

CRM-M-42457 of 2016 (O&M)

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

CRM-M-42457 of 2016 (O&M)
Date of Decision: 23.10.2017

Alep Parkash @ Alep Parkash Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Parvinder Singh, Advocate, for the petitioners.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. Deepak Bhardwaj, Advocate, for respondent No.8.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 482 Cr.P.C. has been made for protection of life and liberty of the petitioners from respondent No.8, his agents, local police officials of Police Station Mukandpur and D.S.P. Banga.

Heard.

It is not disputed that mother of petitioners No.1, 2 and 4, namely, Raminder Kaur has been declared as owner in possession of the suit land upto this Court.

The relevant part of the judgment dated 15.01.2009 passed by a Co-ordinate Bench of this Court in Civil Revision No.2682 of 2008 is reproduced hereunder for ready reference: -

“The case has a chequered history. Though, it would not be appropriate for this Court to record any finding on any of the contentions raised by the respective parties, however, the facts are noticed. In the year 1958, one Gurbax Singh sold two chunks

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of land located in Villages Dhakoa (Jalandhar) and Aur (Nawanshahr) to Lt. Col. Gurbachan Singh and Dalip Singh. On 10.4.1969, Gurbax Singh died. He being unmarried bequeathed his property in favour of his sister-Harbans Kaur and her son Atamjit Singh (respondent No.1). In the year 1978, Harbans Kaur filed a suit challenging the sale deed executed by Gurbax Singh in the year 1958 in favour of Lt. Col. Gurbachan Singh and Dalip Singh with the plea that the sale transaction was sham. Though the learned court below opined the sale deed to be a sham transaction, but dismissed the suit on locus standi. The judgment was upheld upto this Court. Atamjit Singh son of Harbans Kaur filed a suit on 9.4.1979 pertaining to the land measuring 98 kanals 12 marlas situated at Village Dhakoa, Tehsil and District Jalandhar, which was sold vide sale deed dated 19.6.1958 taking the plea of the sale deed being a sham transaction. The suit was dismissed on 10.9.1981. Even the appeal by the first appellate court was also dismissed. However, R.S.A. No. 1179 of 1984 filed by Atamjit Singh is pending in this Court. After the death of Gurbachan Singh, the property was transferred in the name of his wife-Surjit Kaur. As she was not having any issue, she started living with her sister-Raminder Kaur's family. Surjit Kaur executed a registered will dated 3.3.1996 in favour of Raminder Kaur regarding the property which was inherited by her. After the death of Surjit Kaur, Raminder Kaur filed a suit for declaration with regard to the property on the basis of the will, which was decreed in her favour on 12.6.2006. (It is this judgment and decree, the implementation of which has been stayed vide the impugned order passed by the learned lower appellate court in the present case in a suit filed by respondent No.1-plaintiff on 1.8.2007)."

It is also not disputed that Regular Second Appeal filed by respondent No.8 against the petitioners has been dismissed.

Considering the ownership of the petitioners over the suit land, the affidavit dated 11.01.2017 filed by Harwinder Singh Dalli, P.P.S.,

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Deputy Superintendent of Police, Banga Sub Division, District SBS Nagar, mis-quoting the facts to mislead this Court, is totally false.

Learned counsel for the petitioners contends that D.S.P. Harwinder Singh (now transferred to Nawanshahr) is the sole interested person, who is harassing the petitioners out of some greed or for some extraneous consideration for the reasons best known to him.

Taking into account the above factors, respondents No.2 to 5 are directed to protect the life and liberty of the petitioners as well as their possession over the land in question from the hands of respondent No.8 and D.S.P. Harwinder Singh.

Petition is disposed of accordingly.

October 23, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No