



CWP-29073-2018

1

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

(210)

CWP-29073-2018

Date of Decision : 31.01.2025

Satbir Singh

...Petitioner

Versus

Govt. of National Capital Territory
of Delhi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Pardeep Kumar Rapria, Advocate and
Mr. Ripu Daman Boora, Advocate
for the petitioner.

Mr. Gaurav Gaur, Advocate for
Mr. Deepak Sabherwal, Advocate
for respondents No.1 and 2.

Mr. Rajesh Gaur, Addl. AG, Haryana
for respondents No.3 and 4.

Mr. Gaurav Chopra, Sr. Advocate with
Mr. K.J.S. Bhullar, Advocate and
Ms. Gauri, Advocate
for respondents No.5 and 6.

KULDEEP TIWARI, J.(ORAL)

1. The instant writ petition has been filed under Articles 226/227 of the Constitution of India, for issuance of a writ in the nature of mandamus, directing the respondents for the hereinafter extracted reliefs :-

(i) to grant sanction for prosecution of accused HC Partap S/o Suraj Bhan, 1406/SW and HC Vijay S/o Jagdev, 362/SW, in FIR No. 325, Dated: 07.07.2014, u/s 302, 201, 34 I.P.C. and 25/54/59 Arms Act, P.S. Civil Lines, Rohtak, for brutal murder of the Petitioner's son and his girlfriend in fake encounter. And/or;



(ii) Issue writ in the nature of mandamus directing the Respondent No. 1 and 2 to dispose of the pending request of the Haryana Govt. to grant the sanction for prosecution of accused HC Partap S/o Suraj Bhan, 1406/SW and HC Vijay S/o Jagdev, 362/SW, in FIR No. 325, Dated: 07.07.2014, u/s 302, 201, 34 I.P.C. and 25/54/59 Arms Act, P.S. Civil Lines, Rohtak, for brutal murder of the Petitioner's son and his girlfriend in fake encounter. And/or;

(iii) issue appropriate directions to the Sessions Judge, Rohtak, to proceed with the trial of the case; without waiting for the sanction for prosecution u/s 197 Cr.P.C., in FIR No. 325, Dated: 07.07.2014, u/s 302, 201, 34 I.P.C. and 25/54/59 Arms Act, P.S. Civil Lines, Rohtak, as the act of murder in fake encounter is not connected with the discharge of official duties of accused HC Partap S/o Suraj Bhan, 1406/SW and HC Vijay S/o Jagdev, 362/SW. And/or

(iv) Issue writ in the nature of mandamus directing the Respondent No. 3 and 4 to get conducted the further investigation into the role of all members of team of the Delhi Police and private players; involved in the fake encounter of the Petitioner's son and his girlfriend, in the light of the fresh peculiar facts and circumstance emerged from the final report submitted u/s 173(2) Cr.P.C. (ANNEXURE P-3), in FIR No. 325, Dated: 07.07.2014, u/s 302, 201, 34 I.P.C. and 25/54/59 Arms Act, P.S. Civil Lines, Rohtak. And/or

(v) Direct the Respondents to pay a sum of Rs.50/- lakhs to the Petitioner as a compensation for violation of the Fundamental Right envisaged under Article 21 of the Constitution and for the pain and suffering undergone by him on account of the murder of his young son by the police personnel of Delhi Police, in the fake encounter.



2. It is not under dispute that so far as the issue regarding grant of sanction for prosecution is concerned, the same has rendered infructuous, as the competent authorities concerned, has denied the permission to prosecute the respondents No.5 and 6.

3. So far as, the third prayer with regard to issuance of a mandamus upon the learned Sessions Judge, Rohtak, to proceed with the trial of the case, without waiting for the sanction for prosecution under Section 197 of Cr.P.C. is concerned, it is informed to this Court that the learned Sessions Judge, concerned, has adjourned the proceedings *sine die*, arising out of FIR No.325 dated 07.07.2014, under Sections 302, 201 and 34 of the IPC, 1860, and Sections 25/54/59 of the Arms Act, 1959, registered at Police Station Civil Lines, Rohtak, rather, he was waiting for the permission to take cognizance of the offence.

4. Learned counsel for the petitioner submits that in fact, in the case in hand, no sanction for prosecution is required, considering the nature of the offence as causing the murder of a person, be not termed as a part of their official duty. This issue cannot be adjudicated before this Court, as the same can be agitated by the petitioner, before the learned trial Court concerned, by moving an apt application, therefore, the petitioner is relegated to approach the learned trial Court concerned.

5. Even for the prayer, as made before this Court, for further investigation, the petitioner can approach the Court concerned.

6. As far as, the prayer for compensation is concerned, the petitioner has not approached the authorities concerned, as on date, for grant of compensation, on account of murder of his son, therefore, the petitioner

may approach the authorities concerned, at the first instance, before maintaining the instant motion, before this Court.

7. Consequently, the instant writ petition is hereby **closed**, and the same is **disposed of** accordingly, with the aforesaid liberty to the petitioner.

(KULDEEP TIWARI)
JUDGE

January 31, 2025
Manpreet

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