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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 1125/2018 & Crl. M.A. Nos. 6881-82/2018
& 10106/2018

PARAMJIT SINGH

..... Petitioner

Through: Mr. Sarthak Naggon, Advocate.

Versus

STATE (GOVT. OF NCT OF DLEHI) & ORS. Respondents

Through: Mr. Jamal Akhtar, Advocate with SI Rawat
Singh, P.S. Brakhamba Road.
Mr. Gaurav Dudeja, Advocate for
Respondents No. 3 to 7.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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24.07.2018

The petitioner apprehends threat to his life and limb from respondents No. 3 to 7 and has sought protection for his mother as well. The said respondents are present in the Court and are represented by the counsel, who states upon instructions that there is no such threat of any nature, whatsoever, from the said respondents. Indeed, the aforesaid respondents themselves are dragged and harassed by the petitioner in various litigations before this Court. The learned counsel refers to the order dated 28.05.2018 passed by the Division Bench of this Court in W.P. (Crl.) No. 1698/2018, wherein it has been recorded that:-

“ Mr. Rahul Mehra has tendered the status report, same is taken on record. As per the status report, firstly, none of the petitioners is the son of Smt. Darshan Kaur. Secondly, Smt. Darshan Kaur is presently residing at E-98/21, Sector 50,

Noida, UP with Smt. Ramneek Kaur, wife of Sardar Manjeet Singh. Smt. Ramneek Kaur is the daughter of Smt. Harjeet Kaur, late adopted daughter of Smt. Darshan Kaur. According to this status report, Smt Darshan Kaur is being looked after to her satisfaction by her hosts. The submission of the petitioner is that the statement of Smt. Darshan Kaur has been recorded under force, coercion and pressure.

Since a doubt has been raised on the statement of Smt. Darshan Kaur, and since she is not in a position to come to the court on account of her recent surgery, we are inclined to appoint a Local Commissioner to visit Smt. Darshan Kaur and record her statement.

Learned counsel for the petitioner is agreeable to this course of action being adopted and to bear the expenses of the Local Commissioner. Accordingly, we appoint Ms. Aashaa Tiwari, Advocate as Local Commissioner to visit the aforesaid address at Noida and to meet Smt. Darshan Kaur. The Local Commissioner shall interact with Smt. Darshan Kaur with a view to specifically ascertain whether she is not forced, coerced or pressurised to reside at the said address with Smt. Ramneek Kaur. The Local Commissioner shall also ascertain whether Smt. Darshan Kaur wishes to move out of the said premises and reside at some other place and in particular, with petitioners. The Local Commissioner shall also report with regard to facilities which are made available to her. Entire proceedings may be got video-graphed. The petitioner has also expressed his desire to remain present during execution of Local Commissioner and to interact with Smt. Darshan Kaur in the presence of the Local Commissioner. We are inclined to permit the same on the condition that the petitioner shall not create any ruckus or any unpleasantness during the meeting. The Local Commissioner shall also ensure that decorum is maintained in the meeting and in case Smt. Darshan Kaur is not comfortable, the meeting shall be stopped. Smt. Ramneek Kaur and her family members are also directed not to indulge in any verbal exchange with the

petitioners during their visit and shall ensure that the atmosphere is congenial during the visit of the Local Commissioner. Fees of the Local Commissioner is fixed at Rs.50,000/- to be borne by the petitioner in advance. The visit of the Local Commissioner shall take place today itself at 4:30 PM. A constable from the Police Station, Barakhamba Road shall accompany the Local Commissioner, who shall not remain present during the interaction between the Local Commissioner / parties and Smt. Darshan Kaur.

Application is disposed of in above terms.

List for receiving the report of the Local Commissioner on 30th May, 2018.

Dasti, under the signatures of Court Master.”

The learned counsel for the respondents No. 3 to 7 submits that the mother, Ms. Darshan Kaur, wife of Late Sh. Raghbir Singh, aged around 86 years, resident of 8, Tolstoy Marg, New Delhi - 110001, has clearly stated in her affidavit dated 23.04.2018 that she does not wish to meet the petitioner; that she is not the biological mother of the petitioner, instead he is the adopted son of her sister, Smt. Harbans Kaur and the biological son of Sh. Jeet Singh Satyal and Smt. Gyan Kaur.

This affidavit is disputed by the learned counsel for the petitioner, who states that the deponent is of an advanced age, keeping frail health and is not conversant in English and can barely read because of her failing eye sight. He further submits that she could not have travelled to this Court for notarization of the said affidavit.

Be that as it may, the lady is stated to be in a safe condition and is living with her granddaughter, as has been recorded by the order of the

Division Bench. The Court would note that the Division Bench took into consideration the affidavit recording the petitioner's aforesaid protest apropos Ms. Darshan Kaur, therefore, any reference by the petitioner to the same in these proceedings would be of no consequence.

At this stage, the learned counsel for the petitioner does not press any relief for meeting with Ms. Darshan Kaur, however, seeks personal protection.

The learned counsel for the State submits that the case has been examined by the Station House Officer (SHO) of Barakhamba Road Police Station and no threat has been assessed to the life and limb of the petitioner from the private respondents arrayed in this case. Even otherwise, the petitioner shall be provided with telephone numbers of three police officers from the jurisdiction of the Police Station where the petitioner resides. These numbers shall be kept operational at all times so that any exigency can be intimated on either of the numbers by the petitioner. The learned counsel for the State submits that any message received on the said numbers or on any other telephone number of the police, either by way of a telephone call or SMS shall be immediately responded to.

No further orders are required at this stage.

The petition stands disposed-off in the above terms. The pending applications also stand disposed-off.

A copy of this order be given *dasti* to the learned counsel for the parties.

NAJMI WAZIRI, J.

JULY 24, 2018

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