



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

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CWP-11054-2024
Date of Decision: 13.05.2024

BEANT SINGH AND ANOTHER

... Petitioners

VERSUS**STATE OF PUNJAB AND OTHERS**

... Respondents

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

Present: Ms. Akashdeep Kaur, Advocate
for the petitioners.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is to direct respondent No.6 to get conducted a fair and impartial investigation in case FIR No.0028 dated 02.03.2024 (Annexure P-2).

Learned counsel for the petitioners contends that the petitioner No.2 was owner in possession of a house situated at Village Tibbi. The petitioner No.2 alongwith so many other persons raised the construction of the houses at Village Tibbi about 40 years ago. The construction had been done by the poor segment of the society and with the consent of the Panchayat. She submits that neither any resolution had been passed by the then Gram Panchayat, Village Tibbi nor the property in question was allotted by the then Gram Panchayat of village Tibbi to petitioner No.2 and others, who have raised constructions of the houses. On account of dire need of money and ensuing financial complications, the petitioner No.2 sold his house to petitioner No.1 vide agreement to sell dated 30.12.2012. Since then, petitioner No.1 alongwith



his family has been residing at the abovesaid house. It is further contended that owing to a party fiction in the village, respondents No.7 to 11, on the instigation of the village Panchayat, moved a complaint to Block Development and Panchayat Officer, Amloh against the petitioners with the allegations of sale and purchase of the Panchayat allotted land which, as per the instructions of the Government, is an offence. The said complaint was marked to Senior Superintendent of Police, Fatehgarh Sahib and as such, an FIR No.0028 dated 02.03.2024 came to be registered at Police Station Amloh, District Fatehgarh Sahib under Section 420 of the Indian Penal Code, 1860 against the petitioners herein. Learned counsel for the petitioners contends that petitioner No.1 has already approached the Deputy Commissioner as well as Sub Divisional Magistrate, Fatehgarh Sahib against the harassment being meted out to him at the hands of Gram Panchayat, Tibbi. She further contends that there are 19 persons who are in possession of similar properties alongwith the petitioners and who have already sold those properties to other villagers, but the Gram Panchayat, Tibbi having knowledge about the same did not take any action against such persons and are deliberately targeting the petitioners with ulterior motive.

Be that as it may, the sole prayer in the present case is for directing respondent No.6- Senior Superintendent of Police, Fatehgarh Sahib to get conducted a fair and impartial investigation in the abovementioned FIR that has been registered against the petitioners herein.

Heard.

At this stage, I am of the considered opinion that there is no basis for this Court to even assume that the police officials are biased in their



investigation or are deliberately misdirecting the investigation. The apprehension expressed by the petitioners is not corroborated or substantiated by any material or cogent evidence on record and is more a perceptive apprehension expressed by the petitioner.

This Court has no reasons to believe that the police shall not perform its obligations and duties as per law or shall attempt at extending any undue and illegal benefit to any interested person(s). Filing of such petition as a means of pressurizing the investigating agency and/or compelling the Authorities to conduct investigation in any other manner or even opting for any other Investigating Officer should not be ordinarily promoted. I find that there is no actual cause that has emanated for institution of the zpresent writ petition.

The same is accordingly dismissed in *limine* at this stage.

MAY 13, 2024
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No