

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

CRWP-5270-2020 (O&M)

Date of decision : 30.10.2020

Baljit Singh @ Gogi

.....Petitioner

Vs.

State of Punjab & Ors.

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Narinder Singh Sodhi, Advocate, for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through Video Conferencing.

This is a petition under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the official respondent Nos.1 to 3 to protect the life and liberty of the petitioner at the hands of the private respondent Nos.6 to 8 and further for a writ of mandamus to the official respondents to take into consideration Annexure P-1.

The brief facts of the case are that respondent No.5 had performed her marriage with Jaspal Singh, younger brother of the petitioner, on 09.04.2014 as per Sikh Rites. After some time, the petitioner and his family came to know that respondent No.5 was earlier married and has two children from her earlier wedlock and that she had performed her marriage with Jaspal Singh by concealing the fact of her first marriage. Thereafter, the matter was settled before the Panchayat and it was agreed that one child would stay with Paramjeet Kaur, mother of respondent No.5

Manpreet Kaur, while the other child would be kept by the brother of the petitioner as his own daughter in his house. Thereafter, another child was born out of the wedlock of Manpreet Kaur and brother of the petitioner. It is further the case set up that Gurpreet Singh, the son of the petitioner, and Manpreet Kaur respondent No.5, fell in love and they planned to run away.

Eventually the son of the petitioner, Gurpreet Singh, and Manpreet Kaur respondent No.5 ran away and solemnized their marriage and also sought protection from this Court by filing CWP-22687-2019.

It is further the case of the petitioner that various complaints have been made against them by respondent Nos.6 to 8 alleging that the petitioner and his family were harassing Manpreet Kaur respondent No.5 for dowry. The petitioner complains that in the days of the pandemic he is summoned time and again by the police on the false complaints. One such complaint is pending in P.S.Mour Mandi. The petitioner has seemingly submitted representations Annexures P-1 and P-2 to the higher police officials.

The following prayers have been made in this criminal writ petition filed under Article 226 of the Constitution of India :

“For issuance of writ in the nature of mandamus directing the official respondents No.1 to 3 to protect the life & liberty of petitioner & his family members from unnecessary harassment, threats as well as mental tension being caused by private respondent No.6 to 8 & their associates who are not disclosing the whereabouts of Manpreet Kaur and minor daughter Taranjot Kaur, in the interest of justice.

AND

Further prayer for issuance of writ in the nature of mandamus to the official respondents No.3 to take into consideration Annex.P-1 dated 26.03.2020 & to take legal action against guilty person expeditiously for justice & equity & to convey the outcome of same to petitioner without any further delay.”

Reply dated 28.08.2020 has been filed by the official-respondents by way of affidavit of Manmohan Singh Aulakh, PPS, DSP, Nihal Singh Wala, District Moga stating that applications had been filed by the brother of the petitioner as well as respondent No.6 (mother of Manpreet Kaur respondent No.5). However, when the police received the copy of the order dated 03.09.2019 passed in CWP-22687-2019, they learnt that Manpreet Kaur respondent No.5 had married Gurpreet Singh. As such, the applications were consigned to the record room. The receipt of the representations Annexures P-1 and P-2 in the office of the answering-respondent has been denied. It is also stated that no complaint was submitted by the petitioner alleging danger to his life and liberty.

An additional affidavit dated 23.10.2020 of Manmohan Singh Aulakh, PPS, DSP, Nihal Singh Wala, District Moga has been filed, copy of which was sent to the VC Co-ordinator via email and which has been printed and retained on the record. Alongwith this additional affidavit an English translation of the statement of the petitioner made to the SHO, Police Station Ajitwal has been attached as Annexure R-1/T which reads as under :

“I and Manpreet Kaur etc have moved applications against each other, and now application are pending before Police of District Sri Muktsar Sahib, but I have no apprehension at the

*hands of Manpreet Kaur etc and above mentioned persons and
I do not want to get police protection”.*

The learned counsel for the petitioner is unable to deny the contents of the statement made by the petitioner before the SHO, Police Station, Ajitwal wherein he has candidly admitted that he had no apprehension at the hands of Manpreet Kaur etc. and that he did not want police protection.

In view of the above, nothing survives in the present petition which is dismissed.

October 30, 2020
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(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No