

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

**CRM-M-24481-2020
Date of decision: 26.11.2020**

Harvinder Singh and another **...Petitioners**

Versus

State of Punjab and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ravi Malhotra, Advocate
for the petitioners.

Mr. Ashok A. Pathak, Addl. A.G., Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition, filed under Section 482 Cr.P.C., is for issuance of direction to respondent Nos. 1 to 4 to protect the life and liberty of the petitioners at the hands of respondent Nos. 5 to 11.

On 26.08.2020, the following observations were made:

“There are serious allegations made against respondent Nos.5 and 6, who despite having made a statement before the Additional Sessions Judge, Kapurthala, on 31.07.2020 that there was no case/application pending against petitioner No.1, rendering the petition infructuous, are calling petitioner No.1 to the police station and harassing and humiliating him and his family members. Petitioners have submitted a complaint dated 04.08.2020 (Annexure P-2), which has, till date, not been acted upon. Petitioner has also approached the Director General of Police by moving representation dated 08.08.2020 (Annexure P-3). Counsel contends that the petitioners are being harassed at the behest of respondent Nos.7 to 11 in connivance with respondent Nos.5 and 6.”

Thereafter, the case was taken up on 15.09.2020 and the following order was passed:

“Learned State counsel submits that he has received the reply which he would file in the registry today itself. He, on instructions from ASI Satwinder Singh further submits that the petitioners had been summoned by the police of Police Station Sadar, Phagwara in connection with an enquiry with regard to a complaint submitted against them.

Learned counsel for the petitioners submits that the petitioners are ready and willing to go to the police station and give their version.

Under the circumstances, it is directed that the petitioners would go to Police Station Sadar, Phagwara on 23.09.2020 at 10.00 AM and would contact the SHO of the Police Station and in case, he is not available, the Incharge SHO and the police officers may get the version of the petitioners with regard to complaint said to have been submitted against them and thereafter, they be allowed to leave the police station at the earliest. It is expected that the police officers would treat the petitioners in a proper and appropriate manner and then intimation in that regard be given to this Court, by the next date of hearing, fixed as 14.10.2020.”

Thereafter, the case was again taken up on 14.10.2020 and it was submitted by learned counsel for the petitioners that the petitioners had appeared before the Investigating Officer/SHO and they had video recording of the same but the petitioners were sent back on the pretext that no inquiry is pending against and the petitioners were granted one more opportunity to appear before the DSP, Phagwara, District Kapurthala on 19.10.2020.

Learned counsel for the petitioners submits that in pursuance to

previous orders, the petitioners have appeared before the DSP, Phagwara, District Kapurthala and have joined inquiry, however, a direction may be issued to police authorities that in case the petitioners are required for the purpose of any investigation, a written notice in advance be issued to them.

This fact is not disputed by learned State counsel.

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

It is made clear that if the petitioners are required for any investigation, the police official concerned will issue them a written notice in advance in this regard.

26.11.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No