



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

CWP-PIL-229-2025

Date of decision : 11.09.2025

Yashpal Marken

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Yashpal Marken – Petitioner in person.

Mr. Chanchal K. Singla, Addl. Advocate General, Punjab.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. This petition has been preferred in the shape of PIL allegedly raising the public cause that despite commission of cognizable offence by respondent No.5, no FIR has been lodged against him due to his closeness to persons in power. Peripheral directions have also been sought for proper investigation of FIR No. 65 dated 24.05.2022 (Annexure P-2) under Sections 7 and 8 of the Prevention of Corruption Act, 1988, registered at Police Station Phase 8, SAS Nagar, by an independent agency, other than the State of Punjab.

2. It is not disputed at the Bar by the petitioner, who is appearing in person, that FIR No. 220 dated 14.08.2025 for offence punishable under Section 3 (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been registered against respondent No.5 at Police Station Phase 1, District SAS Nagar. Therefore, prayer contained in para (1) of prayer clause of this petition has become infructuous.

3. As regards re-investigation of FIR No. 65 dated 24.05.2022 (Annexure P-2) by an independent agency is concerned, petitioner also alleges tampering of evidence of voice sample, during the process of investigation of.
- 3.1 However, this Court is informed that investigation in aforesaid FIR No. 65 has culminated into submission of cancellation report and the matter is now to be taken up by jurisdictional Magistrate.
- 3.2 This Court is of the considered view that since the Magistrate has to accept or not to accept the cancellation report filed by the police authorities, therefore, the petition appears to be pre-mature.
4. Learned counsel for the State of Punjab has also drawn attention of this Court to a decision of Apex Court in Simranjit Singh Mann Vs. Union of India, 1992 (4) SCC 653, where it is laid down that third party or a stranger to a prosecution cannot assail conviction or sentence order passed against any particular accused and, therefore, PIL of such nature is not maintainable, as held in Janata Dal Vs. H.S. Chowdhary and others, 1991 (3) SCC 756.
5. Accordingly, we decline to entertain this petition.
6. Petition stands dismissed with liberty to petitioner to re-visit the Court at opportune time, as and when occasion arises.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

September 11, 2025
narotam

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