

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

210

**CRWP-10541-2022
Decided on : 23.01.2023**

Varun Sharma

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Gaurav Sharma, Advocate
for the petitioner(s).

Mr. Anmol Singh Sandhu, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

Order dated 09.11.2022, says as under:-

“Prayer in the instant petition, filed under Article 226 of the Constitution of India, is for issuance of directions to respondents No. 1 to 4, to provide protection of life, liberty and property to the petitioner and his family from the hands of respondents No. 5 to 12.

In that regard, petitioner has already submitted a representation dated 31.10.2022 (Annexure P-3) to respondents No. 2 and 3 (Director General of Police, Punjab, Sector-9, Chandigarh and Commissioner of Police, Ludhiana, respectively). Petitioner has also attached the photographs as Annexure P-2 with the petition, which shows the injuries suffered by the petitioner.

Notice of motion.

On asking of the Court, Mr. J.S. Arora, DAG, Punjab, accepts notice on behalf of respondents No. 1 to 4 (State). He on instructions from ASI Kulwant Singh, submits that on the basis of complaint made by the petitioner, already one DDR No. 42 dated 19.10.2022 has been registered and same is under investigation. He seeks time to file reply/status report.

Adjourned to 22.11.2022.

Reply/status report be filed on or before the next date of hearing.”

Today, status report dated 23.01.2023, by way of affidavit of Maninder Bedi, PPS, Asstt. Commissioner of Police (North), Ludhiana, on behalf of respondents No.1 to 4, has been filed by learned State counsel, 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.

Para Nos. 3 & 4 of the aforesaid status report says as under:-

“3. That in compliance to the said orders of this Hon'ble Court, it is respectfully submitted that in the present petition, the petitioner has sought direction to the answering respondents to protect life, liberty and property of the petitioner and his family members from respondents no.5 to 12 and to take legal action against these respondents and to register an FIR on the Representation dated 31.10.2022 Annexure P-2 given by the petitioner

In this regard, it is respectfully submitted that on the statement of the present petitioner, FIR No. 17 dated 18.01.2023, u/s 323, 341, 427, 148, 149 IPC, P.S. Salem Tabri, Ludhiana has been registered against respondents no.5 to 12 and 4/5 unknown persons and investigation is being conducted and the accused are yet to be arrested and after completion of the investigation, Challan/Final Report u/s 173 Cr. P.C. will be prepared accordingly.

4. That earlier on receipt of the Representation Annexure P-3 moved by the petitioner before the Commissioner of Police, Ludhiana, enquiry was entrusted to the police of P.S. Salem Tabri, Ludhiana and the petitioner was summoned u/s 160 Cr. P.C. by ASI Surinder Pal to join the enquiry and get recorded his statement but the petitioner came on 21.10.2022 and got recorded his incomplete statement and went from the police station by saying that he will send his statement after getting it typed but thereafter the petitioner had not sent his typed statement. In this regard DDR No.47 dated 21.10.2022 was also Salem Tabri, Ludhiana. However in the MLR of the petitioner, the doctor has mentioned simple and blunt injuries which were not constituting any cognizable offence at that time and

therefore DDR Nos.23 and 42 dated 15.10.2022 and 19.10.2022 were lodged. The opposite party of the petitioner had also sustained simple blunt injuries and the same were also mentioned in the above noted DDRs. However, again Summon was sent to the petitioner on 18.01.2023 by ASI Surinder Pal to join enquiry regarding his Representation Annexure P-3 on which the petitioner appeared before the said ASI and got recorded his statement on the basis of which the above noted FIR has been registered against respondents no.5 to 12 and 4/5 unknown persons as mentioned above.”

As it is clear that already action has been taken over the representation filed by the petitioner, and FIR No.17, dated 18.01.2023, u/s 323, 341, 427, 148, 149 of IPC, has been registered at Police Station Salem Tabri, Ludhiana, nothing substantial is left for this Court to decide in the present petition, as the prime grouse of the petitioner has already been adhered to by the official respondents.

Besides above, as per office report, petitioner never deposited process fee for issuing notices to the respondents, therefore, their presence is also not required for deciding the present petition.

Accordingly, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 23, 2023

J.Ram

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