

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

CRM-M-21104-2020 (O&M)

Date of Decision: 30.09.2020

Balwinder Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Veneet Sharma, Advocate for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

Mr. Sukhdeep Singh Sandhu, Advocate for respondent No.4.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 482 Cr.P.C. for issuance of directions to the respondents to open the locks of the house of the petitioner.

As per averments made in the petition, daughter of the petitioner, namely, Pooja Kaur got married in the year 2012 with one Gagandeep Singh @ Bholla. The marriage was stated to be by choice and the petitioner as also his family were not on visiting terms with the in laws of the daughter. Gagandeep Singh @ Bholla i.e. son-in-law of the petitioner was involved in certain cases under the NDPS Act.

Counsel submits that investigation in the matter in which Gagandeep Singh @ Bholla along with others were an accused was

entrusted to the National Investigation Agency (NIA).

Petitioner owns a residential house in village Jhabhal, Tehsil and District Tarn Taran.

Apparently, the National Investigation Agency during the course of carrying out the investigation raided the house of the petitioner in his absence and thereafter has put a lock thereupon.

It is against such brief backdrop that the instant petition has been filed. The precise case projected on behalf of the petitioner is that the action of the 4th respondent of putting a lock on his residential house is totally unwarranted as the petitioner himself is not being viewed as an accused in the FIR in which his son-in-law is involved.

Upon notice of motion having been issued, a short reply on behalf of the National Investigation Agency/respondent No.4 along with Annexure R-1 has been placed on record.

In para 4 of the reply, it has been submitted that a search was conducted at the house of the petitioner during the course of investigation and it was found that three rooms had been rented out to Amrik Singh S/o Mehar Singh and one room which was still in the possession of the petitioner was found locked. Inquiries having been made from the tenants and neighbours and no clue having come forth as regards the petitioner, the lock of the room was broken in the presence of independent witnesses and a search was conducted. Nothing incriminating was found during the search and as such there was no seizure. However, as the petitioner was not available to whom the possession of the room could be restored, as such, it was only for the purpose of security and safety of the room as also the

articles lying of the room, a new lock was purchased and the room was locked. The keys of the lock were handed over to SHO, Police Station Jhabhal/respondent No.3.

Mr. S.S. Sandhu, counsel appearing for respondent No.4 upon instructions from the Chief Investigation Officer, S.P. Tejinder Singh states that there would be no objection for the keys of the premises in question being handed back to the petitioner. He, however, submits that inspite of having been issued notice under Section 160 Cr.P.C., the petitioner has not joined investigation.

Counsel for the petitioner would respond by submitting that the act of forcibly locking the premises of the petitioner and without any sanction under law can only be seen as an arm twisting method and as such the petitioner apprehends that even though by virtue of the notice under Section 160 Cr.P.C. whereby the petitioner is being called upon as an witness, he would be arrested.

Mr. Sandhu, learned counsel representing respondent No.4 on instructions from the Chief Investigation Officer, S.P. Tejinder Singh submits that in case the petitioner duly appears before the National Investigation Agency, Office Branch, Chandigarh on 06.10.2020 at 10:00 A.M. and joins investigation, he would not be arrested on that date.

Mr. Veneet Sharma, Advocate furnishes an assurance that the petitioner would duly appear before the Branch Office, National Investigation Agency, Chandigarh on the afore noticed date and time.

In the meanwhile, it would be open for the petitioner to approach respondent No.3 to take the keys of the locked premises. In the

eventuality of the petitioner doing so, the 3rd respondent i.e. the SHO, P.S. Jhabhal, District Tarn Taran would hand over the keys of the lock affixed on the house of the petitioner forthwith and without imposition of any pre-condition.

No further directions in the matter are required to be passed.

Petition is disposed of.

30.09.2020

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |