

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

**CRM-M No. 16782 of 2018
Date of Decision:-18.01.2019**

Major Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. N.S. Dandiwal, Advocate
for the petitioners.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioners have filed this petition under Section 482 Cr.P.C. with a prayer for issuance of directions to the respondents No.2 and 3 not to harass them by calling them at the police station as their son is involved in criminal cases. Further a prayer has been made to release the passports, which have been impounded illegally by the local police.

The petitioners are parents of Sukhpreet Singh @ Budha, who stands convicted for offence punishable under Section 302 IPC and was extended the concession of parole in the year 2016. According to the petitioners the convict has not surrendered back to jail and has joined a

gang of criminals. Learned counsel for the petitioners has argued that petitioners are old and have no concern with their son, who is a gangster and is involved in various cases. It is vehemently argued that there is no case against the petitioners, the police cannot harass them.

In response to the petition, reply by way of affidavit of Shubeg Singh, PPS, Deputy Superintendent of Police, Nihal Singh Wala, District Moga stands filed.

According to the reply, son of the petitioners, namely, Sukhpreet Singh @ Budha is required in many cases. In all there are seven cases against the said accused and the police is raiding various places including the house of petitioners to locate the said Sukhpreet Singh @ Budha. It is specifically pleaded in the reply that the parents have the knowledge about the said Sukhpreet Singh @ Budha and instead of helping the Police Department, this frivolous petition has been filed by levelling false allegations. The list of cases against the son of petitioners is attached as Annexure R-1.

Considering the fact that accused/convict/proclaimed offender Sukhpreet Singh @ Budha is required in many cases and it is the duty of the police to locate and arrest the said criminal, the police is making efforts to arrest the said absconder. If the petitioners are called to the police station or their house is visited by the police, it cannot be construed as an harassment, particularly, when the police has specifically mentioned that the parents are aware about the whereabouts of their son. To trace and arrest a fugitive by police amounts to discharging lawful functions. No other point has been

argued.

In view of the above, there is no merit in the petition and the same is hereby dismissed.

January 18, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No