

**133**

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

**CRWP No.155 of 2020 (O&M)  
Date of Decision:- 09.01.2020**

Raman Garg and another ...Petitioners

Versus

State of Punjab and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present:- Mr. Anurag Chopra, Advocate,  
for the petitioners.

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**RAJ MOHAN SINGH, J.**(Oral)

Petitioners have preferred this petition for issuance of a writ, order or direction especially in the context of protecting lives and personal liberties of the petitioners from being invaded by the police in connivance with respondent No.5.

Petitioners seek to assail the conduct of the police in summoning the petitioners vide letter dated 24.10.2019 on a complaint filed by respondent No.5 which was registered at the Economic Offence Wing, Ludhiana.

Learned counsel for the petitioners by referring to notice dated 26.11.2019 issued by respondent No.5 under Section 138 of the Negotiable Instruments Act submits that cause

of action, if any, arose in favour of respondent No.5 on account of dishonouring of cheque could have been redressed by way of filing criminal complaint under Section 138 of the Negotiable Instruments Act before the competent Court, but instead of resorting to such a lawful criteria, respondent No.5 adopted a short cut method in filing a complaint before the Economic Offence Wing, Ludhiana even before issuing notice under Section 138 of the Negotiable Instruments Act and the police has also acted in furtherance of evil design of respondent No.5 while summoning the petitioners vide letter dated 24.10.2019 even before issuance of the notice in question. No complaint has been filed under Section 138 of Negotiable Instruments Act till date. Precisely for the grievance in question, the petitioners have already filed a detailed representation dated 16.11.2019 before respondent No.2 and the same has not been adverted to so far.

Notice of motion to respondent Nos.1 to 4.

At this stage, on the asking of Court, Mr. J.S. Ghuman, D.A.G., Punjab, accepts notice on behalf of respondent Nos.1 to 4. Let requisite copies of the petition be supplied to him by learned counsel for the petitioners during course of the day.

In view of nature of order, which this Court proposes to pass, there is no necessity of calling upon reply at this stage, as no order prejudicial to the interests of respondents is being passed.

At this juncture, this Court is not in a position to appreciate the allegations of the petitioners, however respondent No.2 can be asked to have a fair look on the grievance of the petitioners for which representation dated 16.11.2019 (Annexure P-12) has already been moved by them.

In view of above, this petition is disposed of with a direction to respondent No.2 that he/she shall be at liberty to devise his/her own mechanism to ascertain the threat perception/apprehension of the petitioners. In case, the apprehension is found to be genuine, then necessary action be taken in accordance with law.

It would be appreciated if the representation filed by the petitioners is decided within a period of one month from today keeping in view the facts of the case as pleaded by the petitioners.

**09.01.2020**

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**( Raj Mohan Singh )  
Judge**

Whether speaking /reasoned  
Whether Reportable

Yes / No  
Yes / No