



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CWP-26873-2019 (O&M)

Date of decision: 10.12.2024

Gurbinder Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

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

Present :- Mr. Saurabh Arora, Advocate for the petitioner.

Mr. Aditya Sharda, DAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition is for handing over the investigation of the case to some senior Police official not below the rank of Superintendent of Police of some other District.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was working on the post of Assistant Lineman in the Electricity Department in the State of Punjab. On 09.08.2019, the petitioner left for his job at about 9.30 AM while his parents had gone to Moga to get medicine and his wife alongwith minor child had gone to school which was at a distance of about 5 kms from the residence of the petitioner. A theft was committed by certain unknown persons between 9.30 AM to 1.25 PM when there was nobody at home. After the parents of the petitioner came back from Moga in the afternoon at about 1.25 PM, the said fact came to their



211

CWP-26873-2019 (O&M)

notice and immediately they inform their younger son, namely, Sh. Parminder Singh who resides at Mohali. A phone call was thereafter made by Sh. Parminder Singh to the Police authority at 1.28 PM to MHC Gurmeet Singh who was then posted at Police Station Kulgari, District Ferozepur. The police was expected to reach their house in a short time since the distance from the house to the Police Station was less than a km., however, they did not reach at the spot whereupon another phone call was made at 1.32 PM. Repeated phone calls were made, however, no one turned and the Police finally reached at about 1.40 PM and started investigation in the case. They, however, took the petitioner to the Police Station for no reason and were alleged to have illegally confined and given beating to him, he remained admitted at Civil Hospital, Ferozepur from 09.08.2019 to 14.08.2019 for treatment against as many as five injuries reported. Incident was also covered in newspapers and an FIR bearing No.90 dated 11.08.2019 was also registered at Police Station Kulgari, District Ferozepur against some unknown persons under Sections 454 and 380 of IPC.

Consequent upon filing of the writ petition, a reply was filed by the respondents by way of affidavit dated 27.01.2020 of Sh. Satnam Singh, PPS, Deputy Superintendent of Police (Rural), Ferozepur. The specific stand of the respondents and as argued by the learned State counsel is that the FIR No.90 dated 11.08.2019 was registered under Section 454/380 IPC against unknown person on the allegations of theft in the residence of the petitioner. The investigation in the said case was pending as then. Various applications were filed by the petitioner alleging about the maltreatment by



211

CWP-26873-2019 (O&M)

respondent No.7 alongwith other police officials. On receipt of the said application, an enquiry was conducted by the Deputy Superintendent of Police and during the Court of enquiry, it transpired that respondents No.6 and 8 have no role regarding the alleged confinement or the allegations beatings and they were found innocent. Respondent No.7 was found to be negligent in conduct of his duty and it was also found that he misbehaved with the petitioner. A departmental enquiry was thereafter recommended by the deponent against said respondent. A report in this regard was submitted by the deponent on 10.10.2019 to the Senior Superintendent of Police, Ferozepur which was approved by the Senior Superintendent of Police, Ferozepur on 12.11.2019 and the disciplinary proceedings were directed to be initiated against respondent No.7.

The detailed enquiry report conducted by the Deputy Superintendent of Police was also filed alongwith the aforesaid reply. Despite a lapse of more than 04 years and 10 months, no rejoinder/replication to the same has been filed.

Under the given circumstances, this Court does not have any material on record on the basis of which it may form an opinion that the enquiry conducted by the Deputy Superintendent of Police suffers from any illegality or non-appreciation of any evidence that may be led by the petitioner.

Since the respondent No.6 and 8 were not found to be involved and the disciplinary proceedings had been initiated against respondent No.7 for negligence, seemingly there is no surviving cause for directing



211 CWP-26873-2019 (O&M)

investigation to the matter by some senior official. The present petition is accordingly disposed of as having been rendered infructuous at this stage.

The petitioner shall, however, be at liberty to take recourse to appropriate proceedings that may be available in accordance with law, if so advised.

(VINOD S. BHARDWAJ)
JUDGE

10.12.2024

Mangal Singh

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