

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-15328 of 2014

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Date of decision:13.2.2015

Reet Sidhu and others

...Petitioners

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Ranjan Lakhanpal, Advocate for the petitioners.

Mr. S.S. Chandumajra, Deputy Advocate General, Punjab for
the respondent-State.

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Inderjit Singh, J.

The petitioners have filed this petition under Section 482 Cr.P.C. for directions to respondents No.1 to 5 to provide adequate protection to the petitioners and save their lives and liberty, with further prayer that they may not be implicated in any false case and appropriate action be taken against respondent No.5 for threatening the petitioners with dire consequences and abusing them.

Notice of motion has been issued in this case.

Mr. S.S. Chandumajra, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioners and learned Deputy Advocate General, Punjab appearing for the respondent-State and

have gone through the record.

A perusal of the record shows that in para 10 of the petition, petitioner No.1 has given one instance regarding threat to her. It has been stated that she had gone to District Court, Fatehgarh Sahib on 26.4.2014. At that time, Mr. Devinder Kumar Attri came over there and started abusing petitioner No.1. He also threatened that he would get her children picked up (kidnapped) on the way of Shimla and that he will implicate her in some false case. Petitioner No.1 is living in Naya Gaon, District Mohali along with her two children and apprehends dire consequences at the hands of above named Devinder Kumar Attri (respondent No.5).

From the record, I find that against the husband of petitioner No.1 already criminal case under the NDPS Act has been registered and he is absconding and has already been declared proclaimed offender. Petitioner No.1 is wife of Sarabjit Singh and petitioners No.2 and 3 are the minor sons of petitioner No.1. Further from the record, I find that the prayer clause and head note of the petition are also incorrect. The petitioners are asking for direction to respondents No.1 to 5 to provide adequate protection and, at the same time, also levelling allegation of threat against respondent No.5. The date of the present petition is 26.4.2014 and the petitioners are alleging only one instance and this is also of 26.4.2014. Except this instance, there is nothing in the petition that respondent No.5 had given abuses or threat. No other document shows that any other occurrence had taken place or any threat was ever received by the petitioners. From the averments as stated in para 10, this Court is not satisfied that there is any

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threat to the life of the petitioners. There is also nothing on record to show that the official respondents ever made any attempt to falsely implicate the petitioners in any case before filing of this petition or after filing of this petition at any stage. The mere allegation in para 10 of this petition that respondent No.5 had abused petitioner No.1 or given threat, is insufficient to hold that the petitioners are facing any serious threat. Otherwsie also, as brought to my notice, respondent No.5, who was SHO, Police Station Nabha, has already been transferred from there. Further, in the head note and in the prayer clause it is simply written that appropriate action be taken against respondent No.5 for threatening the petitioners with dire consequences and abusing them. It is no where brought that the petitioners are feeling threat and reasonable apprehension from respondent No.5.

Therefore, in the facts and circumstances of the present case, I do not find any merit in the present petition and the same is dismissed.

February 13, 2015.

(Inderjit Singh)
Judge

hsp