

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

**CRM-M No.24722 of 2018 (O&M)
Date of Decision: 10.01.2019**

Balwant Singh and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.S.Momi, Advocate for the petitioners.

Mr. Rahul Mohan, Deputy Advocate General, Haryana
for respondent Nos.1 to 4.

Mr. Randeep S.Dhull, Advocate for respondent Nos.5 to 20.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition under Section 482 Cr.P.C. has been filed praying for directing the official respondent Nos.1 to 3 to provide the adequate police protection to the petitioners to protect their lives and liberty at the hands of respondent Nos.5 to 20.

It is argued by learned Counsel for the petitioners that in the earlier round of litigation, this Court has passed order dated 20.12.2016 (**P-1**) in Civil Writ Petition No.8241 of 2016, thereby the land in Khasra No.71/11 along with Tubewell was ordered to be allotted to the petitioners and in lieu thereof, same quantity of land was to be given to respondent Nos.3 to 7 in that writ petition (petitioners herein). Further argued that the petitioners have approached the police for compliance of that order and for protection of their life and liberty, but no action has been taken so far.

On the other hand, learned Counsel for the respondents opposed the contentions of the petitioners and submitted that already an FIR No.140 dated 15.10.2017 (**P-4**) has been registered in the matter and the trial is pending. Further submitted by learned State Counsel that no complaint of the petitioners is pending with the police as on today.

Heard both sides and perused the paper-book.

This is an admitted fact that some of the private respondents i.e. Ram Chander and others had filed CWP No.8241 of 2016 and that was decided by this Court, vide order dated 20.12.2016 (**P-1**) and the operative part of the same reads as under:-

“ In view of the above said fair statements made by the learned counsel for the parties, the instant writ petition is disposed of, modifying the impugned order to this limited extent that Khasra No.71/11, wherein tubewell of the petitioners is situated, shall be allotted to the petitioners and remaining Sanad Takseem (Deed of Partition) shall remain intact. The District Collector, Jind, is directed to look into the matter and ensure that land under Khasra No.71/11 alongwith tubewell shall be allotted to the petitioners and in lieu thereof, same quantity of land shall be allotted to the share of respondents no.3 to 7. Let needful be done at an early date and in any case within a period of six weeks from the date of receipt of a certified copy of this order. The District Collector, Jind, shall also ensure that possession of the land measuring 87K-18M is handed over to respondents No.3 to 7 without any further loss of time in any case within a period of two months from the date of receipt of a certified copy of this order. ”

Feeling aggrieved against the same, an LPA No.357 of 2017 was filed by the writ petitioners, which was dismissed, vide order dated

08.03.2017 (P-2) subject to certain modifications in the order passed by learned Single Judge of this Court on 20.12.2016 (P-1) while observing as under:-

“ This in our opinion may be the only modification required in the judgment of the learned Single Judge. Thus while dismissing the instant appeal we clarify that the appellants shall now hand over the possession to the respondent nos.3 to 7 within a period of two months from today but not later than 15.5.2017. This would however, be subject to the condition that the appellants furnish an undertaking to this Court within a period of two weeks from today that they would voluntarily hand over the possession of the khasra no. 71/11 to respondent nos .3 to 7 within the stipulated time granted by this order failing which this benefit of two months would not be available to the appellants and the respondents no. 3 to 7 would be at liberty to take recourse to their remedies in law. ”

It is also agreed between the parties that in pursuance of the above said order(s), the petitioners were put in possession of their share.

Paper-book reveals that at the instance of the petitioner No.1, an FIR No.140 dated 15.10.2017, under Sections 148, 149, 323, 324, 427, 447, 506, 511, 379-B of the Indian penal Code and Section 25 of the Arms Act, Police Station Garhi, District Jind (P-4) already stands registered and after investigation, the challan was submitted and even the charges have also been framed against the accused persons.

If that is the position, then there is no question to entertain the present petition for grant of any police protection when no complaint is pending with the police.

Even if there is any violation of the orders dated 20.12.2016 (P-1) or 08.03.2017 (P-2), then the remedy lies elsewhere and present petition is not the appropriate course to be followed by the petitioners.

Since the criminal case is pending and the trial will take its own course, therefore, this Court is not inclined to entertain the present petition under Section 482 Cr.P.C. for grant of any police protection.

Accordingly, the present petition is dismissed.

Needless to say that petitioners would be at liberty to take recourse to the remedy available under law, if so advised.

It is made clear that above observations may not be construed as an expression of opinion on the merits of the case by learned trial Court while concluding the proceedings arising out of FIR No.140 dated 15.10.2017 (P-4).

January 10, 2019

(MAHABIR SINGH SINDHU)
JUDGE

Gagan

Whether speaking/reasoned	Yes
Whether Reportable	Yes