



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

**CRWP No.1563 of 2024 (O&M)
Date of Decision: 30.05.2024**

Harbans Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- None for the petitioner.

Ms. Avneet, AAG, Punjab for respondent Nos.1 to 3.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Article 226 of the Constitution praying for issuance of a writ in the nature of mandamus directing respondent No.2 to protect the life and liberty of the petitioner at the hands of respondent Nos.4 to 9.

(2) In pursuance of the notice of motion, issued by this Court, short reply by way of an affidavit dated 04.04.2024 of Sh. Gur Iqbal Singh, Assistant Commissioner of Police, Ludhiana (South) on behalf of respondent Nos.1 to 3 has been filed. The same is taken on record. Copy thereof



supplied to the opposite side. Registry will tag the affidavit at appropriate place.

(3) For reference, para Nos.4, 5 & 6 of the aforesaid reply read as under:-

- “4. That upon receiving the aforementioned complaint, a preliminary investigation was initiated. During which, it has been revealed that on 04/02/2024, the deceased, Sanjay Malhotra, was taken to DMC Hospital, Ludhiana, where he was declared brought dead. The medical records indicated that the complainant did not report any suspicious or foul play to the concerned medical professionals at the hospital. Consequently, no medical ruqqa was sent to the investigating agency.
5. That furthermore, it was brought to light that the aforesaid complaint was submitted by the complainant at the Police Station after the cremation of the deceased. As a result, no post-mortem examination was conducted on the body of the deceased.
6. That during the course of the preliminary investigation, the petitioner, Harbans Singh, was summoned to the Police Station Sadar, Ludhiana by the investigating officer on 06/02/2024 for the purpose of inquiring into the alleged incident dated 04/02/2024. It is submitted that the averments made by the petitioner regarding being harassed by persistently being called to the police station are incorrect and hence are vehemently denied.”



- (4) Perusal of the above extract reveals that deceased-Sanjay Malhotra was taken to DMC Hospital, Ludhiana and the complainant did not report any suspicious or foul play to the Doctor concerned at relevant point of time. Consequently, no *ruqa* was sent to the police; nor any post-mortem examination was conducted. Also transpires that during investigation by the police, petitioner-Harbans Singh was summoned and ultimately, it was found that there was no harassment caused to the deceased.
- (5) In view of the above, no ground is made out to issue any mandate in the present petition; consequently, the same is dismissed.
- (6) Needless to say that petitioner may take recourse to the remedy available under law, if so advised.
- (7) Pending application(s), if any, shall also stand disposed off.

30th May, 2024
Gagan/v

(MAHABIR SINGH SINDHU)
JUDGE

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