

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17036-2018 (O&M)
Date of decision: 10.02.2020

Nishan Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pankaj Middha, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Gaurav Khokhar, Advocate for
Mr. S.K. Aggarwal, Advocate
for respondent No.8.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for issuance of directions to the officials respondents to protect life and liberty of the petitioner and his family members, at the hands of respondents No.4 to 8 and to take appropriate action, in accordance with law.

It is stated in the petition that the land measuring 04 bigha 5 biswa, as detailed in para No.2, was owned and possessed by father of the petitioner and he had constructed a house and the petitioner is living in the said house with his family. It is further stated that respondent No.7 has a factory in the abutting land and he is trying to grab the land of the petitioner and in that

process, he has made number of attempts, for which the petitioner has filed a suit for permanent injunction, which is pending and some injunction is granted. It is also stated that respondent No.7 had tried to take forcible possession by giving beating to the petitioner and his family members and a complaint was given to the higher police officials. Thereafter, son of the petitioner namely Gurbaj Singh filed CRM-M-38515-2016, which was disposed of vide order dated 26.10.2016, by issuing a direction to the police authorities to look into the grievance, however, no action is taken. It is next stated that on 07.04.2018, respondent No.7, with his companions and the police, again tried to take possession of land of the petitioner. At that time, daughter of the petitioner was present in the house and this incident was recorded in CCTV camera. Again, a complaint was given but no action has been taken.

Reply by way of affidavit of Deputy Superintendent of Police, City, Panipat, on behalf of respondents No.1 to 6, is on record, the operative part of which reads as under: -

“...That at the very outset, it is submitted that on 12.05.2016 a written complaint made by Shri Satish Chaudhary i.e. respondent No.7 has been received in the premises of Police Post, Sector-6, Police Station City Panipat, upon which case FIR No.581 dated 13.05.2016 under Sections 379/447/489/506/511/34 IPC was registered in Police Station City Panipat against Nishan Singh (petitioner), Avtar Singh, Lal Singh and Gurbaj sons of Shri Nishan Singh. During the course of investigation, sufficient incriminative evidence were found against the above accused Nishan Singh, Avtar Singh and Gurbaj alias Lal Singh. Accordingly, on completion of investigation, on 31.07.2016 final investigation report was prepared against the above said three accused persons. On 26.07.2017, charges u/s 379, 447, 489, 506, 511, 34 IPC have

*been framed against the aforesaid three accused persons. Presently case is pending in the Court of Ms. Harshali Chowdhary Ld. C.J.M., Panipat for 14.11.2018, for prosecution evidence, copy of charge framing order is attached as **Annexure R-1**.*

*That it is a matter of fact that a dispute is going on between the petitioner and respondent No.7 since long and civil as well as criminal litigations are pending between both. Further both have adjoining properties and there is always an apprehension of breach of peace and tranquility. That as per record on 07.04.2018, the respondent No.4 accompanied with Shri Kamaljeet, Inspector acting S.H.O., Police Station City, Panipat reached at Barsat Road, Near Bichpari Chowk Panipat and tried to pacify the matter between the family members of the petitioner and respondent No.7 with an object to maintain law and order, peace and tranquility. Thereafter, Satish Kumar (respondent No.7) moved an application against the daughter of the petitioner for slapping the respondent No.7 and tried to possess the land/factory of the respondent no.7. Upon which, the complaint was given to ASI Prem respondent no.6, on which case FIR No.491 dt. 07.04.2018 u/s 323, 341, 506, 448 IPC was registered in Police Station City, Panipat. Investigations were carried out by respondent No.6 as well as respondent No.5 i.e. ASI Prem and SI Gaytari Devi. Investigation Officer of this case FIR No.491 of 2018 had found sufficient incriminative evidence against Parvinder Kaur daughter of Nishan Singh (petitioner). Charge sheet was filed against daughter of the petitioner in the Court on 17.05.2018. On 17.07.2018, the Court of Ms. Harshali Chowdhary Ld. C.J.M., Panipat had framed charges u/s 323/341/448/506 IPC against Parvinder Kaur daughter of the petitioner and now case is pending for 03.01.2019, for prosecution evidence. Copy of charge sheet order dated 17.07.2018 is attached as **Annexure R-2...**”*

It is further stated in the reply that similar application under Order

39 Rules 1 & 2 CPC regarding violation of the Civil Court order is also pending

and when the revenue officials had gone to demarcate the property, they were obstructed and FIR No.581 dated 13.05.2016 under Sections 379, 447, 489, 506, 511, 34 IPC and FIR No.491 dated 17.05.2018 under Sections 448, 323, 341, 506 IPC were registered at Police Station City Panipat against the petitioner. It is also stated that even against son of the petitioner, FIR No.434 dated 14.04.2016 under Sections 279, 323, 336, 337 IPC was registered at Police Station City Panipat, which is also pending and there is no CCTV footage regarding the incident of 07.04.2018. It is thus submitted that in fact, the petitioner and respondent No.7 are having some dispute, for which civil suit as well as FIRs have been registered against each other and the police is acting in discharge of its official duty and there is no violation on the part of the police officials.

In view of the above, no further action is called for, in the present petition and the same is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

10.02.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No