

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18417 of 2017

Date of Decision: 22.05.2017

Sukhdev Singh and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sanjay Kaushal, Senior Advocate with
Mr. Amanpal Singh Mann, Advocate
for the petitioners.

SURINDER GUPTA, J.(Oral)

This is petition filed by petitioners, namely, Sukhdev Singh, Sukhwinder Kaur, Lovedeep Singh @ Sunny and Sukhjinder Kaur, seeking direction for protection of their life and liberty; mark investigation of case bearing FIR No. 97 dated 02.05.2017, registered at Police Station Simlapuri, Ludhiana to some independent agency or to an officer not below the rank of Senior Superintendent of Police outside the jurisdiction of Ludhiana; to allow petitioners to take their advocate with them as and when they are called to join investigation in this case or any other case registered against them; and also for direction to respondent no. 2-Commissioner of Police, Ludhiana to give 15 days prior notice before calling petitioners for investigation.

2. FIR No. 97 dated 02.05.2007 was registered against Mani Aulakh @ Sunny (petitioner no. 3) who instead of stopping his car by police for search tried to sped away from the spot and hit ASI Sanjeev Kumar with his speeding car, when he tried to stop it. He drove the car with ASI Sanjeev Kumar on the bonnet and when other police officials rushed to save ASI

Sanjeev Kumar, Mani Aulakh applied brakes and threw ASI Sanjeev Kumar on the road, as a result of which he was badly injured. However, driver of that car succeeded in fleeing from the spot in his car and in the process he also hit other public vehicles.

3. Learned counsel for petitioners submits that after this incident, petitioner no. 3-Lovdeep Singh @ Sunny Doda and his family is being projected as drug smugglers and attempts are being made to implicate the entire family in false cases.

4. Perusal of paper-book shows that petitioners no. 1 and 4 were nowhere named in FIR No. 97 dated 02.05.2017. Petitioners no. 1 and 2 applied for pre-arrest bail by moving application before Additional Sessions Judge, Ludhiana (bearing no. BA/3144/2017), wherein they have been allowed interim bail vide order dated 10.05.2017.

5. Learned counsel for petitioners during course of arguments has tried to assail allegations levelled in FIR No. 97 dated 02.05.2017 stating that Sunny Aulakh @ Sunny Duda named in the FIR was not known to ASI Sanjeev Kumar but he came to know of his name at a later stage. False allegation was also levelled in the FIR that his mother is involved in drugs smuggling and number of cases are registered against his parents in various police stations.

6. Keeping in view the fact that petitioners no. 1 and 2 have already been allowed interim bail in case FIR No. 97 dated 02.05.2017 and petitioner no. 4-Sukhjinder Kaur is nowhere named in the FIR, I do not find that there is any threat to life and liberty of petitioners from the law enforcing agency i.e. Commissioner of Police, Ludhiana or ASI Sanjeev Kumar. On the other hand, ASI Sanjeev Kumar is a victim as he was

attempted to be killed by hitting and dragging him on the bonnet of car. The matter is still under investigation. FIR was registered only this month and there is nothing on record to make out any reason for transfer of investigation outside jurisdiction of Ludhiana. This petition appears to have been filed as a pressure tactics after registration of case bearing FIR No. 97 dated 02.05.2017 on statement of ASI Sanjeev Kumar. Learned counsel for petitioners has not pointed out that any other case has been registered against petitioners. If any attempt is being made by any person to brand petitioners as drug smugglers, they have separate legal remedy for redressal of their grievance

7. Instant petition has no merit at this stage and the same is dismissed. However, petitioners will be at liberty to avail all other legal remedies available to them.

May 22, 2017

jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No