

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5998-2019 (O&M)

Date of decision: 12.02.2019

Bhajan Singh and another

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioners.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for issuance of directions to respondents No.1 to 3 not to call the petitioners at the instance of private respondents, without following the procedure under Section 160 Cr.P.C.

As per averments taken in the petition, petitioner No.1 Bhajan Singh is aged about 80 years and is Numberdar of the village and petitioner No.2 Gurdev Singh is aged about 65 years and both of them had witnessed a Will pertaining to the year 2008, executed by one Bachan Singh, in favour of Harjit Singh and Baljit Singh. It is further stated that later on, Bachan Singh died in the year 2013 and there is a dispute regarding inheritance of his property and a civil suit for permanent injunction (Annexure P-1) has already been filed by aforesaid Harjit Singh and Baljit Singh against one Balbir Kaur and similarly, another civil suit has been filed by said Balbir Kaur and others i.e. private respondents No.4 to 7, against Harjit Singh and Baljit Singh, praying for

declaration, challenging the transfer deed in their favour. It is also stated in the petition that Balbir Kaur had given a complaint before the police, in which the District Attorney has given his opinion vide Annexure P-4 that the matter is of civil nature and the petitioners have been called by the local police for the verification and investigation of aforesaid facts.

In view of the above, this petition is disposed of with a direction to respondents No.2 & 3 that in case the petitioners are required, they will be given prior notice of 07 days under Section 160 Cr.P.C. However, this direction will apply only in case when petitioners are required prior to registration of the FIR and not after registration of FIR, if such situation arise.

12.02.2019
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No