

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-20327 of 2017 (O&M)
Date of Decision: 01.06.2017

Gurinder Singh

--Petitioner

Versus

State of Punjab and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. R.S. Ghuman, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 482 Cr.P.C seeking directions to respondents no.1 to 4 to take necessary steps for protection of the life and liberty of the petitioner as also his family members. Further directions sought are to ensure that respondents no.5 and 6 not to harass the petitioner, family members and not to interfere in the possession of the property of the family of the petitioner and at the behest of respondents no.7 and 8.

Pleadings on record would indicate that civil suit bearing no.250 of 2017 was instituted by the father as also uncle of the present petitioner and the same is pending in the court of Civil Judge (Jr. Divn.), Mohali and in which status quo with regard to possession has been granted. Counsel submits that the interim order is in operation even as of date. Private respondents no.7 and 8 are stated to be party defendants in the civil suit.

It is argued that inspite of the status quo order respondents no.5 and 6, who are the S.H.O., Polie Station, Sohana, District S.A.S. Nagar and A.S.I., Police Station, Sohana respectively are playing a partisan role and

acting at the behest of the opposite party i.e. private respondents no.7 and 8 and are bent upon taking forcible possession of the property. Court has been informed that even a contempt application on account of such action has been filed before the competent court and in which notice has been issued.

It is contended that against such facts and circumstances the present petitioner as also his family members apprehend a threat to their life and liberty and at the hands of private respondents as also respondents no.5 and 6, who are allegedly hand in glove.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the instant petition can be disposed of at the very threshold and without even calling for a reply from the respondents.

Without even ascertaining the correctness of the contents of the instant petition, same is disposed of in terms of granting liberty to the petitioner to approach respondent no.4 i.e. S.S.P., S.A.S. Nagar, Mohali as regards his apprehension and grievance of threat to life and liberty.

In the eventuality of any such application/representation being preferred and confined only as regards the threat perception to life and liberty of the petitioner and his family members, respondent no.4 would be obligated to examine the same and to thereafter take steps as he may deem fit and warranted strictly in accordance with law.

It is, however, made clear that this Court has not dealt with the issue on merits. The instant order will not be construed as an order expressing any opinion with regard to the civil proceedings already initiated by the father and uncle of the petitioner and against private respondents no.7 and 8.

Petition is disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

01.06.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No