

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

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**CM-7374-CWP-2024 in/and
CWP-6900-2020
Date of decision: 22.05.2024**

MOHIT DHAWAN

.....Petitioner

VERSUS

**POLICE COMPLAINTS AUTHORITY U.T. CHANDIGARH AND
ANOTHER**

.....Respondents

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

Present:- Ms. Puja Chopra, Advocate for the petitioner.

Mr. Jaivir S. Chandel, Addl. Standing Counsel,
U.T. Chandigarh, for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

CM-7374-CWP-2024

The instant application i.e. CM-7374-CWP-2024 has been filed for hearing the matter of the petitioner pending before the Police Complaint Authority in view of the resignation tendered by the former members and Chairperson of the Police Complaint Authority, Chandigarh due to reluctance on the part of the Chandigarh Administration to reappoint members of the Police Complaint Authority.

Counsel for the petitioner contends that the stand initially taken by the respondent-U.T. Chandigarh was that the names of the Hon'ble Judges is to be recommended by the High Court and that the



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same have not been received and that she had secured information from the Punjab and Haryana High Court under the Right to Information Act, 2005 and as per the communication dated 13.03.2024 received by her, the names had been sent by the High Court on 23. 01.2024. She contends that the decision for reconstitution of the Police Complaint Authority is thus pending at the level of the U.T. Chandigarh itself. She contends that the respondents are thus in violation of the mandate prescribed by the Hon'ble Supreme Court in the Judgment of "***Parkash Singh versus Union of India***" reported as ***2006 (8) SCC 1*** and causing prejudice to the rights of the petitioner by not constituting the Police Complaint Authority and the application is pending consideration with the Police Complaint Authority since 2017.

Sh. Jaivir S. Chandel, Advocate appears on behalf of U.T. Chandigarh and submits that the names have already been received and the matter has been forwarded to the concerned authorities and that the process of reconstitution of the Committee is in advanced stages and the Police Complaint Authority shall be constituted soon. He submits that since the prayer of the petitioner in the main writ petition itself is for a direction to the U.T Chandigarh to reconstitute the Police Complaint Authority, hence, hearing in the main writ petition can also be pre-poned from the date already fixed i.e. 23.07.2024 and such appropriate orders, as this Court may deem fit and proper may be passed.



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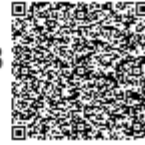
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Having heard learned counsel for the parties, I deem it appropriate to pre-pone the date of hearing in the main case from 23.07.2024 and the main case is taken up on Board today itself.

MAIN CASE

The prayer of the petitioner is for directions to the U.T. Chandigarh through Department of Home to immediately reconstitute the Police Complaint Authority which had to be reconstituted on account of the resignation by the Presiding Officer and a further direction has been sought that the respondents be directed to produce all record pertaining to the complaint moved by the petitioner before the Police Complaint Authority.

So far as the second prayer of production of all records pertaining to the complaint filed before the Police Complaint Authority is concerned, this Court refrains from going into the said issue at this stage, however, taking into consideration that the issue of reconstitution of the Police Complaint Authority occurred on account of resignation by the members as well as the Chairperson of the Police Complaint Authority and that the High Court has already recommended names of two formers Judges of the High Court, on the asking of the respondents and that the matter is pending consideration with the U.T. Chandigarh since January, 2024. I deem it appropriate to direct the respondent-No.2- Principal Secretary, Department of Home, U.T. Chandigarh to re-constitute the Police Complaint Authority expeditiously and preferably



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within a period of three months from today. The further proceedings shall be initiated by the re-constituted Police Complaint Authority.

The writ petition is accordingly allowed in the aforesaid terms.

**(VINOD S. BHARDWAJ)
JUDGE**

MAY 22, 2024
Vishal sharma

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