

CRWP-10284-2022

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

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Decided on : 29.05.2023

Resham Singh

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. N.S. Dandiwal, Advocate
for the petitioner(s).

Mr. JS Arora, DAG, Punjab
assisted by HC Darshan Singh.

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Resham Singh, aged 75 years, has filed instant petition for seeking protection of his life and liberty, which is stated to be at risk at the hands of respondents No.4 to 6.

2. Counsel for the petitioner submits that in fact, during the pendency of the Civil Suits between the petitioner and respondents No.5 & 6, unnecessarily intervention was caused to pressurize the petitioner by respondent No.4, who is a police official, posted at Police Chowki Kishanpura Kallan, Distt. Moga.

3. Learned State counsel has filed the status report dated 29.05.2023, by way of affidavit of DSP, Dharmkot, District Moga, on behalf of respondents No.1 to 3, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

4. While referring to the aforesaid status report, learned State counsel submits that in view of the stand taken by the State of Punjab in the aforesaid status report in para Nos. 4 & 5, no issue is left with this Court for its adjudication, because, already required steps have been taken in the matter. Para Nos. 4 & 5 says as under:-

“4. That it is respectfully submitted here that there is long protected land dispute between petition Resham Singh and private respondent Nos.5 Teja Singh, for the land measuring 2 Kanal - 7 Marlas comprised of Khewat No.515/476, Khatauni No.657, Khasra No. 126//14/2 (2-7) situated in the revenue estate of Village Kishanpura Kalan. On 20-10-2022, both the parties beside respectables came to Police Post Kishanpura Kalan and moved complaints against each other. Respondent No.5 Teja Singh produced judgment and decree dated 03-11- 2016 passed by the Sh. S.K Garg, Learned District Judge, Moga whereby, appeal filed by the petitioner was dismissed which was filed by him against the Judgment and decree dated 17.09.2015 of learned ACJ(SD), Moga where by defendant/petitioner was directed to hand-over the possession of above-mentioned disputed land measuring 2 Kanal - 7 Marlas to aforementioned Teja Singh (respondent No.5). Both the parties appeared before ASI Raghwinder Parsad Dhir, In-charge, Police Post Kishanpura Kalan (answering respondent No.4). However, matter was amicably compromised between the parties. It was settled that despite the fact that the possession of disputed land measuring 2 Kanals-7 Marlas was decreed in favor of Teja Singh by the learned Court on 07/02/2019, till date said land is in cultivating

possession of Resham Singh (petitioner), who has sown paddy crop. Now, possession of this land is hereby delivered to Teja Singh (respondent No.5). However, Resham Singh may be allowed to harvest paddy crop, on compassionate grounds. It was further settled that none of the parties would initiate any legal action against each other in future.

5. *That it is further respectfully submitted that the petitioner Resham Singh moved an application dated 31-10-2022 to SSP Moga (answering respondent No. 2) against ASI Raghwinder Parsad Dhir, In- charge, Police Post Kishanpura Kalan (answering respondent No.4) with the identical allegations as mentioned in the present petition. On receipt of said application, vide order No.2376-PC/22 dated 31-10-2022, DSP Homicide, Moga was directed to verify the allegations leveled by the petitioner and report. Accordingly, a fact-finding enquiry was conducted by DSP Homicide, Moga. During enquiry, it revealed that both the parties were not called by said official but the parties had appeared in Police Post Kishanpura Kalan at their own free will. Further no substance was found in to the allegation of the petitioner regarding alleged illegal detention, or putting petitioner behind the bar or getting some blank paper signed from the petitioner forcibly, as alleged by the petitioner. However, it reveals that behavior of ASI Raghwinder Parsad Dhir, In-charge, Police Post Kishanpura Kalan (answering respondent No.4) was not appropriate and up to the mark while dealing with the petitioner. Therefore, disciplinary action has been taken against ASI Raghwinder Parsad Dhir and a departmental enquiry has*

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been initiated against him vide order No.12812-16/S/AC-2 dated 29-11-2022, which is being conducted by DSP Subdivision, Baghapurana. Hence, the instant petition of the petitioner becomes infructuous.”

5. In view of the stand taken by the State in the aforesaid status report, learned counsel for the petitioner submits that he does not wish to press present petition at this stage, and seeks withdrawal of the same.
6. Dismissed as withdrawn at this stage.

(SANJAY VASHISTH)
JUDGE

May 29, 2023
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No