

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

CRWP No.4210 of 2020
Date of Decision :29.06.2020

Avtar Singh

....Petitioner

versus

State of Punjab and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Parunjeet Singh, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the Criminal Writ Petition under Article 226 of the Constitution of India is for directing official respondent Nos.2 to 4 to protect the life and liberty of the petitioner against the continuous threats and harassment meted out to him by respondent No.7 (Police Official) at the behest of respondent Nos.5 and 6. Prayer is also for directing respondent Nos.2 and 3 to decide the complaints/representations, Annexures P/4 and P/5 dated 10/16.06.2020.

3. Learned counsel contends that the petitioner is carrying on the work of Tourist Visa Service and during the discharge of his business activities, respondent Nos.5 and 6 approached the petitioner for facilitating obtaining of Visa against payment of charges of Rs.75,000/-. However, respondent Nos.5 and 6 could not clear the medical examination for issuance of Visa as a result of which the Visa was declined. Thereupon, respondent Nos.5 and 6 threatened the petitioner for not only refunding the payment made by them but also to make more payment to them. Learned Counsel contends that although respondent Nos.5 and 6 were not entitled to refund, yet the petitioner in order to avoid any bitterness, refunded Rs.65,000/- as against Rs.75,000/-

paid by respondent Nos.5 and 6. However, respondent Nos.5 and 6 are

threatening the petitioner to return money, much more than the amount paid by them to the petitioner. Learned counsel further submits that respondent Nos.5 and 6 have also threatened the petitioner and his mother on telephone as evident from transcript of the recording i.e. Annexures P/1 and P/2.

4. Learned counsel contends that despite the petitioner having submitted representations, Annexures P/4 and P/5 dated 10/16.06.2020 to respondent Nos.2 and 3, no decision has been taken on the same till date and that the petitioner would be satisfied if the Crl. Writ petition is disposed of by directing respondent Nos.2 and 3 to consider and decide the representations, Annexures P/4 and P/5 dated 10/16.06.2020 in accordance with law in a time bound manner.

5. Notice of motion.

6. Mr. R.S. Thind, DAG, Punjab accepts notice and states that the petitioner is involved in two other FIRs but that he has no objection to the limited prayer of the petitioner for directing respondent Nos.2 and 3 to consider and decide the representations, Annexure P/4 and P/5 dated 10/16.06.2020 in accordance with law.

7. Without commenting upon the merits of the controversy, the Crl. Writ Petition is disposed of by directing respondent Nos. 2 and 3 i.e. Commissioner of Police, Jalandhar Rural, Punjab as well as Senior Superintendent of Police, Jalandhar Rural, Punjab to consider and decide the representations, Annexures P/4 and P/5 dated 10/16.06.2020 in accordance with law as expeditiously as possible and to take such action pursuant thereto in accordance with law as may be warranted. However, it is made clear that this order shall not operate as a bar against civil or criminal proceedings, if any, initiated against the petitioner in accordance with law.

(B.S. Walia)
Judge

29.06.2020

'Rajneesh-Rajesh-Amit'