

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-1776 of 2019

Date of Decision: September 30, 2019

Sukhjot Sandhu

....Petitioner

Vs.

State of Punjab and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

Present:- Mr.Sukhjot Singh, Advocate for the petitioner.
Mr. V.G. Jauhar, Sr. DAG, Punjab.
Mr.Rajbir Singh, Advocate for respondent No.4.

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MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. seeking a direction to respondent No.2 to decide representation dated 15.12.2018 (P-3) moved by petitioner for taking strict legal action against respondents No.4 to 9.

In response to the notice of motion issued by this Court, a detailed reply by way of affidavit of Ankur Gupta, IPS, ASP, Sub Division, Budhlada, District Mansa, was filed on behalf of respondents No.1 to 3. A perusal of the preliminary submissions of the same reveals that representation of the petitioner was duly examined and a report has been submitted by Assistant Superintendent of Police, Sub Division Budhlada, on 08.04.2019 (Annexure R-1), and conclusion of the same reads as under:-

“6. Conclusion:- During enquiry, it has been found that Sukhjot Sandhu wife of Satpal Singh resident of B-1002, Jal Vayu Towers, Sector 125, New Sunny Enclave, Greater Mohali, District Mohali has moved an application against Sanjeev Kumar son of Gian Chand resident of Budhlada etc. for taking the land of the applicant on rent, running illegal brothel, to kill

her and he old aged father and for securing her life and property. In this respect, the statements of applicant Sukhjit Sandhu wife of Satpal resident of Mohali, her father Sukhdarshan Singh son of Bhag Singh resident of Makehwala and opposite party Sanjeev Kumar son of Gian Chand resident of Budhlada and Makhan Singh son of Mithu Singh resident of Beroke Khurd after joining them in the enquiry.

During enquiry, it has been found that the applicant had given her land (House) to opposite party Makhan Singh son of Mithu Singh resident of Jitgarh @ Beroke Khurd and Sanjeev Kumar son of Gian Chand resident of Budhlada on rent vide an agreement of rent deed from 1.1.16 to 31.12.2018 and in that land, the opposite party Makhan Singh and Sanjeev Kumar run a Janat Restaurant, but Makhan Singh has withdrawn his share from Sanjeev Kumar vide a written agreement dated 27.01.2018 from this Janat Restaurant, the copy of same is attached. Then in the month of February 2018 an application was moved by Sukhjit Sandhu against opposite party Sanjeev Kumar regarding not fulfillment of conditions of the agreement of rent deed in this respect an agreement was executed between both the parties regarding vacant of the property. But during this period, the opposite party Sanjeev Kumar got stay orders against Sukhjit Sandhu by filing a case in the Civil Court at Budhlada for not vacating the property (House) forcibly, which is in force till date. Now the case

filed by the opposite party is under consideration of the Hon'ble Civil Court and the applicant party has also filed a case in the Hon'ble Civil Court at Budhlada and also filed a petition before the Hon'ble Punjab and Haryana High Court which is also under consideration of the Hon'ble Court. Beside this, her land (House) in which the opposite party Sanjeev Kumar is running brothel in the Janat Restaurant, sudden raids were got conducted from the SHO, Police Station City Budhlada, but nothing has come to light and in this respect DDR No.41 dated 12.03.2019 and DDR No. 45 dated 12.03.2019 have been lodged in the police Station City Budhlada, the copies of same are attached. The SHO, Police Station City Budhlada has been directed by sending him written message that the checking of this restaurant be conducted time to time and if it is found that any illegal brothel or activity is found, then the required action shall be taken. Beside this, now the applicant Sukhjit Sandhu is residing at Mohali and the opposite party Sanjeev Kumar etc. are resident of Budhlada, so, there is no problem of law and order. Being the matter regarding the land (House) of the applicant is under consideration of the court between both the parties. So, there is no requirement for taking any action by the police department.

7. Recommendation made by enquiry officer:- During enquiry, it has been found that in the land (House) of the applicant Sukhjit Sandhu, the opposite party Sanjeev Kumar is running Janat

restaurant, both the parties have file cases in the Hon'ble Court. So there is no need to take any action by the police department for vacating the land (House) of the applicant. Beside this the allegations levelled by the applicant that illegal brothel is running in the Janat Restaurant, in this respect the checking was got conducted by the SHO City, Budhlada by raid and during checking nothing such like was found. However, the SHO of police station City Budhlada is directed by a written message that the restaurant be checked and if it is found that any illegal brothel or activity is found in the restaurant, then the required action shall be taken. There is no need of any action on the application and it is recommended that the application be filed.”

In view of the report submitted by ASP, Budhlada there is no occasion for this Court to issue any directions to the official respondents. Consequently, the petition is dismissed.

However, the petitioner would be at liberty to take recourse to the other remedy available under law and dismissal of this petition would not be construed as an expression of opinion on merits of the same.

September 30, 2019

sanjay

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.