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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCWP-20634-2023 (O&M)
Date of Decision: 30.01.2025

JOGINDER SINGH MATTU

.. Petitioner

Vs.

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Nancy Vashistha, Advocate for the petitioner.

Mr. Saurav Khurana, Addl. A.G., Punjab.

Mr. Vikas Chatrath, Advocate,
Mr. Preet Agroa, Advocate and
Mr. Sachit Katoch, Advocate
for respondents No.2 and 3.Mr. Rajeev Anand, Advocate
for respondent No.5.Mr. Neeraj Yadav, Advocate
for respondent No.7.

...

SHEEL NAGU, CHIEF JUSTICE, (ORAL)

1. The present petition has been filed by one of the accused in FIR No.34 dated 28.04.2017, registered under Sections 420/120-B of IPC, 1860 at Police Station Kharla, District Tarn Taran which centers around certain alleged lapses committed by respondents No.5, 6 and 7, a Judicial Officer and employees of the District Courts, Tarn Taran, while granting police remand in case of the petitioner on 18.09.2017.

The prayer sought in this petition is as follows:

“i) issue of a writ, order or direction in the nature of mandamus to to respondents no.2 & 3 to conduct inquiry in a time bound manner

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against respondent no.5, 6 & 7 to be conducted by a member of higher judicial services outside the jurisdiction of punjab and issuance of directions to the respondent no.3 for sending all the relevant record to the said judicial officer of higher judiciary nominated by this hon'ble court for the purpose of the inquiry.

and/or

ii) issue a Writ, Order or Direction in the nature of mandamus to take strict legal action against respondent no.5 to 7, for misappropriation the Judicial record i.e. zimni order dated 18.09.2017 (Annexure P-4) relating to FIR No. 34 dated 28.04.2017 under section 420/120-b of the Indian penal code, 1860, police station Kharla, District Tarn Taran from the judicial court file.

iii) Issue a Writ, Order or Direction in the nature of Mandamus to direct the respondents to conduct the inquiry in a just, fair, impartial, unbiased manner so as to ensure that justice is Imparted and legal rights of the petitioner are safeguarded.”

2. The High Court-respondents No.2 & 3 had filed a reply, *inter alia*, revealing that an inquiry was conducted at the level of Addl. District and Sessions Judge, Tarn Taran against respondents No.6 and 7 and by the inquiry report dated 01.04.2023, the respondents No.6 and 7 were not found at fault since the order of police remand had not been written and signed by respondent No.5. The exonerative inquiry report has been accepted by the District and Sessions Judge, Tarn Taran on 05.07.2023.

3. As regards action against respondent No.5 is concerned, the counsel for the High Court has taken us to the note-sheet of the Registrar Vigilance dated 13.05.2024 pursuant to which, the then Acting Chief Justice had referred the matter to the Vigilance Disciplinary Committee (VDC), where the same is found to be pending.

4. As regards respondents No.6 and 7, the action as sought by the petitioner for initiation of inquiry had already been taken and therefore, the relief in that regard stands satisfied.

5. As regards respondent No.5, the High Court is seized of the matter on the administrative side and this Court has no manner of doubt that

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appropriate steps would be taken in accordance with law, as expeditiously as possible on the administrative side.

6. In view of the above, the present petition stands disposed of.
7. Pending applications, if any, shall also stand disposed off.

(SHEEL NAGU)
CHIEF JUSTICE

30.01.2025
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No