

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Writ Petition No. 7260 of 2020

Date of Decision: 17.09. 2020

Baljinder Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Parvesh Sachdeva, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

The petitioner has filed the present criminal writ petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for issuance of appropriate directions to respondent No.2 & 3 to take legal action against the private respondent No. 4 to 6.

The petitioner claims that he married to respondent No.6 on 06.07.2020. Thereafter, respondent No. 6 started staying with his family. On 23.07.2020, she administered certain intoxicants mixed in the food served at the dinner to him and his family members and thereafter, eloped with cash and gold ornaments. It is further alleged that the petitioner registered FIR No. 261 dated 30.07.2020 in this regard with the police. The petitioner also alleges that respondent No.6 filed a petition in this Court seeking protection of life and liberty claiming that she has married to

Respondent No. 4-Jarmal Singh on 10.06.2020. This Court on 29.07.2020

disposed of the aforesaid writ petition with the following order:-

“The writ petitioners have filed this criminal writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent No. 1 to 3 to protect their life and liberty. The writ petitioners claim that they are major and have married against the wishes of respondent No. 4 to 19 on 10.06.2020. The writ petitioners assert that they apprehend threat to their life and liberty at the hands of the above said respondents.

Learned counsel for the State, on instructions from Assistant Sub Inspector Gurdeep Singh, has stated that petitioner No.1 is in fact married on 06.07.2020 to Baljinder Singh son of Avtar Singh.

Be that as it may. The writ petitioners have annexed the certificate of having married on 10.06.2020 along with the photographs of their marriage.

Keeping in view the aforesaid facts, the Senior Superintendent of Police, Ferozepur, District Ferozepur is directed to examine the threat perception and take appropriate steps in accordance with law. It is made clear that this order shall not be taken to protect the writ petitioners from legal action for violation of law, if any, committed by them”.

Learned counsel for the petitioner contends that the police is pressurizing the petitioner and his family members to enter into a settlement with respondent No.4 to 6. He further contends that the order passed by this

Court is being wrongly interpreted.

This Court has heard learned counsel for the petitioner and with his able assistance, gone through the paper book.

In the considered view of this Court and in the facts and circumstances of the present case, it would not be appropriate for this Court to issue the writ as has been prayed for. If the petitioner does not have faith in the police or is being pressurized, the petitioner has a remedy of filing a criminal complaint before the Court of the concerned Area Judicial Magistrate. While adjudicating the petition, the disputed questions of fact are also likely to be involved.

With these observations, the present petition is disposed of while relegating the petitioner to the alternative remedy as per law.

(Anil Kshetarpal)
Judge

September 17, 2020
“DK”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No