



CWP-26370-2025

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

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CWP-26370-2025

Date of Decision: 11.03.2026

Kashmir Singh Bhinder**...Petitioner**

Versus

State of Punjab and others**...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Bhupinder Gupta, Advocate for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to the respondents to decide his complaints dated 15.07.2021 and 14.10.2021 whereby he has pointed out illegalities committed by respondent No.5 which entailed weakening of prosecution case.

2. The petitioner filed a complaint against officials and members of Gram Panchayat Village Bhinder Kurd, Tehsil and District Moga alleging damage to public property and embezzlement of public funds on the pretext of development work which was never executed on ground. The matter was investigated by Vigilance Bureau and an FIR No.36 dated 05.03.2021 under Section 447 of Indian Penal Code, 1860 and Section 3 of Prevention of Damage to Public Property Act, 1984 at Police Station Dharamkot, District Moga was registered against different accused. On 20.06.2021, final report was prepared by Investigating Officer against three accused despite the fact that witnesses have levelled allegations against 18 persons. The final report



was put up before Sukhdev Singh, Assistant District Attorney ('ADA')-respondent No.5 who without considering evidence on record approved the same and recommended for filing before Court. His intention was to weaken the trial. The petitioner on 15.07.2021 filed a complaint before Additional Chief Secretary, Home Affairs & Justice, Punjab against ADA Sukhdev Singh. The competent authority transferred ADA Sukhdev Singh from Moga to Ludhiana. On 23.09.2021, when the matter was listed before trial Court, ADA Sukhdev Singh was found in Court corridor. He was found meeting with accused persons and their lawyer, thus, another complaint dated 14.10.2021 was filed with Additional Chief Secretary. Superintendent of Police, Faridkot conducted further investigation and found that Investigating Officers had prepared final report without considering evidence submitted by complainant. Said report was forwarded, however, some objections were raised by higher authorities and another report was sent on 23.12.2021 by Superintendent of Police, Faridkot. The Investigating Agency filed supplementary challan on 23.08.2022 wherein 14 more accused were nominated. The petitioner was called upon to tender statement with respect to his complaint against ADA Sukhdev Singh. He tendered his statement before District Attorney on 13.09.2022. The Investigating Agency further filed supplementary challan on 13.03.2023 whereby more offences were added and three more persons were nominated. The senior police officers took disciplinary action against police officers who had not properly discharged their duties, however, no action was taken against ADA Sukhdev Singh. He has been granted increment and brought back to Moga. He has further been promoted to the rank of Deputy District Attorney.

3. Learned counsel for the petitioner submits that posting of respondent No.5 at Moga is going to adversely affect outcome of FIR which

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was registered at his behest. There would be grave injustice if respondent No.5 is permitted to participate in the trial which has commenced on the complaint of petitioner.

4. Learned State counsel submits that complaints of petitioner against respondent No.5 are not still closed and are under consideration. Respondent No.5 would not be deputed to handle trial of aforesaid case.

5. Faced with aforesaid statement, learned counsel for the petitioner does not press the petition.

6. In the wake of statement of both sides, the petition stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

11.03.2026*Mohit Kumar*

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