

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

**CRM-M-23746 of 2013
Date of decision :17.03.2015**

Resham Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. Lilaquat Ali, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

SNEH PRASHAR , J. (Oral)

This was a petition under Section 482 of the Code of Criminal Procedure (for short 'the Code') seeking directions to Senior Superintendent of police, Jalandhar (to protect the life and liberty of the petitioner at the hands of Station House Officer, Police Station, Lohian, District Jalandhar-respondent No.3 and Anger Singh, ASI, CIA Staff, Jalandhar-respondent No.4)

The petitioner pleaded that his son Palwinder Singh @ Pinda, was involved in a criminal case and he was required by the police. The Respondent No. 3 and 4 alongwith other police officials were visiting his house to enquire about the whereabouts of Palwinder Singh. Since the whereabouts of his son were not known to him, he expressed his inability to tell the same to the police officials. They took away Rs.35000/-, 6 tolas gold ornaments, a television and other household articles from his house and also did not allow him to sow crops in his fields. They also took away his tractor

trolley and destroyed 900 bags containing potatoes etc. He gave an application to the Senior Superintendent of Police for protection but no action was taken on the same.

In the written reply in the shape of affidavit of respondent No.2 Yurinder Singh, IPS, Senior Superintendent of Police, Jalandhar (Rural) it stands mentioned that there are as many as seven criminal cases under various Sections including 307, 399 and 402 IPC, the Arms Act and NDPS Act 1985 pending against the sons of the petitioner. Palwinder Singh @ Pinda son of Resham Singh was involved in the murder of ASI Gurdev Singh on 31.03.2013. He is still at large and despite all efforts made by them, he could not be arrested. It is only to save his own skin and to create hurdles in the arrest of the accused in the murder case that the petitioner had filed this petition.

Learned counsel for the parties have been heard and record perused.

Counsel for the petitioner submitted that the tractor trolley taken away by the police has since been released to the petitioner on *superdari* by the area Magistrate which shows that he is being unnecessarily harassed by the respondents just because his sons who were involved in some criminal cases were not traceable.

There appears no merit in the contentions of the petitioner. He alleged that the police had taken away Rs. 35000/-, 6 tolas of gold, television

and other household articles from his house. This was his allegation when he filed the instant petition on 15.07.2013. Till date nothing has been produced to support the said contentions, rather it is apparent from the reply of the State that the petitioner alongwith his sons and others is an accused in case bearing First Information Report No.41 dated 01.04.2013 registered under Sections 212, 216 IPC, sections 15, 18, 21, 22, 25, 61, 85 NDPS Act and section 25 of Arms Act. During investigation of the said case offences under Section 392, 395, 397, 399, 402, 420, 467, 468 of the Indian Penal Code were added to the case. In the said case also his sons have not been arrested so far. The order of the Magistrate vide which the tractor trolley of the petitioner was released on *superdari* has not been filed but it is clear from the submission of the petitioners that the tractor and trolley was seized by the police in due process of law because of which he had to get the same released on Superdari by the order of the Magistrate.

Thus the petition being devoid of merit is hereby dismissed.

17.03.2015
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(SNEH PRASHAR)
JUDGE