



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

**CRWP-2917-2025
DECIDED ON: 27.03.2025**



.....PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Nitin Mitto, Advocate and
Mr. Anshul Sharma, Advocate
for the petitioners.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Articles 226/227 of the Constitution of India seeking direction to the respondents No.1 to 3 to safeguard the life and liberty of the petitioners at the hands of respondents No.4 to 5.

In compliance to the order dated 25.03.2025, status report dated 26.03.2025 by way of an affidavit of Gaurav Toora, IPS, Senior Superintendent of Police, District Kapurthala has been filed on behalf of respondents No.1 to 3 today in Court, which is taken on record. Copy of the same has been furnished to the learned counsel for the petitioners today in Court.

Attention of this Court has been drawn to the fact that, as recorded in the affidavit of the deponent, that the representation dated

17.03.2025 (Annexure P-4) was received via daak on 20.03.2025 and thereafter delay took place of 5 days as the same was sent to Public Complaint Branch on 25.03.2025 by the Central Diary Branch.

It is on that day, the reference was made to Deputy Superintendent of Police, Sub Division Phagwara who further marked the same to ASI Binder Kumar and L/CT Ramandeep kaur for further action in compliance with the Standard Operating Procedure (SOP) issued by Department of Home Affairs, Punjab. The same was finally examined and the inquiry got concluded and the matter was disposed of on 26.03.2025 but the copy placed on record of the said inquiry so conducted at Annexure R-1 do not bear the date of its completion neither it bears any endorsement number or any other marking to show that it is made part of the police record.

It seems that after the orders passed by this Court, the matter has been dealt in haste and to hush-up with the sole purpose of avoiding an embarrassment in the Court and to come straight demonstrating compliance of the order dated 25.03.2025 passed by this Court.

Having perused the report at Annexure R-1, it is evident that now threat is not in existence, as reflected in the statements recorded from the petitioners, as well as from the respondents, Jaswant Singh and Kulwant Singh, who have raised no objection to the solemnization of the marriage between the petitioners Jaipreet Kaur and Karan Kumar.

In the light of above, though the said representation has been filed and the matter stands concluded but the fact remains that there was a delay of 5 days in concluding the inquiry. The reasons for this delay need to

be investigated and addressed to ensure that such errors do not occur, and that the Standard Operating Procedure (SOP) issued by the Department of Home Affairs, Punjab, under the directions of this Court in ***CRWP No.12562 of 2023*** titled as ***“Kajal versus State of Haryana and others”***, is fully complied with in both letter and spirit.

It is deposed in the affidavit of Senior Superintendent of Police, Kapurthala that a show cause notice was issued to Clerk Mukesh Kumar on 26.03.2025 for performing his duty negligently and to explain as to why the departmental inquiry should not be initiated against him for keeping the representation of the petitioners pending at his table which was received in the Central Diary Branch, District Kapurthala on 25.03.2025 and was not forwarded till 25.03.2025. The Senior Superintendent of Police (SSP) himself is responsible for the delay and should not make a clerk the scapegoat as the SSP being head of the District of Law Enforcing Agency was fully aware of the Standard Operating Procedure (SOP) issued. This is why the SOP clearly stated that once a representation is received in his office, it must be addressed and decided within three days. However, the representation was not placed before him for five days, indicating that the SSP did not effectively communicate the urgency of the matter to his staff, despite the routine nature of the process. This oversight deserves to be condemned.

However, at this stage, the Court refrains from taking further action, acknowledging that the Standard Operating Procedure (SOP) has been introduced recently, and adopting the same and mechanism to address

representations may take time. Nonetheless, forces like the one involved in this case, which are expected to act swiftly and effectively, should not suppress such matters. With this in mind, the Court offers a word of advice and will dispose of this petition, trusting that good sense will prevail among the officers involved.

The Secretary of Department of Home Affairs, Government of Punjab is advised to issue a circular/instructions to the Police Headquarters through the SSP/SP/Commissionerate to take note of the fact that such delay should not occur and time frame legislated in the Standard Operating Procedure (SOP) shall be adhered to strictly as the matter is not such simplicitor of deciding and hearing the representation but to ensure that no human life is taken casually and is protected.

The present petition is disposed of in the aforesaid terms.

Registrar (Judicial) is directed to issue a copy of this order to the Secretary, Department of Home Affairs, Government of Punjab.

27.03.2025

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No