



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

213

**CWP-3223-2026 (O&M)  
Date of Decision:- 27.05.2026**

SUKHPREET KAUR AND ANOTHER

...Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

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

Present: Mr. Arshit Goel, Advocate for the petitioners.

Mr. Salil Sabhlok, Sr. DAG Punjab.

Mr. Amrinder Singh, Advocate for respondent No.2.

Mr. Nikhil Batta, Advocate  
for respondents No.3 and 4 (through V.C.).

\* \* \* \*

**SANJIV BERRY, J.**

1. The instant petition has been filed by the petitioners under Articles 226/227 of the Constitution of India seeking writ in the nature of certiorari for quashing of the order dated 23.01.2026 (Annexure P-18) passed by Punjab State Human Rights Commission and to stay the operation thereof.

2. We have heard learned counsel for the rival parties and perused the record. The operative part of the impugned dated 23.01.2026 (Annexure P-18) reads as under:-

*“In view of the above, concurring with report of DSP O/o Special DGP of this Commission, SSP, Barnala is recommended to (i) to file cancellation report u/s 193 BNSS (173 (8) CrPC) as the charge has not been framed by the Hon'ble trial court, in the interest of justice and*



*(ii) to register an FIR u/s 420,406, 120-B IPC against Sukhpreet Kaur and Gurkirat Singh for offence of cheating, criminal breach of trust and conspiracy, in the interest of justice and submit the report in this regard, one week before the next date of hearing.”*

3. Learned counsel for the petitioners has assailed the impugned order dated 23.01.2026 (Annexure P-18) passed by the Punjab State Human Rights Commission, claiming the same to be without jurisdiction and having been passed in a particular manner, which does not come within the purview of its power and jurisdiction. Since the Commission has exceeded its jurisdiction by passing the impugned order, as such, it has been submitted that the same be set aside.

4. On the other hand, learned counsel representing the Punjab State Human Rights Commission has submitted that the direction passed by the Commission is well within its jurisdiction and the same does not suffer from any infirmity.

5. We have perused the impugned order and considered the respective submissions.

6. While discussing the scope of jurisdiction of Human Rights Commission, this Court in CWP-36348-2019 titled '**Jagdish Arora and Others Vs. The State of Haryana and others**' decided on 19.05.2026, has categorically observed that there is clear indication of the legislative intent that the Commission is a recommendatory body which has no authority or power in law to issue directions, orders, judgments, or writs, which power is unique to a Court and the Commission cannot act as a Court.

7. Testing the impugned order in the light of the observations made in the aforesaid decision, we are of the view that there is nothing



wrong in the impugned order passed by the Commission as it simply recommended the Senior Superintendent of Police, concurring with the report submitted by the DSP attached with the Commission to file cancellation report and to register an FIR.

8. The impugned order does not disclose any direction having been passed by the Commission to any authority, as only recommendations have been made within the four corners of its jurisdiction. Therefore, in these circumstances, we find no merit in the present petition so as to call for an interference therein and accordingly, we dismiss the petition with no orders as to costs.

9. However, it is made clear that appropriate Government is free to take its decision on the basis of the aforesaid recommendations made by the Commission in its impugned order dated 23.01.2026 (Annexure P-18).

10. Pending applications, if any, also stand disposed of.

**(SANJIV BERRY)**  
**JUDGE**

**(SHEEL NAGU)**  
**CHIEF JUSTICE**

**27.05.2026**

*S.Sharma*

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|-----|-----------------------------------|---------------|
| i)  | <i>Whether speaking/reasoned?</i> | <i>Yes/No</i> |
| ii) | <i>Whether reportable?</i>        | <i>Yes/No</i> |