

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

CWP No. 1481 of 2021

Date of Decision: 08.11.2021

Charanjit Singh

-Petitioner

Versus

State of Punjab and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Maninder Arora, Advocate,
for the petitioner.

Mr. T.P.S. Chawla, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has filed the present petition for issuance of a direction to the respondents not to harass the petitioner and his family members by visiting their native place/house in respect of FIR No.77 dated 11.08.2011 registered at Police Station Jodhan, Ludhiana (Rural).

On 22.01.2021, learned Assistant Advocate General sought time to have instructions as to why the police is on the look out for the petitioner who is presently residing in Italy.

Reply by way of affidavit of Harjit Singh, PPS, Deputy Superintendent of Police, Sub Division Dakha, District Ludhiana (Rural) has been filed on behalf of respondents No.1 to 4. Para no.6 of the reply reads as under:-

“6. That the contents of para no.6 of the petition are not correctly stated. Infact, on 27.11.2011, the police came to know that the petitioner is residing in Italy and thereafter the police never visited the house of the petitioner and all these allegations are being levelled with some ill motive. Detailed facts have been stated in preliminary submissions above.”

Perusal of para no.6 of the reply would show that the police came to know about the petitioner on 27.11.2011 that he is residing in Italy and thereafter, the police never visited the house of the petitioner and the allegations are wrong.

Para no.8 of the reply reads as under:-

“8. That the contents of para no.8 of the petition are admitted that Challan has not been presented as yet against the petitioner in the said FIR and the name of the petitioner was also not mentioned in column no.2 of the Challan. However, in the body of the challan against the said two co-accused, it has been clearly mentioned that the present petitioner is residing in Italy and proclamation proceedings will be initiated against the petitioner and thereafter a

separate Challan will be presented against the petitioner.”

Evidently, challan was not submitted against the petitioner nor was the status of the petitioner shown in column no.2 of the challan. Challan was submitted against other two co-accused who have been acquitted by the competent Court on 03.10.2018. The police has not started proclamation proceedings against the petitioner so far even after about 10 years of the alleged knowledge.

Learned State counsel on instructions from SI Jaswinder Singh submits that respondent No.4 shall only act in accordance with law. The police has no intention to harass the petitioner and his family members.

In the light of statement made by learned State counsel, this petition is disposed of by giving liberties to the parties to avail their remedies in accordance with law.

08.11.2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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