

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Crl.Misc. No.M-13262 of 2016

Date of decision: April 19,2016

Bhajan Singh

..... Petitioner

Versus

State of Punjab and ors.

.... Respondents

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CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

**Present: Mr. Veneet Sharma, Advocate
for the petitioner.**

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HARINDER SINGH SIDHU, J.

The petitioner, has retired as Inspector of Punjab Roadways Transport Corporation Limited and he is 70 years old now. After his retirement, the petitioner is running a flour mill. He has two sons. One son namely Harminder Singh had been married with the daughter of respondent No.5 in the year 2002. Out of the wedlock, two children namely Navneet Kaur and Paramvir Singh born on 31.3.2003 and 19.3.2007 respectively. Unfortunately, the son of the petitioner namely Harminder Singh expired on 2.5.2012. It is stated that thereafter the daughter- in-law of the petitioner left the matrimonial home alongwith the minor children and solemnised second marriage with one Kuldeep Singh son of Jit Singh.

The petitioner and his wife filed a petition under Section 25 read with section 10 of the Guardian and Wards Act, 1890 for the custody of their grand children. During the pendency of the said petition, the matter was amicably resolved between the parties. It was also decided that the petitioner would make a fixed deposit and also bequeath some share in the name of the grand children. The petitioner acted as per the compromise and

withdrew the petition from the Court. But the daughter of respondent No.5 did not abide by the terms of the compromise. She took away the minor children from the custody of the petitioner contrary to the compromise, entered into between the parties.

The petitioner has filed Crl. Writ Petition No.182 of 2016 for the custody of the minor children, which is now referred to mediation for 22.04.2016.

The grievance of the petitioner in the instant petition is that on account of some false complaint, made by respondent No.5, who has retired from the Vigilance Department, Punjab, the petitioner is being summoned by respondent no.3 time and again to appear before him at Fatehgarh Sahib.

The limited prayer of the petitioner is that if his attendance is required in connection with investigation in any case, the procedure as contemplated in Section 160 Cr.P.C. should be followed and an advance notice of at least four days be served on him.

In view of the limited prayer, without commenting on the merits of the case, this petition is disposed of with a direction to respondent No.3 that in case the attendance of the petitioner is required in connection with investigation of any case, the procedure as contemplated in Section 160 Cr.P.C. be strictly followed and the petitioner be given four days advance notice in this regard.

(**HARINDER SINGH SIDHU**)
JUDGE

19.04.2016
dinesh/swarnjits