

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc. No.M-39830 of 2013 (O&M)
Date of decision: 15th January, 2015

Balkar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Ranjit Sharma, Advocate,
for the petitioner.

Mr. S.S.Chandumajra, DAG, Punjab,
for the respondent(s)-State.

Mr. Bikramjit Arora, Advocate,
for respondent Nos.5 to 8.

INDERJIT SINGH, J.

Petitioner Balkar Singh has filed this petition against respondents-State of Punjab, Commissioner of Police, Amritsar, Deputy Superintendent of Police, C-Division, Amritsar, SHO, Police Station C-Division, Amritsar, Manjit Kaur, Surjit Singh, Baldev Singh Pannu, Dalbir Singh and Rakesh Kumar under Section 482 Cr.P.C. read with Article 21 of the Constitution of India, for issuance of direction to respondent Nos.1 to 4 to protect the life and liberty of the petitioner which is in danger from the hands of respondent Nos.5 to 9, who want to usurp the house of petitioner which he purchased after selling his ancestral agriculture land and they want that petitioner should allow Manjit Kaur (respondent No.5) to execute sale

deed in favour of respondent Nos.6 to 9 regarding which the civil suit is pending. It is also stated in the petition that official respondents are giving threats to the petitioner to involve him in a criminal case and they are not taking any action on the applications given by him against respondent Nos.5 to 9. The petitioner also prays for taking legal action against respondent Nos.5 to 9, who after conniving with each other, had entered into an agreement to sell with Manjit Kaur, who is living with petitioner as his wife.

At the time of arguments, learned counsel for the petitioner contended that Manjit Kaur was residing with the petitioner as live-in-relationship and the petitioner has transferred the house in question in the name of Manjit Kaur by spending from his pocket. Now Manjit Kaur-respondent No.5 wants to sell the said house to respondent Nos.6 to 9 and she has entered into agreement to sell.

I have heard learned counsel for the parties and have gone through the record.

From the arguments of the petitioner, it is clear that the dispute between the parties is of civil nature. It is argued that the house in question is in the name of Manjit Kaur. If it is a 'benami' transaction, the petitioner has remedy before the civil Court. He can also ask for injunction, if he has any prima facie case in his favour by filing civil suit restraining Manjit Kaur from selling the house etc. The dispute between the parties is of civil nature. Nothing has been shown to this Court regarding any threat to the life and liberty of the

petitioner, rather he wants that respondent No.5 should not execute the sale deed in favour of respondent Nos.6 to 9. For such remedy, the petitioner can approach the Civil Court.

Therefore, from the above discussion, I do not find any merit in the present petition and the same is dismissed.

15th January, 2015
mamta

(INDERJIT SINGH)
JUDGE