

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CWP-33746-2019

Date of decision: 19.09.2023

MANJIT SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. G.S. Sandhu, Advocate for
Mr. H.P.S. Ghuman, Advocate
for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition was for seeking issuance of direction to respondents No.1 to 3 to protect the life and liberty of the petitioner at the hands of respondents No. 5 and 6 against whom a complaint is stated to have been made by the petitioner to the Superintendent of Police (Headquarter) Fatehgarh Sahib for conducting enquiry.

Reply by way of affidavit of Raminder Singh Kahlon, Deputy Superintendent of Police, Fatehgarh Sahib had been filed on behalf of respondents No.1 to 3 on 17.03.2020. The relevant extract thereof reads thus:

“1. That the present petition arises out of the grudge of the petitioner for checking his hotel which is a

*routine checking conducted by the respondent no. 5 with police party in connection with the Independence Day in 2019 as the police was checking all the hotels, guest houses and the suspected persons on the eve of 15th August 2019. That on 12.08.2019, the police party headed by respondent no. 5 checked Hotel Virk near Grain Market Sirhind within District Fatehgarh Sahib, where the respondent no. 5 has found certain irregularities in maintaining the register maintained by the staff of hotel Virk. As such DDR No. 36 dated 12.08.2019 was recorded in which it was written that during the checking of hotel Vis, the register of hotel Virk was not duly maintained as the names of the persons who were saving in the hotel were not property mentioned. In this connection, the owner of the hotel (petitioner) was directed that in future the correct entries be made in the hotel register regarding the persons who are visiting/residing in Hotel Virk. Copy of DDR is **Annexure R-1/T**.*

*2. That on the same day, the petitioner himself has given a Handwritten note regarding apology that in hotel Virk, The paper register was not maintained and the name of the occupants in the room were not shown, a such he undertook that this wrong will not be done in future. The handwriting was made in the presence of certain persons namely Press Reporter Bahadur Singh Tiwana and Press Reporter Arun Ahuja. Copy of this handwritten note is **Annexure R-2/T**. That the petitioner also recorded his statement with SI Avtar Ali that he do not want to proceed further with the MLR got conducted of the petitioner by the Civil Hospital, Fatehgarh Sahib. The statement of the petitioner was attested by Balwinder Singh owner of Hotel Jimmi Hotel, Sirhind, Copy of the same is **Annexure R-3/T**. That in this connection, DDR has been recorded at P.S. Sirhind, District Fatehgarh Sahib vide*

*DDR No. 22 dated 13.08.2019 in which the correct description of the incident was recorded. It was also recorded that the petitioner was not insulted and has not been manhandled. Copy of DDR no. 22 is **Annexure R-4/T**.*

3. That as per MLR dated 12.08.2019 of the petitioner (Manjit Singh), no injury was found. Only in the MLR, it was recorded that there are no external mark of injury. Only complaint of pain was told by the petitioner. As such no cognizable offence is made out against anybody. As such DDR No. 22 dated 13.08.2019 was recorded at P.S. Sirhind to this effect.

4. That the present petition is nothing, but a bundle of lies. The petitioner is trying to mix-up two incidents which are occurred at the different years. As such the present petition deserves dismissal being the pressurized tactics.

No replication/rejoinder to the same had been filed notwithstanding that the written statement had been filed on 17.03.2020 and more than 3 ½ half years has elapsed since then. A separate reply dated 08.05.2023 has been filed on behalf of respondent No.4 wherein it has been averred as under:

“ 5. That it is respectfully submitted that vide letter dated 26.01.2018, respondent No.3, S.S.P. Fatehgarh Sahib sent the said inquiry report to D.G.P. Punjab, Chandigarh for sending the matter to respondent No.4 S.S.P. Fazilka for taking further action against the respondent No.6, because at that time the respondent No.6 was deployed as S.H.O. Police Station, Fazilka.

6. That it is respectfully submitted that the respondent No.6 was transferred from Fazilka District to Ferozepur District vide order 20.03.2018 of D.I.G. Ferozepur and respondent No.6 was relieved from Fazilka

District on 27.03.2018.

7. That it is respectfully submitted that vide letter No.5378/E-1(1) dated 13.04.2018 D.G.P. Punjab sent the matter to D.I.G. Ferozepur Range, Ferozepur for taking necessary action against the respondent No.6. In pursuance to the said letter dated 13.04.2018, I.G. Ferozepur instructed S.S.P. Ferozepur to hold regular departmental inquiry against the respondent No.6.

8. That it is respectfully submitted that in pursuance to above noted instructions, vide order No.8345-50/B dated 21.04.2018 of S.S.P. Ferozepur, a departmental inquiry was carried out against the respondent No.6 through S.P. (Investigation) Ferozepur. After holding departmental inquiry, S.P. (Inv.) Ferozepur, the respondent No.6 was exonerated of the charges leveled against him and vide order No.90-94/steno dated 08.01.2019 of S.S.P. Ferozepur above noted departmental inquiry was filed. In this way, appropriate action was taken by the police upon the Inquiry Report dated 13.01.2018 of S.P. (HQ) Fatehgarh Sahib. It is further respectfully submitted that the respondent No.6 has retired from service on 30.04.2023 vide order No.8409/B/24.4.2023 of S.S.P. Ferozepur.”

It is evident from a perusal of the aforesaid responses that the allegations levelled by the petitioner have already been inquired into by the respondents. The said allegations have been found to be unsubstantiated and the respondents stand exonerated of the charges levelled against him.

In view of the aforesaid uncontroverted position, learned counsel for the petitioner does not press the instant petition at this stage so as to take recourse to the alternative, if any, available to him in

accordance with law.

Disposed of as not pressed with liberty as aforesaid.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 19, 2023

Vishal sharma

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