

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

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CRWP-7319-2020

Date of decision: 24.09.2020

Gurwinder Kaur and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Naresh Jain, Advocate
for the petitioner.

Mr. Aditya Sharda, AAG, Punjab
for respondents No.1 to 4.

SUVIR SEHGAL J. (ORAL)

The hearing of this petition has been taken up through video conferencing on account of outbreak of Covid-19 Pandemic.

The petitioners have approached this court for issuance of directions to the respondents for protection of their life and liberty and for compliance of provisions of Section 160 of Code of Criminal Procedure, 1973, in case, the presence of the petitioners is required in connection with any inquiry or investigation and for a further direction to the said respondents not to unnecessarily harass the petitioners by forcing them to come to the police station.

Upon notice, an affidavit of Jasbir Singh, PPS, Deputy Superintendent of Police, Sub Division Fazilka, District Fazilka, has been filed on behalf of respondents No.1 to 4 by e-mail. A print out of which is taken on record. Paras 4 to 7 of the affidavit read as under:-

“4. That an FIR No.175 dated 30.08.2020 under Sections 302, 458, 323, 324, 171, 148, 149 IPC Sections 25, 27 Arms Act, P.S. Khui Khera, District Fazilka was registered against twelve accused persons on the statement of Davinder Singh @ Titari son of Balwinder Singh.

5. That the husband of petitioner No.1, namely, Gurwinder Singh, the husband of petitioner No.2, namely, Surjit Singh and the husband of petitioner No.3, and father of petitioners No.4 and 5 namely, Jatinder Singh @ Kulwinder Singh are accused in the said FIR and while accused, Jatinder Singh @ Kulwinder Singh has been arrested by the police, the accused Gurwinder Singh and Surjit Singh are absconding and the police is raiding at the possible hide outs of the said accused, Gurwinder Singh and Surjit Singh.

6. That the police never harassed the petitioners and never called them to police station. The petitioners have filed the present petition to harass the police so that, the police does not raid their houses for arresting the accused.

7. That the petitioners are not required by the police in any case. Till the accused, Gurwinder Singh and Surjit Singh, who are absconding, are not arrested, the police will raid the houses of the said

accused in order to arrest them on receiving information that the accused are hiding in their houses. The police is acting in the present matter with honest intention. False allegations have been levelled against the police.”

I have heard the counsel for the parties and considered the affidavit filed by the respondents.

Without commenting anything on the veracity of the allegations, levelled by the petitioners, the petition is disposed of with a direction to respondent No.4 to ensure that, in case, the petitioners are required to be associated with any inquiry or investigation or some information is to be elicited from them, then a written advanced notice in terms of the provisions of Section 160 of the Code of Criminal Procedure, 1973, be served upon them.

It is, however, made clear that the aforesaid order shall not be construed to be any bar for taking any legal action against the petitioners, in case, it is legitimately found that they are involved in any offence.

It will be open for the respondents to proceed against the accused in FIR No.175 dated 30.08.2020, in accordance with law.

Disposed of.

24.09.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No