

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-M-32133 of 2019 (O&M)

Date of decision:20.9.2019

Ramandeep Kaur

... Petitioner

versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Veneet Sharma, Advocate,
for the petitioner
Mr.A.P.S.Gill, DAG, Punjab
Mr.Naman Jain, Advocate, for
Mr.Sunish Bindlish, Advocate,
for respondent no.3.
Mr.S.S.Sandhu, Advocate,
for National Investigation Agency
...

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner was seeking a direction to protect her life and liberty and that of her two children, as also to ensure the safety of her husband, Kuldeep Singh, who is stated to be confined in Central Jail, Amritsar, since April, 2014.

The allegation in the petition was that the house in which the petitioner was residing (stated to be belonging to her mother-in-law), had been locked by the officials of the Customs Department and as such the petitioner was not being able to enter it.

Pursuant to the orders passed by this Court between 29.8.2019 and 11.9.2019, the keys of the house were handed over to the counsel for the petitioner by the SHO of Police Station Chheherta, District Amritsar, (with whom the custom officials had deposited the keys), the stand of the

said department being that since there was nobody present in the house at the time they had conducted a raid there, the keys were given for safe keeping to the police.

It had also been noticed in the aforesaid orders by this Court that there was no order passed under any provision of law, by which the house had been sealed, as was not denied by either the Customs Department or the State of Punjab.

Vide the order dated 11.9.2019, it had also been directed by this Court that the petitioner, her children, her mother-in-law and other ladies of the house, as are not arraigned as accused in any FIR, would not be stopped from entering the house, the keys of which had been handed over, and in case of any such attempt to stop them, appropriate action under the provisions of the Contempt of Courts Act, 1971, would be initiated against the erring officials, with it obviously made clear that as regards those who were arraigned as accused in any legal proceedings, initiated either by the police or the Customs Department or the National Investigation Agency, such proceedings would continue as per law, and the order of this Court would not be interpreted to be granting any protection to them.

That order was further clarified yesterday on the request of Mr.Sandhu, learned counsel appearing for the NIA, to the effect that that order would not be 'used by the petitioner, or any other accused in the FIR to hamper investigation as per law'.

It had further been directed that upon issuing notice to any person under statutory provisions, to join investigation, or in respect of search of the premises in question, the earlier order of this Court would not

be interpreted hamper investigation in any manner.

That being so, the petition has been rendered infructuous, with the only direction left to be given being that the petitioner and her children would be continued to be protected as per law, with investigation as is being carried out by the NIA, to however continue unhampered, as per due procedure provided under the law.

Naturally, all such persons as are summoned as per law and are required to get the premises searched as per law, would cooperate with the investigating agency, failing which the agency would take all remedies as are available to it.

The petition is disposed of.

20.9.2019
pk/n

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No