

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

CRM-M No.19324 of 2016 (O&M)

Date of decision: 18.07.2019

Davinder Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Pardeep Goyal, Advocate for respondents No.7 and 8.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for issuance of direction to respondents No.2 to 6 to protect the life and liberty of the petitioners and also to protect the property held by Gurudwara Committee, which is in possession of the tenants and to transfer the investigation of FIR No.001 dated 01.01.2016 registered under Sections 323, 341, 148 and 149 IPC.

It is stated in the petition that petitioner No.1 is the President of Gurudwara Sahib i.e. Sach Khand Sahib, Shaheed Udham Singh Yadgar Aali Patti, Sunam and there is a dispute with regard to the property owned by Gurudwara Sahib. It is also stated in the petition that civil litigation is also pending between the parties and orders have been passed restraining the Nagar Council/Tehsildar, Sunam from interfering in the property and another suit against the Punjab Waqf Board is also pending.

Reply by way of affidavit of the Sub-Divisional Judicial

Magistrate, Sunam dated 05.10.2016 is on record and as per the reply, it is stated that there was a dispute between the parties regarding the ownership of the land situated in the area of city in which the Gurudwara, cremation ground and some shops are existing. The shops were given on rent to the tenants by the Managing Committee and previously petitioner No.1 – Davinder Singh, was the President, however, on 30.12.2015, a new management committee was constituted and one Joginder Singh was elected as a President and on that account, some civil litigation started between the parties. It is also stated that on account of a conflict between the new committee with petitioner No.1 an FIR No.1 dated 01.01.2016 under Sections 341, 323, 148, 149 IPC at Police Station City Sunam, was registered on the statement of petitioner No.5 – Harwinder Singh.

Even in the reply filed by respondents No.7 and 8, similar stand has been taken that the matter is *sub judice* before the Civil Court.

This petition is pending since 2016.

Counsel for the State, on instructions from ASI Hakam Singh, has stated that in the intervening period, the police completed the investigation of FIR No.1 dated 01.01.2016 and has submitted the report under Section 173 Cr.P.C. before the Illaqa Magistrate.

Counsel for the State has further argued that since 2016 onwards, no untoward incident is reported with the police, which may lead to any law and order problem and further submitted that in case the petitioners apprehend any threat to their lives and liberty, it will be open for them to approach the police authorities and due action will be taken in accordance with law, if the same is found to be genuine.

Considering the contentions of the petitioners raised in the

present petition and the reply filed by the State as well as respondents No.7 and 8, it is apparent that the dispute is primarily regarding the management of the management committee in which petitioner No.1 was previously a President and later on, the management changed and one Joginder Singh was appointed as a President and therefore, on the face of it, it is a civil dispute in which two parties are litigating for the management of the Gurudwara Sahib and its property.

In view of the above, no further action is called for.

The parties shall remain bound by the judgment of the Civil Court, however, it will be open for the petitioners to approach the police authorities, if they still feel any threat to their lives and liberty.

The petition is disposed of accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

18.07.2019
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No