

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

**CRM-M-31062 of 2014 (O&M)
Date of Decision: 18.8.2015**

Jagjit Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Gagan Oberoi, Advocate
for the petitioner.

Mr. K.D.Sachdeva, Additional A.G. Punjab.

Mr. Charanjit Bakshi, Advocate and
Mr. P.S.Dhaliwal Advocate for respondent No.4.

Mr. Sanjay Kaushal, Sr. Advocate with
Mr. Arjun Shukla, Advocate
for respondent No.10.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner, by way of present petition under Section 482 Cr.P.C. read with Article 227 of the Constitution of India, has approached this Court seeking direction to respondents No. 1 to 3, for providing protection to life and liberty of the petitioner and his family members, at the hands of respondents No. 4 to 12. Petitioner also seeks directions to respondents No.1 to 3 for taking action against respondents No.4 to 12 for allegedly misusing their powers.

Notice of motion was issued and pursuant thereto, reply by

AMIT KUMAR
2015.08.21 15:00
I attest to the accuracy and
authenticity of this document

way of affidavit dated 20.11.2014 of the Director, Bureau of Investigation, Punjab, was filed. Thereafter, in compliance of the order dated 10.2.2015 passed by this court, the Director, Bureau of Investigation, Punjab, again filed his affidavit dated 30.3.2015 alongwith detailed inquiry report conducted by the Superintendent of Police, SAS Nagar, Mohali, including the statements of witnesses and other relevant documents, which is available on record from page Nos.80 to 202 of the paper book.

Learned senior counsel for the petitioner vehemently contended that respondents No. 4 to 12 have falsely implicated the brother of the petitioner in FIR No. 204 dated 30.7.2014 under Sections 18/61/85 of the NDPS Act, registered at Police Station Dera Bassi, District Mohali, Punjab. He further submits that brother of the petitioner was implicated by the abovesaid respondents No. 4 to 12 for the reason that petitioner and his brother could not meet their illegal demands of gratification. Apart from criminal trial arising out of the abovesaid FIR, petitioner and his family members are facing consistent threats to their life and liberty, at the hands of respondents No. 4 to 12. In this view of the matter, direction is required to be issued to respondents No.1 to 3 for providing protection to the petitioner and his family members, so as to ensure that no harm is caused to their life and liberty, at the hands of respondents No. 4 to 12. He would next contend that an appropriate action is required to be taken against respondents No. 4 to 12, because they have committed cognizable offence. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from H.C.Gurnam Singh, submits that initially, short affidavit dated 20.11.2014 was filed by the Director, Bureau of Investigation, Punjab. Thereafter, in compliance of the order dated 10.2.2015 passed by this Court, the Director, Bureau of Investigation, Punjab, again filed an affidavit dated 30.3.2015 alongwith detailed inquiry report. He submits that so far as the issue of providing of protection is concerned, let liberty be granted to the petitioner to approach the Senior Superintendent of Police, SAS Nagar, Mohali-respondent No.3 by moving an appropriate representation. Whenever the petitioner will approach the Senior Superintendent of Police, SAS Nagar, Mohali, his grievance shall be considered dispassionately, examining the threat perception, and if threat perception is found existing, adequate security shall be provided to the petitioner at his expenses.

So far as taking of appropriate action against respondents No. 4 to 12 is concerned, learned counsel for the State submits that once the allegations levelled by the petitioner have been found to be factually incorrect and misleading, while conducting the detailed inquiry, no further action is warranted. He prays for disposal of the present petition.

Similarly, learned senior counsel for respondent No.10 submits that story putforth by the petitioner was not only a concocted one but the same was based on an afterthought. He further submits that respondent No.10 has explained in detail as to how and in what manner, he was directed to keep surveillance on the activities of the

petitioner and his brother, because the police was having a secret information about the illegal activities of the petitioner and his brother, as they had been dealing in the sale of drugs. He also submits that the secret information came to be true when Avtar Singh-brother of the petitioner was apprehended alongwith his driver-Narinder Singh and a huge quantity of 4 kgs of opium was got recovered from his Innova car. Thereafter, abovesaid FIR No. 204 dated 30.7.2014 was registered, wherein prosecution evidence has already been concluded. He submits that petitioner, at the instance of his brother-Avtar Singh, is trying to put counter pressure on the investigating as well as prosecuting agency, so as to create false evidence in favour of the accused. He concluded by submitting that present petition is nothing but a glaring misuse of process of law and the same is liable to be dismissed with exemplary costs.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that so far as first prayer made by the petitioner regarding providing security to him and his family members is concerned, the Senior Superintendent of Police, SAS Nagar, Mohali-respondent No.3 is directed that as and when the petitioner approaches him by moving an appropriate representation in this regard, the same shall be looked into dispassionately and immediately. If, after looking into the matter, threat perception is found to be existing, respondent No.3 shall take an immediate necessary action and provide adequate security to the petitioner and

his family members, so as to protect their life and liberty, however, the expenses shall be borne by the petitioner.

Coming to the second prayer made by the petitioner regarding taking action against respondents No. 4 to 12, a close perusal of the detailed inquiry report placed on record by the Director, Bureau of Investigation, Punjab, would show that the allegations levelled by the petitioner have been found to be baseless. If the petitioner is still not satisfied, he shall be at liberty to pursue his other remedies, in accordance with law.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

18.8.2015
Ak Sharma