

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-18331 of 2016

Date of Decision: 25.05.2016

Sarabjit Singh & another

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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. Vikas Mohan Gupta, Advocate
for the petitioners.

HARI PAL VERMA, J.

Petitioners have filed the present petition under Section 482 CrPC for issuance of appropriate directions to the official respondents to protect the life and liberty of the petitioners at the hands of private respondents.

Learned counsel for the petitioners has argued that the official respondents are bent upon to cause not only physical harm to the petitioners, rather they want to deprive the petitioners of their right in the property owned by them, despite the fact that Civil Court has restrained the private respondents not to interfere in their peaceful possession. It has been stated that respondents no.10 to 13, in active connivance with respondent no.4,

have forged and fabricated agreement to sell dated 16.3.2003, alleging

therein that the legal heirs of Teja Singh had agreed to sell the land in favour of respondent no.4. However, the said agreement to sell remained subject matter of suit for specific performance instituted by respondent no.4 against the petitioners and respondent no. 13. The said suit was filed on 11.6.2007 and the same was dismissed on 20.4.2012. Since the private respondents tried to interfere in peaceful possession of the land owned by the petitioners, the petitioners were constrained to file a suit for permanent injunction against the private respondents including respondent no.3 i.e. SHO, P.S. Mullanpur Dakha, Ludhiana. The said suit was filed on 3.8.2012 and the same was decreed on 3.9.2014, whereby the trial Court was pleased to grant injunction in favour of the petitioners, restraining the respondents or their agents etc. from interfering in the peaceful cultivating possession of the petitioners.

Learned counsel further submitted that despite the decree passed in favour of the petitioners, the private respondents, in active connivance of the police officials, are threatening the petitioners that if respondent no.4 is restrained from constructing the passage to their *Dera* from the land owned by the petitioners, then the petitioners shall be eliminated in a false encounter or implicated in false cases. Since the petitioners are facing severe pressure at the hands of police officials and the private respondents, they have no other option but to approach this Court by way of instant petition.

I have heard learned counsel for the petitioners.

Prima facie, the case, as emerges out from the record is that the parties are chronic civil litigants and the main allegation against the respondents is that they are passing through the land owned by the petitioners. Even representation dated 26.8.2015 (Annexure P-3) submitted

by petitioner no.2 to Deputy Superintendent of Police, Dakha shows that the only prayer of petitioner no.2 was that the respondents be restrained from passing through their land, as there is already a civil decree in their favour. Petitioner no.2 has made another representation to S.S.P., Ludhiana (Rural), wherein again, the main allegation against the respondents was that despite the decree of the Court, they are entering into the land belonging to the petitioners in a forcible manner and have uprooted their poplar trees. Once the Civil Court has passed a decree in favour of the petitioners, they cannot be allowed to execute the same by way of a petition under Section 482 CrPC.

Therefore, this Court does not find any merit in the instant petition.

Dismissed.

May 25, 2016
AK

(HARI PAL VERMA)
JUDGE