

Today reply dated 21.03.2025 by way of affidavit of Kuldeep Singh Chahal, IPS, Commissioner of Police, Ludhiana has been filed on behalf of respondents No. 1 to 5, the same is taken on record. Copy of the same has been furnished to the counsel opposite. The relevant paragraph No.4 (xiii, xiv) and 5 have been reproduced below :-

(xiii) The inquiry was conducted by ADCP-3, Ludhiana, Respondent No.4 and on the basis of opinion of Medical Board in respect of injuries sustained by the complainant Naveen Kumar which were declared as Simple in nature, recommendation was made by him for deletion of offence under section 109 B.N.S without considering the intention of the accused and the fact that injuries No. 1 and 2 were inflicted on the complainant's head, which is a vital part of the body and has further failed to appreciate the statement of the victim and correlate the same with the injuries on the vital part of the body i.e. head.

xiv) Since the respondent No.4 has not considered the affidavit furnished by the deponent before this Hon'ble Court during inquiry nor any discussion regarding the facts of the case was made with deponent. Moreover, he failed to appreciate the statement of the victim and correlate the same with the injuries on the vital part of the body i.e. head. Hence, by doing so, the respondent No.4 has rendered proof regarding dereliction, negligence and irregularity in discharge of his official duty. Accordingly, show-cause notice dated 07.03.2025 has been issued by the deponent to respondent No.4 to submit his explanation. Further, the additional charge of ADCP-3 has been taken back from Sh. Ramandeep Singh Bhullar, PPS.'

5. That the deponent has taken the matter very seriously and now vide GD No. 26 dated 07.03.2025, offence under Section 109 of BNS, 2023 has been added.

True translation of GD No. 26 is attached as Annexure R-3 whereas true copy of the same is appended as (Annexure R-3).'

In pursuance to the last order dated 07.03.2025, the Commissioner of Police, Ludhiana is present in Court and accept the deposition made in the affidavit, submits that ADCP, Ludhiana conducted the enquiry and show cause notice dated 07.03.2025 has been issued to respondent No.4 and additional charge of ADCP has been taken back from the erring official.

In view of the above, counsel for the petitioner prays for withdrawal of the instant petition any further since the offence under Section 109 BNS has been added and the accused Piyush Verma, Ankit Verma have been arrested and now are in jail.

Prayer is accepted.

Petition stands dismissed as withdrawn.

(SANDEEP MOUDGIL)
JUDGE

21.03.2025
anuradha

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