



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

207

**CWP-35613-2025 (O&M)
Date of Decision:- 27.05.2026**

GAGANDEEP SINGH AND OTHERS

...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. Harmeet Singh, Advocate,
Mr. Navkiran Singh, Advocate
for the petitioners.

Mr. Salil Sabhlok, Sr. Deputy Advocate General, Punjab.

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

Mr. Manish Verma, Advocate
for respondents No.4 and 5.

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SANJIV BERRY, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioners have sought issuance of writ in the nature of certiorari seeking quashing of order dated 13.10.2025 (Annexure P-23) passed by the Punjab State Human Rights Commission, Chandigarh 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 order dated 13.10.2025 (Annexure P-23) reads as under:-

“Hence, in view of above facts this Hon'ble Commission



may recommend Commissioner of Police, Jalandhar to register an FIR u/s 365, 342, 166, 34, 120-B, IPC, against Inspector Gagandeep Singh Sekhon the then SHO, Police Station Division No.3, Jalandhar, ASI Satnam Singh, ASI Makhan Singh, CT Gurpreet Singh and Harsimranjit Singh, in the interest of justice."

Concurring with the report of the DSP of this Commission, the Commissioner of Police, Jalandhar is directed to take necessary action against Inspector Gagandeep Singh Sekhon the then SHO, Police Station Division No.3, Jalandhar, ASI Satnam Singh, ASI Makhan Singh, CT Gurpreet Singh and Harsimranjit Singh, and submit the action taken report at least one week before the next date of hearing."

3. The contention of learned counsel for the petitioners is that the impugned order is in the form of a direction issued by the Commission to register an FIR and take necessary action against the petitioners and other officials, which is beyond the jurisdiction of the Commission. Whereas, learned counsel representing the Commission submits that the Commission has simply made a recommendation to the Commissioner of Police, Jalandhar, which is well within its power and jurisdiction and impugned order does not suffer from any infirmity.

4. Considering the submission and perusing the impugned order, it transpires that although the word "recommend" is used in the impugned order, but reading the impugned order *in toto* would certainly show that it is in fact a direction issued by the Punjab State Human Rights Commission to the Commissioner of Police, Jalandhar to register an FIR against the petitioners and other officials, besides further directing him to take necessary action against the petitioners and other officials and to submit action taken report to the Commission a week before the next date of hearing.

5. The bare perusal of the operative part of the impugned order in question would reveal beyond doubt that it is a direction issued by the



Commission and not a mere recommendation and the same, as such, is bereft of jurisdictional competence and by doing so, the Commission has traveled beyond its jurisdiction.

6. In a recent judgment passed in CWP-36348-2019 titled '**Jagdish Arora and Others Vs. The State of Haryana and others**' decided on 19.05.2026, this Court has taken a view that the Commission is a mere recommendatory body and it has no authority to issue direction and the Commission can simply recommend to the State Government, the action proposed to be taken. The object and intent of the Act has been discussed therein at length and the judgment rendered therein applies with full force on the facts and circumstances of this case.

7. Thus, in view of above discussion and in the light of the decision rendered by this Court in **Jagdish Arora** (supra), without entering into the merits of the allegations, we dispose of the petition in the following terms:-

1. The impugned order dated 13.10.2025 (Annexure P-23) directing the Commissioner of Police, Jalandhar to take necessary action against the petitioners and other officials and to submit action taken report at least one week before the next date of hearing, is hereby, set aside.
2. All consequential actions taken pursuant to the aforesaid direction given in the order dated 13.10.2025 (Annexure P-23) are also quashed.

8. However, the Punjab State Human Rights Commission, Chandigarh, is at liberty to make recommendation afresh, based on the



inquiry conducted by it on the complaint, to the appropriate Government, which, in turn, is free to take its own call.

9. 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) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |