



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

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CRM-M-29387-2025

Date of decision: 26.05.2025

**Harpal Singh and Ors.**

...Petitioners

**VERSUS****State of Punjab and Ors.**

...Respondents

**CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR****Present:** Mr. Aditya Anand, Advocate for the petitioners.

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**SUKHVINDER KAUR, J.(ORAL)**

Prayer in the instant petition filed under Section 528 of BNSS, 2023, seeking transfer of investigation to some independent agency in case FIR No.134 dated 29.04.2025, registered under Sections 221, 132, 115(2), 126(2), 351(2), 324(4), 191(3) and 190 of BNS, 2023, P.S. Kharar, District SAS Nagar, Mohali in view of representation dated 05.05.2025 (Annexure P-7).

The brief facts as per the version of complainant are that the complainant-Raghu Moudgil was posted as a Tax Collector in Block Kharar and was entrusted with the task of pursuing matters relating to illegal occupation of land of gram panchayat pending before this Court. He further contended that a case bearing CWP No.12571 of 2012 was decided in favour of Gram Panchayat on 25.02.2025 by this Court and in pursuance to the said decision, the Collector, SAS Nagar issued warrants of possessions for the alleged illegally occupied land and the same were to be executed on 27.04.2025 and for the said reason, the complainant had gone to village

Jhanjheri. When the complainant reached the spot, some villagers misbehaved with him, however, SDM, Kharar, made an attempt to pacify the situation, but to no avail. Thereafter, the villagers were summoned by SDM, Kharar, and on 29.04.2025, ADC (D), heard both sides and perused the court orders and in pursuance thereto, SDM, Kharar, instructed the complainant to proceed in order to take possession of the land. In wake of said order, when complainant arrived in the village and began the process with his team, a crowd gathered and start pushing the complainant and others somehow he managed to escape from the spot. Thereafter, the complainant tendered a written complaint to officer-in-charge, PS Sadar Kharar, District SAS Nagar, wherein he specifically named 27 persons and then the present FIR was registered.

Learned counsel for the petitioners has contended that mala fide of respondents is writ large as on 27.04.2025, an attempt was made to dispossess the land owners from their land inhabited by them for generations without proper demarcation of the land. They could not show any warrants of possession and nothing was produced at the spot. He further contended that on 28.04.2025 complainant-respondent No.5 came to the village/spot at 9.00 p.m. with the local police and some other persons and tried to forcibly take possession of the land in these late hours. Complainant-Raghu Moudgil is a Tax Collector and he has no role to play in eviction proceedings. He urged that even 27 persons in the FIR have been wrongly named by the complainant and in case if as alleged a mob had attacked the complainant, then he could not have identified all those 27 persons. Moreover in the instant case complainant did not suffer any injuries. He further argued that a smoke screen has been created around the

entire incident and an active attempt has been made to obfuscate the truth wherein the jurisdictional police is complicit. He submitted that the petitioners have filed a representation dated 05.05.2025 (Annexure P7) before respondent No.2, but till date no action has been taken.

He has stated that the petitioners would be satisfied, in case, the pending representation (Annexure P-7) is decided by respondent No.2.

Notice of motion.

Ms. Gagandeep Kaur, DAG, Punjab, accepts notice and submitted that she has no objection if the aforesaid representation dated 05.05.2025 (Annexure P-7) is decided.

In view of the above, the petition is disposed of with a direction to respondent No.2, to look into the representation (Annexure P1) and to take appropriate action, if any required, at the earliest.

Disposed of.

**26.05.2025**  
 *jyoti3*

**(SUKHVINDER KAUR)**  
**JUDGE**

*Whether reasoned/speaking?*  
*Whether reportable?*

*Yes/No*  
*Yes/No*