

Sr.No.109

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

CRWP-9981 of 2020

Date of decision:02.12.2020

Sukhdev Singh

... Petitioner(s)

versus

State of Punjab and others

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Munish Puri, Advocate
for the petitioner.

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Article 226 of Constitution of India for issuance of writ in the nature of mandamus seeking protection of life and liberty to the petitioner and for taking appropriate action against respondent No.5.

Learned counsel for the petitioner has submitted that in the present case the petitioner is a permanent resident of village Aima Gujran, Post Office Sarna, Tehsil and District Pathankot and he is retired as lineman from the Electricity Board. He has further submitted that petitioner has three sons out of them two sons have died and one son namely, Mandeep Singh

who is respondent No.5 are residing at village Bal, District Gurdaspur. The land measuring 7 acres owned by in-laws of the petitioner is also given to him for cultivation purposes. However, respondent No.5 started harassing him and therefore, petitioner had expelled him from his property but for the last two months he entered into house during night hours in forcible manner and stole his Tractor Trolley and thereafter, petitioner approached the police but no action was taken in this regard. He has referred to Annexure P-3 which was representation given to the Senior Superintendent of Police, Pathankot and he has also referred to Annexure P-4 which was representation given to the Deputy Inspector General of Police, Punjab wherein it has been stated in para No.4 that on 19.11.2020 when he was coming back to home after having a walk, respondent No.5 gave him beatings and put him in a private car and even the police officials and private persons were also there who gave him leg and fist blows and tried to obtain signatures on blank papers in forcible manner. He has further submitted that an attempt was made to kidnap the petitioner in a forcible manner with the connivance of the police officials but still no action has been taken by the police because the police officials have been conniving with respondent No.5.

Learned counsel for the petitioner has further submitted that petitioner is of 60 years of age and he is having threat at the hands of respondent No.5 alongwith various other police officials.

Notice of motion to respondents No.1 to 4.

On asking of the Court, Mr. H.S.Sitta, Asst.AG, Punjab, present in the Court, accepts notice on behalf of the State – respondents No.1 to 4 and submitted that he has instructions to the effect that proceedings under Section 107, 151 Cr.P.C were initiated. So far as the allegation of stealing of Tractor-Trolley and attempt to kidnap the petitioner alongwith the connivance of the police officials is concerned the same needs to be probed by the police authorities and he further submits that he has no objection in case the petition is disposed of with a direction to the Senior Superintendent of Police, Pathankot to look into the matter in accordance with law.

In view of the above, this Court is satisfied that in the present case without calling for reply from the State, present petition can be disposed of with issuance of appropriate directions.

Without, commenting anything on the controversy/dispute between the petitioner and respondent No.5 on merits, present petition is disposed of with a direction to Senior Superintendent of Police, Pathankot to look into the representation (Annexure P-3) and to assess the threat perception of the petitioner and further, if required to proceed in accordance with law within a period of 15 days from the date of receipt of certified copy of this order.

2nd December, 2020

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No