

Civil Writ Petition No. 15133 of 2014

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

Civil Writ Petition No. 15133 of 2014

Date of Decision: 14.12.2016

Jagir Singh and others

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Ms. Kiranjeet Kaur, Advocate for
Mr. Rajesh, Advocate
for the petitioners.

Mrs. Monica Chhiber Sharma, DAG, Punjab.

Ms. Manpreet Kaur, Advocate for
Mr. Harsh Bungar, Advocate.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioners have approached this Court, by way of instant writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of Mandamus.

Notice of motion was issued and in compliance thereof, written statement was filed on behalf of the respondents. However, no replication has been filed on behalf of the petitioners. From 7.10.2014, nobody has put appearance on behalf of the petitioners.

Heard learned counsel for the parties.

The only prayer made by the petitioners in the present writ

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petition is that respondents No. 1 to 5 may be directed to open the locks put on their house by respondents No. 3 to 5. However, this fact was categorically denied by the respondents in their written statement, pointing out that since petitioner No.2 was facing very many criminal cases, present writ petition is only a ploy to put unwarranted pressure on the investigating/prosecuting agencies.

Averments taken in para 2 of the preliminary submissions of the written statement, pointing out cases against petitioner No.2, are as under:-

“That it is respectfully submitted that the following criminal cases have been registered against Sukhchain Singh (petitioner No.2):-

I) Case FIR No. 145 dated 2.8.2007 u/s 489-A, 489-B, 489-C, 420, 120-B IPC Police Station Majitha, District Amritsar (Rural).

Recovery: Rs. 50,000/- Fake Indian Currency Notes.

Convicted and sentenced to 5 years to Rigorous Imprisonment by the Ld. Court of Jasbir Singh Kang Addl. Sessions Judge, Amritsar on 11.09.2012.

ii) CASE FIR No. 132 dated 30.09.2013 u/s 21/61/85 NDPS ACT, Police Station Chattiwind, Amritsar, Recovery : 5 Gms of Heroin.

Under Trial.

iii) Case FIR No. 105 dated 10.06.2014 u/s 411/414 IPC, 25/54/59 Arms Act 15,18,21,22 NDPS Act, 3-34-20 I.P. Act, 14 F Act Police Station Chattiwind, Amritsar (Rural).

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Under Investigation

The said case is under investigation and the petitioner Sukchain Singh is yet to be arrested in the said case. The District Police is making sincere efforts to arrest said Sukhchain Singh. It is further submitted that there is probability that the present petitioners might have themselves locked their house, to pressurize the District Police, as the District Police is making sincere efforts to arrest the petitioner No.2 Sukhchain Singh and eradicate the menace of drugs from its jurisdiction, by following all the provisions under the NDPS Act.”

When confronted with the abovesaid fact situation, learned counsel for the petitioners had no answer and rightly so, it being a matter of record. In this view of the matter, present writ petition is disposed of, with a direction to the Senior Superintendent of Police (Rural), Amritsar-respondent No.3, to look into the matter, consider the grievance raised by the petitioners and may take an appropriate action, if any required.

With the abovesaid observations made and directions issued, present petition stands disposed of.

(RAMESHWAR SINGH MALIK)
JUDGE

14.12.2016
Ak Sharma

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No