

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

212

CWP-23289-2019

Date of Decision : March 18, 2025

ACHHRU RAM SHARMA

-PETITIONER

V/S

UNION OF INDIA AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. H.C. Arora, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

Mr. P.S. Ahluwalia, Advocate
for the respondents No.4 to 6.

KULDEEP TIWARI, J. (ORAL)

1. The relief yearned to be reaped through institution of the instant writ petition appertains to issuance of directions upon the official respondent(s) to take departmental action against the respondent No.7 for misusing his power and authority as Deputy Commissioner, Ludhiana.

2. Succinctly stated; the averments/allegations enclosed in the instant writ petition are that, on 01.12.2017, the respondent No.7, during his tenure as Deputy Commissioner, Ludhiana, deployed two of his own security guards at the venue of meeting of the Board of Directors of M/s Aar Kay Chemical (P) Ltd. at Saroud, Ludhiana Road, Malerkotla, and, also deployed police at the venue of meeting, with an oblique motive to create an atmosphere of terror and to scare away the petitioner and his supporting directors from attending the Board Meeting under threat of

being arrested at the hands of police in connection with FIR No.508 dated 28.11.2017, under Sections 420/467/468/471/447/506 and 120-B of the IPC, registered at P.S. Sadar Jagraon (Ludhiana Rural).

3. In his beseeching the relief (*supra*), the learned counsel for the petitioner submits that, in the inquiry conducted by the Joint Director (Admin.), for Chief Director, Vigilance Bureau, Punjab, it has been clearly observed that, the involvement of the respondent No.7 with two officials going to Ricela Factory, Sarod, cannot be ruled out. Therefore, pursuant to this inquiry, the petitioner made detailed representations to various authorities, including the Chief Secretary, Government of Punjab, thereby requesting for initiation of action against the respondent No.7, however, no decision has yet been made on his representations. The representations/reminders made to the Chief Secretary are enclosed respectively as Annexures P-10 to P-12 and P-16. In this way, the inaction on the part of the authorities has propelled the petitioner to institute the instant writ petition, thus claiming the relief (*supra*).

4. *Per contra*, the learned counsel for the respondents No.4 to 6 submits that, the petitioner has not disclosed all the material facts, which are essential for adjudication of the present matter. He submits that, initially some associate(s) of the petitioner moved a complaint under Section 156(3) Cr.P.C. before the Magistrate concerned, however, the same was dismissed vide order dated 28.01.2019. This dismissal order was successfully challenged by the aggrieved through filing revision petition inasmuch as the revisional court concerned, vide order dated 16.05.2019, allowed the revision and remanded the matter back to the

Magistrate. The order dated 16.05.2019 was assailed by the aggrieved through filing CRM-M-23851-2019 before this Court. This Court, vide order dated 04.05.2022, set aside the impugned order and disposed of the petition (supra) by extending liberty to the respondent No.2 therein to file a private complaint. Consequently, one Ravish Kumar Singla filed a private complaint on the similar set of allegations against total eight persons, including the present respondents No.4 to 6. The Magistrate concerned, vide order dated 24.01.2023, although discharged one Shiv Kumar Goyal, Ishant Goyal, Ashok Kumar Singla, Kulwinder Singh Constable, Arun Kumar Goyal, however, summoned one Ravi Nandan Goyal, Bhuwan Goyal and Jagtar Singh ASI. The summoning order dated 24.01.2023 has been challenged before this Court by filing CRM-M-28338-2023 and this Court had, vide order dated 02.06.2023, directed the trial Court to adjourn the case beyond the date fixed by this Court and the next date in the said petition is fixed for 16.05.2025.

5. This Court has heard the submissions made by the learned counsels for the parties and perused the record.

6. Be that as it may, since the petitioner has already, on the strength of inquiry conducted by the Vigilance Bureau, made detailed representations to various authorities, including the Chief Secretary, Government of Punjab, thereby requesting for initiation of action against the respondent No.7, against whom no criminal complaint is pending, and, since there is no wrangle amongst the contesting litigants that no decision has yet been made on the said representations, therefore, at this stage, this Court deems it appropriate to direct the Chief Secretary,

Government of Punjab, to make a final decision on the petitioner’s representation/reminder (Annexure P-10/P-16) within three months from today. Needless to say, adequate opportunity of hearing be granted to the petitioner before drawing any decision.

7. Disposed of accordingly.

March 18, 2025	(KULDEEP TIWARI)
devinder	JUDGE
Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No