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

CRWP No.1985 of 2019

Date of Decision: 17.12.2019

Harpreet Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present : Mr. Manish Verma, Advocate
for the petitioners.

Mr. Randhir Singh Thind, DAG Punjab
for respondents No.1 to 4.

Mr. Shailendra Sharma, Advocate
for respondents No. 5 to 7.

JASGURPREET SINGH PURI, J.(Oral)

The present petition has been filed under Article 226/227 Constitution of India with the prayer to grant security cover to the petitioners with a specific prayer that since there is a marriage function in the family of petitioner No.1 on 14th and 15th December, 2019, the police be directed to ensure the protection as a family dispute is going on between the petitioners and respondents No.5 to 7.

This court had on 12.12.2019 issued notice to the State and

directed that in view of the fact that marriage function of petitioner No.1

was scheduled to be held on 14th and 15th December, 2019, the SHO of the Police Station Division No.6, Ludhiana would ensure that no untoward incident shall take place during the marriage functions and to ensure that no harm is caused to the life and property of the petitioners.

On the last date of hearing, the concerned SHO has filed affidavit by stating that in compliance of the above noted order, ASI Kapil Kumar, Incharge P.P. Miller Ganj (P.S. Division No.6), Ludhiana was deputed to ensure that no untoward incident would take place during the marriage functions of petitioner No.1. It is further stated in the affidavit that there was no marriage function in the house of the petitioners on 14th and 15th December, 2019 and in this regard the statement of cousins of petitioner No.2, namely, Mahinder Singh and Harpal Singh has also been recorded.

It has been further stated in the affidavit that on 14.12.2019, petitioner No.1 moved an application to the Incharge of the P.P. Miller Ganj, Ludhiana by levelling allegation that on 14.11.2019 petitioner No.2 was raising wall in his house because of which the private respondents caused beatings to petitioner No.1. It has been further stated that the peace proceedings under Section 107/151 and 107/150 Cr.P.C. have been launched against the private respondents and another person, namely, Nirdosh Kaur, who is wife of respondent No.5. It has been further stated that it is basically a family dispute.

It has been argued by the learned counsel for the State counsel on instructions from SHO Amarjeet Singh, that this is basically a family dispute. Since the affidavit filed by the SHO lacked proper information with regard to ensuring of protection to the same, the concerned SHO was

directed to be present in the Court on the next date of hearing.

Today, SHO Mr. Amarjeet Singh is present in the Court, in pursuance of the direction of the Court dated 16.12.2019. The SHO has stated in the Court that there was no marriage function in the house of the petitioner. It may be possible that the marriage function could have taken place at some other place. He has further stated that from the house of the petitioner, the Police Chowki is just 500 mtrs away and he had specifically deputed PCR, which was repeatedly taking rounds at the house of the petitioner so as to ensure the protection of the petitioner and ensured that no untoward incident takes place in the house of the petitioners.

He has further stated that the evidence has been collected through the CCTV cameras, which shows that 15 people belonging to the petitioner's group had barged into the house for purpose of raising a wall in the house. The concerned SHO further stated in the Court, that it is essentially a family dispute between the petitioners and respondents No. 5 to 7 and under the garb of orders of this Court the petitioners are misusing the protection. He further specifically states in the Court that petitioners are repeatedly pressurizing the police officials so that they can construct the wall.

Learned counsel for the petitioners has vehemently argued that whatever the SHO has stated, is not correct. Although, it is a family dispute, but there is a civil litigation going on and even on repeated requests by the petitioners to the police, they have not initiated any action and they are not acting in a fair manner. He further states that there was no PCR deputed in that area.

After hearing both the parties and after perusing the records of the case, it transpires that there is a family dispute between the petitioners and the private respondents and so far as the specific prayer with regard to

the marriage function on 14th and 15th December, 2019 is concerned for which the petitioners were praying for the protection, that has already gone by, and therefore, that prayer for grant of protection on 14th and 15th December has become redundant as of now.

So far as violation of law and order by the petitioner or any other person is concerned and so far as the prayer of the petitioner to ensure further safety, the petitioner would give a detailed representation to the Commissioner of Police by highlighting all the events, if so desired. In the event of petitioner giving the representation to the commissioner of Police, Ludhiana, he after hearing all the concerned persons, shall pass a speaking order in accordance with law within a period of two weeks from the receipt of the representation filed by the petitioner.

Accordingly, the present petition is disposed of.

(JASGURPREET SINGH PURI)
JUDGE

17.12.2019
Parveen Sharma

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No