

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CWP No. 26680 of 2013

Date of decision: 19.1.2017

Manjot Kaur and another

Petitioners

vs.

State of Punjab and ors

Respondent

Present: Mr. Bhavyadeep Walia, Advocate.
Ms. Anu Pal, AAG, Punjab

M.M.S.BEDI,J.

The petitioners through the instant petition have sought a direction to official respondents 3 to 9, who are police officials of the Punjab Police, restraining them from conducting illegal raids without any authorization at their house at odd hours and also restraining them from threatening the petitioners or falsely involving them in the criminal cases.

The petitioners claimed that son of petitioner No.2 and brother of petitioner No.1 is involved in a criminal case under NDPS Act and has been convicted vide order dated 4.9.2015. The petition was filed along with affidavits of the members of Panchayat and other persons. Vide order dated 5.12.2013 while issuing notice to the State, a direction was also issued to DIG Patiala Range to look into the matter and file his own affidavit along with the action taken report. The matter appears to have been looked into by the DIG Patiala Range but it appears that on account of the presumed pressure and fear of the police, all the persons, who had earlier deposed on affidavits have resiled.

On asking of the court, learned State counsel, on the instructions of ASI Jarnail Singh, informs that both the petitioners till date

are not required in any criminal case. They are not required for any investigation or inquiry.

In view of the clean chit given to the petitioners till date, without expression of any opinion on the circumstances mentioned in the petition and the reasons for the villagers in resiling from their depositions on affidavits, I am of the considered opinion that interest of justice would be adequately met in case for protection of the constitutional right of the petitioners, a direction is issued that in case the petitioners are required for any investigation/ inquiry by the police, seven days prior notice will be issued to them. The petitioners will be entitled to the presence of a lady police official, not below the rank of ASI, at the time of the investigation/ inquiry. This order will remain operative for a period of one year without prejudice to the right of the petitioners to seek extension. However, it is made clear that in case of unimpeachable allegations of commission of any cognizable offence against the petitioners, the above said order will not be operative but as a caution if any investigation is to be conducted against the petitioners, it will be under the notice and supervision of the SSP of the area.

January 19 ,2017
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No