

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-3311-2015

Date of decision: 26.03.2015

Balbir and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. PS Jammu, Advocate for the petitioners.

Mr. Gurveer Sidhu, AAG, Punjab.

Mr. Sandeep Khunger, Advocate for respondent No. 5.

R.P. NAGRATH, J. (ORAL)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for issuance of a direction to respondents No. 2 and 3 to protect the life and liberty of the petitioners and not to harass and humiliate them at the instance of respondent No. 5 as petitioners No. 2 and 3, namely; Parminder Singh and Varinder Singh sons of Balbir Singh-petitioner No. 1 are in possession of the land in dispute.

I have heard learned counsel for the parties and carefully perused the paper-book.

With regard to the dispute of possession, FIR No. 04 dated 09.01.2015 in respect of the occurrence attracting offences under

Sections 452/506/447/511/427/379/148/149 of the Indian Penal Code (IPC), Police Station Sadar, Fazilka has already been registered in which the petitioners have been granted the concession of pre-arrest bail on 22.01.2015 (Annexure P-8) passed by the learned Additional Sessions Judge, Fazilka.

On instructions from ASI Jugraj Singh, learned State counsel submits that FIR is still under investigation.

Learned petitioners' counsel submits that civil suits with regard to property in question are pending. It is further submitted that with regard to entries in the revenue record, the Financial Commissioner (Revenue), Punjab, Chandigarh has remanded the case to the Assistant Collector Grade-1, vide order dated 11.02.2014 (Annexure P-6). It is also submitted that CWP-8251-2014 filed at the instance of petitioner No. 2 and CWP-8347-2014 filed by petitioner No. 2, against the order dated 11.02.2014 (Annexure P-6) are pending in this Court.

I am thus of the considered view that the matter does not require any further indulgence of this Court.

Respondents No. 1 and 2 have already filed their reply by way of affidavit of Baljit Singh, PPS, Deputy Superintendent of Police, Fazilka.

Learned counsel for the petitioners further submits that despite the litigation pending between the parties, respondent No. 2- Senior Superintendent of Police, Fazilka is helping the private respondent(s).

To remove any such apprehension, the petitioner may move a comprehensive representation to the Director General of Police (DGP), Punjab, in this regard, who shall look into the same and if necessary, take appropriate steps, in accordance with law.

The instant petition stands disposed of in the above terms.

March 26, 2015
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(R.P. NAGRATH)
JUDGE