

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

214

CRWP-2900-2020

Date of decision:03.08.2021

Surjit Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vipul Jindal, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

SUVIR SEHGAL J.

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Article 226 of the Constitution of India seeking issuance of appropriate directions to the respondents to safeguard the life and liberty of the petitioner inasmuch as directing them to serve a written notice upon the petitioner in case his presence is required concerning investigation in FIR No.40 dated 12.03.2020 registered under Sections 21, 22, 29 of the NDPS Act, 1985; Section 3 of Indian Passport Act, 1920, and Section 14 of Foreigners Act, 1946, at Police Station Lopoke, District Amritsar Rural, Annexure P-1.

Counsel for the petitioner submits that FIR, Annexure P-1, has been registered on recovery of 10 kgs of heroin from beyond the International Border in the area of village Lodhi Gujjar, and Gurlal Singh, brother of the petitioner has been named as one of the accused. Counsel urges that the petitioner and Gurlal Singh are living with their families in the same residential premises, though in different and independent portions and they are not on speaking terms with each other. As the police have failed to apprehend accused Gurlal Singh, counsel submits that the petitioner, who is an agriculturist, is being harassed by a local police official

and he is being threatened that he will have to face penal consequences, in case, he does not reveal the whereabouts of his brother. Counsel urges that the police authorities are repeatedly raiding the premises of the petitioner without complying with the mandatory provisions of Section 160 of the Code of Criminal Procedure, 1973, as a result of which, the petitioner has shifted his family to the house of his in-laws in a nearby village.

Vide order dated 19.03.2020, this Court issued notice to the respondents and granted time to the State counsel to file a status report. Though the status report has not been filed, yet upon instructions from ASI Kashmir Singh, State counsel submits that as of date, the petitioner is not required in any criminal case.

Heard.

In view of the statement made by the State Counsel and without expressing any opinion on the veracity of the allegations levelled in the petition, the petition is disposed of with a direction to the respondents that in case, the petitioner is required to be associated with the above said FIR, then a written advance notice in terms of Section 160, Cr.P.C., be served upon him.

It is, however, made clear that the aforesaid order shall not be construed to be a bar for taking any legal action against the petitioner, in case, it is legitimately found that he is involved in any offence nor will the order be an embargo upon the respondents to proceed against the accused in FIR, Annexure P-1, in accordance with law.

03.08.2021

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(SUVIR SEHGAL)
JUDGE

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