



CWP-16106-2024 (O&M)

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

(105)

CWP-16106-2024 (O&M)

Date of decision:- 12.09.2025

Nihalo Bai

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vishneet Singh Kathpal, Advocate (through VC), for

Mr. Himanshu Joshi, Advocate, for the petitioner.

Mr. Siddharth Sandhu, Assistant Advocate General, Punjab.

Mr. Amandeep Chhabra, Advocate, for respondent No.8.

Mr. Digvijay Nagpal, Advocate, for respondent No.17.

SUVIR SEHGAL, J. (Oral)

1. This petition has been filed *inter alia* for issuance of a writ in the nature of mandamus directing official respondents No.4 to 6, to take appropriate action against respondents No.8 to 17, who attacked petitioner's younger son with sharp edged weapons and inflicted grievous injuries upon him.

2. Petition has been filed averring that Gurdeep Singh, petitioner's younger son, was forcibly taken to Police Station City Fazilka on 17.02.2023 by respondent No.8 and he was illegally detained during the night. It has been alleged that at the behest of the Deputy Superintendent of Police, Fazilka, respondent No.5, Gurdeep Singh was forced to settle a matter. When he was



released in the morning, private respondents forced him into their car and on reaching Awwa Colony Gattu, they mercilessly assaulted him resulting in grievous injuries. When the assailants noticed that a few villagers had started gathering, they fled away from the spot. Gurdeep Singh was taken to Civil Hospital, Fazilka, from where he was referred to Medical College, Faridkot, for further treatment. Intimation was given to the police but the statement of the injured could not be recorded till 01.03.2023 and when Gurdeep Singh named the DSP, then ASI, Mukhtiyar Singh, who was recording the statement, sought instructions from his senior. It has been claimed that in order to save the accused, an FIR has been registered under bailable offences, which are not being investigated. It has been alleged that under the instructions of respondent No.5, some accused have been exonerated. Reference has been made to the photographs, Annexure P-1, as well as the medico legal report (MLR), Annexure P-3, and medical record, Annexure P-4, to fortify the allegations levelled in the petition.

3. Upon notice, an affidavit of Shri Tarsem Masih, PPS, Deputy Superintendent of Police, Sub Division, Fazilka, dated 04.11.2024 was filed, wherein it was stated that on the basis of the statement recorded by the complainant, FIR No.41, dated 07.03.2023, was registered for offences under Sections 341, 324, 323, 148, 149, IPC, against private respondents No.9 to 16, at Police Station Sadar Fazilka, and some accused were arrested. It has been submitted that vide rapat No.37, dated 18.01.2024, offence under Section 326, IPC, was added. Allegations levelled by the petitioner were denied and a stand was taken that the investigation has been carried out in a fair manner.



4. Pursuant to the directions passed by this Court, status reports by way of affidavits were filed by official respondents deposing that on the basis of investigation report dated 23.03.2025, private respondents No.8 and 17 have also been arraigned as accused for offences under Sections 307, 365, 325 and 120-B, IPC, which have been added in the FIR. It has been stated that all the private respondents have now been named as accused in the FIR and three of them have been arrested.

5. In the latest status report, which has been filed by way of affidavit dated 24.07.2025 of Shri Gurmit Singh, PPS, Senior Superintendent of Police, Fazilka, it has been stated that another accused has been arrested and the weapons used in the offence have been recovered. His affidavit shows that three co-accused joined the investigation in compliance of orders passed by this Court in the criminal miscellaneous petitions and after the conclusion of the investigation, a challan has been presented against all the private respondents except respondents No.10 and 17. It has further been stated that strenuous efforts are being made to apprehend the remaining two accused. He has further deposed as under:-

“18. That it is submitted that since earlier I.O/S.I Jugraj Singh No.645/FZK was negligent in conducting the investigation of the FIR in question, so the then SSP Fazilka in his capacity as S.S.P, Fazilka vide order No.7324-31/B dated 23.03.2025 has ordered for initiating departmental proceedings against him and same was conducted by Deputy Superintendent of Police, Sub Division Abohar (City). That after completion of departmental proceeding, DSP Sub Division Abohar concluded in the report that allegation levelled against S.I Jugraj Singh were not sustained. Consequently, the same was got filed by the deponent vide order no.2667-74/P.A dated 16.05.2025 and S.I Jugraj Singh was warned not to repeat such error in the future.



19. That the departmental enquiry has been ordered to be initiated against Inspector Shimla Ram No.14/FR and ASI Beant Singh No.509/FZK by the then SSP, Fazilka vide office Orders No.11116/24/B, dated 02.05.2025 and same is still pending in the office of the Deputy Superintendent of Police (CAW), Fazilka.

20. That the Inspector Jatinder Singh No.64/FDR (presently posted as Deputy Superintendent of Police, Sub Division Jalalabad), who remained as SHO in the police station Sadar Fazilka, during the investigation of the FIR relating with the present petition, has not properly investigated the matter and not arrested the accused. As he was promoted to DSP as such, the then SSP Fazilka had forwarded a letter bearing No. 334/SPL/B dated 02.05.2025 to the DIG, Ferozepur Range, Ferozepur for seeking approval regarding initiating action against him. However, objections were raised by the DIG Ferozepur Range Ferozepur and file was returned to deponent which was further marked by deponent to DSP Sub Division Fazilka for clearing the objections and to submit the report to deponent which is not received yet.”

6. From the above extract, it is evident that except for two accused, all the other accused have been arrested and final report qua them has been presented under Section 173, Cr.P.C. As the investigation qua most of the accused has been concluded, this Court does not intend to proceed further with this petition, which is disposed of.

7. Pending application stands disposed of.

8. As has been deposed in affidavit dated 24.07.2025, disciplinary proceedings have been initiated against some police officials. Official respondents shall, therefore, apprise the Court about the outcome of the pending disciplinary proceedings against the said officials by filing a status report within a period of three months.

(SUVIR SEHGAL)
JUDGE

12.09.2025
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No