

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-3851-2023
Date of Decision:13.02.2024

RAKESH KUMAR ...Petitioner(s)
Vs.
STATE OF PUNJAB AND ...Respondent(s)
OTHERS

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. A.P. Chaudhary, Advocate for
Mr. Rajinder Singh Bhatta, Advocate
for the petitioner.
Mr. I.P.S. Sabharwal, DAG, Punjab
Mr. Karan Singh Brar, Advocate, for the respondents
No. 4 to 9.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Article 226 of the Constitution of India for issuance of a writ in the nature of *Mandamus* to direct the official respondents to protect the life and liberty of the petitioner and his family members.
2. In compliance of the last order, action taken report has been filed by way of an affidavit of the Senior Superintendent of Police, Fazilka and the same is taken on record. Learned State counsel submits that the appropriate action has been taken against the police officials, who had not performed the duties as per law. Learned State counsel has also referred to paragraph 6 and 7 of the affidavit, in this regard and the same is reproduced as below:-

*“6. The Deputy Superintendent of Police, Sub Division
Jalalabad submitted a report to the effect that Mamta Rani wife*

of Harmesh Chand, resident of Johal Colony, Jalalabad submitted an application No.570-Local dated 15.04.2023 against Rakesh Kumar son of Des Raj son of Murli Mal to get her house to be vacated. On the other hand Rakesh Kumar submitted another application No.576-Local dated 16.04.2023 against Ramesh Kumar, Mamta Rani wife of Ramesh Kumar and others for committing the theft of his house hold articles etc. Inspector Davinder Kumar, the then SHO, Police Station City Jalalabad marked the above said applications to ASI Hoshyar Chand No.553/FZK. ASI Hoshyar Chand got placed the entire house hold articles of Rakesh Kumar in Police Station City Jalalabad vide General Diary No.39 dated 24.04.2023 and preventive action was taken against both the parties under section 107/151 of Cr.P.C. From the inquiry it is also found that a case was to be registered for ousted the house hold articles of Rakesh Kumar from the rented house but ASI Hoshyar Chand did not register the case and Inspector Davinder Kumar, the then SHO Police Station City Jalalabad did not direct ASI Hoshyar Chand to take action accordingly as per the circumstances, so both ASI Hoshyar Chand No.953/FZK and Inspector Davinder Kumar no.198/FRT performed their duty negligently and the said conduct of both the official is liable to be punishable. Deputy Superintendent of Police, Sub Division Jalalabad made a recommendation to

initiate a department inquiry against ASI Hoshyar Chand No.953/FZK and Inspector Davinder Kumar No.198/FRT vide his report no.276-JSD dated 09.02.2024.

7. That a departmental inquiry has been ordered to be initiated against ASI Hoshyar Chand No.953/FZK and Inspector Davinder Kumar No.198/FRT by the deponent vide office order No.4223-30/B dated 10.02.2024 and departmental inquiry has been entrusted to Ramneesh Kumar, Superintendent of Police (Headquarter), Fazilka against both the above named delinquents”.

3. In view of the affidavit filed by the Senior Superintendent of Police, Fazilka, no further action is required in the present case and the petition is accordingly disposed off.

13.02.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking

:

Yes/No

Whether reportable

:

Yes/No