

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

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**CWP-25348-2023
Date of Decision: 12.12.2023**

DEEPINDER SINGH AND ANR.

... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. R.K. Choudhary, Advocate
for the petitioners.

Mr. Puneet Bali, Sr. Advocate
(through video conferencing) assisted by
Mr. Sachin Jain and Ms. Vialika Bassi,
Advocates (in person) for un-impleaded
Respondents No.5 and 6 - Ms. Sunaina Singh and
Mr. Ajay Kadyan respectively.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present petition is for directing the respondents to place on record the up to date registry of the three firearms in question held by late Devinder Singh at the time of his death and also to provide the details of subsequent transfers, if any. A further prayer has also been made for directing the respondents No.1 to 4 to take appropriate action including registration of an FIR qua illegal transfer of the said firearms.

Learned counsel for the petitioners concedes that the petitioners had initiated proceedings under Right to Information Act, 2005 to seek the said information and that the State Information Commission had allowed the said appeals by directing as under:

- “(1) The SPIO-cum-City Magistrate, Rohtak and the SPIO-cum-Deputy Superintendent of Police (HQ), Rohtak shall search the record of their respective offices and furnish the requisite information to the appellant within thirty days of the receipt of this order. The respondent SPIOs shall submit compliance report so as to reach the Commission's Secretariat latest by 24.04.2018.*
- (ii) The appellant, in case finds any deficiency in the furnished Information by the respondent SPIOs, may file specific rejoinder with the concerned SPIO with a copy to the Commission within fifteen days of the receipt of the information. The SPIO concerned will furnish permissible information to the appellant within next fifteen days from the date of receipt of appellant's rejoinder. If no response is received within the stipulated period needless to say the appellant has the liberty to approach this Commission to proceed further.”*

He further submits that insofar as the prayer made by the petitioner with respect to seeking registration of FIR and/or initiating proceedings against other persons are concerned, the same are not pressed and be treated as given up in the present writ petition. He also prays for granting liberty to pursue his alternative remedies qua the abovesaid given-up prayers.

Prayer is accepted and allowed. The petitioners are granted the liberty as prayed for.

Since the counsel for the petitioners has confined his prayer only to the extent of supplying the information in respect to the weapons in question, qua which he had availed the remedy under Right to Information Act, 2005, the appropriate course of action for the petitioners was to approach the Information Commission for seeking executing/enforcement of the order dated 08.03.2018.

The counsel also concedes that he has already filed an application for enforcement of the said order dated 08.03.2018.

Under the given circumstances, the present writ petition is misconceived since the execution of the order dated 08.03.2018 is already pending before the Chief Information Commissioner.

The present petition is accordingly dismissed at this stage.

Liberty is, however, granted to the petitioners to pursue their alternative remedies that have already been invoked.

DECEMBER 12, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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