record. Despite extensive efforts made by the undersigned, nothing has been revealed to substantiate the allegations contained in the complaint.”

The District & Sessions Judge, Sonipat, thus, reported that the allegations about misuse, misappropriation or embezzlement of “Mulakat Rashi” by the jail authorities could not be established and the allegations were not found to be true despite extensive efforts.

Time was granted to the counsel for the parties to go through the Enquiry Report dated 07.11.2017 but no objection/response to the aforesaid Enquiry Report dated 07.11.2017 has been filed despite lapse of more than five and half years. Written statement on behalf of respondent no.2 had also been filed through Under Secretary office of Lokayukt Haryana.

In view of the report furnished by the District & Sessions Judge, Sonipat finding that the allegations levelled in the complaint Annexure P-3 are unsubstantiated and not established and which such

report as well as the findings recorded thereunder have remained un-controverted, I find that there is no reason to keep the matter pending for issuance of direction, the present petition is accordingly dismissed.

21.03.2023

(VINOD S. BHARDWAJ)
JUDGE

mamta

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