

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

**Criminal Misc. No. M-8685 of 2013
Date of Decision:-17.8.2015**

Gurmeet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Ranjan Lakhanpal, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG Punjab.

Mr. A.K. Kalsy, Advocate
for respondent No.5.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of direction to the respondents not to harass the petitioner or implicate him in any false case and to take action against respondent No.5, who is stated to have harvested one acre land belonging to the petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in FIR No.169 dated 9.8.2012, under Sections 308, 325, 324, 323, 427, 447, 511, 148 and 149 IPC, registered at Police

Station Jagraon and was arrested. However, he was granted regular bail. The allegation of the petitioner is that the police of Police Station Hathur is siding with the opposite party, so as to harass him and his family members. The petitioner namely, Gurmeet Singh was picked up by the police party headed by ASI Sukhwinder Singh. The petitioner through Hardeep Singh had approached this Court by way of Criminal Writ Petition No.1897 of 2012 titled 'Hardeep Singh vs. S.S.P. Ludhiana and others' in the nature of habeas corpus, wherein a Warrant Officer was appointed and petitioner Gurmeet Singh and one Jhalmal Singh were recovered from the custody of the police. Learned counsel for the petitioner submits that thereafter the petitioner was called to the Police Station on 11.11.2012, 12.11.2012 and 14.11.2012 and was penalized by the police for daring to approach this Court. Accordingly, the petitioner has sought directions that he be protected and should not be harassed or implicated by official respondents in any false case.

On notice, reply on behalf of respondents No.1 to 4 by way of affidavit of Surinder Kumar, PPS, DSP, Jagraon has been filed. Para 1 of the preliminary submission of the reply dated 11.2.2014 read as under :-

“1. That on 2.11.2012 one Balwinder Singh son of Baldev Singh resident of Village Randhir Garh submitted one application to SHO, P.S. Hathur against the petitioner and one Jhalman Singh. The petitioner was summoned on the enquiry of this application. That respondent No.4 and 5 have left the police station and conducted special Nakabandi at Humbran Road in the area of Police Station Sidhwan Bet. In their absence petitioner and one Jhalman Singh came in the police station on 2.11.2012 at about 8 or 8.30 p.m. Only

Munshi of the police station and one constable were present in the police station. The petitioner and Jhalman Singh desired that they will return only after meeting respondent No.4 and 5 regarding the application of Balwinder Singh. So, petitioner remained present in the police station at his own. He was not detained by any police official in the police station. The petitioner has levelled false allegations against the respondents for detaining him in the police station. So there is no merit in the petition and the same may kindly be dismissed in the interest of justice.”

Similarly, the respondent No.5 has also filed reply by way of affidavit and in para 7 of the reply he has denied that the petitioner was ever called to the police station on 11.11.2012, 12.11.2012 and 14.11.2012 and was penalised. It is also denied that respondent No.5 has harvested the land of the petitioner.

Reverting to the nature of relief claimed in this petition and taking into consideration the reply filed by the respondents, no directions are required to be issued in the case, more particularly when in the pending FIR, the petitioner is already facing the trial. The prayer of the petitioner that before registering any case against him, the matter be inquired by the authorities, is not acceptable for the reason that in cases of cognizable offences, no such inquiry is required to be conducted for registration of the case.

Dismissed.

August 17, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE