

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRWP-10400-2022

Decided on : 08.05.2023

Deepak Chaurasia

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Amandeep Chhabra, Advocate
for the petitioner(s).

Mr. Anmol Singh Sandhu, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Order dated 25.01.2023, says as under:

“Instant petition has been filed for issuance of directions to respondents No.2 to 4, for protection of life and liberty of the petitioner at the hands of respondents No.5 & 6, who are harassing the petitioner and are threatening to his life. It is also alleged in the petition that petitioner has filed a complaint bearing No. 529, dated 10.07.2022 (Annexure P-3), and they are pressurizing the petitioner to withdraw the same.

Para No.3 of the present petition says as under:-

“3. That brief facts leading to the present case are that on 09.07.2022 at about 9:00 PM, Respondent No.5 and 6 and other 2-3 unknown persons came into the Petrol Pump of the Petitioner for filling the fuel in their vehicle Mahindra XUV bearing registration 7007 came and filled Rs.3000/- diesel in their car and after that they are not ready to give money for that when the Petitioner asked for money then they starts abusing with him and passing the filthy language thereafter, they fled away in their car from the pump and while running from the petrol pump, the Respondent No.5 namely Manpreet Singh alias Manna gave push blow to the Petitioner and when Petitioner trying to chase them in his Fortuner Car bearing registration No.PB46-N-9000 they hit the car of the Petitioner and lost balance from our car and our car hit in the building of village Rashiana Public Bus Stand and the vehicle overturned and my three friends sitting with me were seriously injured. That are under treatment at Civil Hospital, Tarn Taran and the vehicle has also been damaged totally by the Private Respondents.”

Status report dated 09.01.2023 was filed by State in Court on 19.01.2023. As per status report, misleading and twisted facts have been introduced by the petitioner according to his suitability.

Said status report further explains that representation dated 10.07.2022 (Annexure P-3), was got inquired into, from where, it emerges that petitioner Deepak Chaurasia as well as his father namely Raksha Ram, used to purchase mobile, laptop, CCTV Cameras etc. on loan, and private respondents used to fill oil in their cars from the petrol pump of the petitioner while deducting the loan amount from the total amount, and in this regard, on 09.07.2022, Sukhjinder Singh (respondent No.6) filled diesel of Rs.3000/- in his XUV car bearing registration No.PB09-S-7007, and they were having pending amount of the mobile phone, which was purchased by the petitioner from the shop of the private respondents.

Para Nos. 4 & 5 of the status report dated 09.01.2023, says as under:-

- “4. That it is submitted that on receipt of the order dated 18.11.2022 passed by this Hon'ble Court along with copy of the representation dated 10.07.2022 in the office of respondent No.2, the same has been forwarded to the office of the undersigned to conduct the verification of the facts pertaining to the said matter and the undersigned further marked the same to the respondent No.3 i.e. the Station House Officer, Police Station Sadar Tarn Taran, District Tarn Taran to conduct enquiry pertaining to the present matter and the respondent No.3 has conducted detailed enquiry pertaining to the present matter and after conducting enquiry, it has been emerged on record that the petitioner namely Deepak Chaurasia moved a representation bearing No.529-Dasti dated 10.07.2022, before the office of respondent No.2 i.e. Station House Officer, Police Station Sadar, District Tarn Taran by leveling allegations against respondent No.5 namely, Manpreet Singh alias Manna and two unknown persons for filing oil in his car and after that not paid for that and the Station House Officer, Police Station Sadar Tarn Taran has deputed ASI Gurdas Singh to conduct enquiry pertaining to the said matter and during the course of enquiry, the enquiry officer reached at the place of occurrence and also got recorded the statement of the respondent No. 5 namely Manjit Singh and respondent No.6 namely Sukhwinder Singh alias Sukhjinder Singh and other respectable persons of village Rashiana. After conducting enquiry, it has been emerged on record that the petitioner namely Deepak Chaurasia as well as father of the petitioner namely Raksha Ram used to purchase mobile, laptop, CCTV Cameras etc. on loan and the private respondents used to fill oil in their cars from the petrol pump of the petitioner while deducting the loan amount from the total amount and in this regard, on 09.07.2022, Sukhjinder Singh filled diesel of Rs.3000/- in his XUV car bearing registration No.PB09-S-7007 and they were having pending amount of the mobile phone which they purchased from the shop of private respondents and when Sukhjinder Singh after filling oil in his car said to the petitioner that their account has been equalized, then, the petitioner got angered and then, minor altercation took place between them and then, the petitioner alongwith his friends were going from Tarn Taran to Goindwal Sahib in*

his fortuner car bearing registration No.PB46-N-9000 and then, the car went out of control and the same hit in the building of village Rashiana Public Bus Stand due to which the petitioner as well as his companions got injured but the private respondents were not found present at the place of occurrence and further, the allegations leveled by the petitioner against the private respondents were found to be false and frivolous. The enquiry officer recommended the said representation to be filed and the findings of the enquiry officer were also approved by, the Station House Officer, Police Station Sadar Tarn Taran, District Tarn Taran vide order dated 26.07.2022.

5. *That the petitioner has filed the present petition in order to settle personal scores with above said private respondents and further to pressurize the official respondents to take illegal action against the private respondents for the offence which they never committed and the local police is doing its duty as per law of land and fair manner without any kind of pressure and further there is no lapse on the part of local police as alleged by the petitioner in-fact, the petitioner has concealed material facts from this Hon'ble Court and rather made misleading averments in the present petition by twisting the facts as per his own suitability."*

After going through the explanation given by the official respondents in their reply, counsel for the petitioner feels dissatisfied, and alleges that SHO of the Police Station i.e. Gurcharan Singh, has already been impleaded as respondent No.4 by name in present petition, therefore, inquiry conducted at his instance has caused prejudice to the petitioner.

Counsel for the petitioner further submits that petitioner is ready to bear the expenses of the independent investigation from any other officer of the other area, and if the stand taken by him in the present petition found false, he is ready to bear the costs, as would be deemed appropriate by this Court.

In the backdrop of the aforementioned circumstances, and considering the allegations of the petitioner against SHO himself (respondent No.4), this Court feels that the matter be got investigated again by an officer not below the rank of Deputy Superintendent of Police (DSP).

Accordingly, on oral request of counsel for the petitioner Sr. Superintendent of Police, Amritsar (Rural) is hereby impleaded as respondent No.7 in the array of respondents, for conducting the inquiry in the matter.

Since the matter is being inquired at the wish of the petitioner, he is directed to deposit Rs.35,000/- in the office of Sr. Superintendent of Police, Amritsar (Rural), for the tentative expenses to be borne by the State, in conducting fresh inquiry.

For awaiting fresh status report, adjourned to

29.03.2023."

- 2. After taking note of the status report filed by the State, counsel for the petitioner seeks withdrawal of the present petition.
- 3. Dismissed as withdrawn.

(SANJAY VASHISTH)
JUDGE

May 08, 2023
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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*