

CRWP-4976-2021

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

CRWP-4976-2021

Date of decision: 28.06.2021

Karnail Singh

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. [Rajan Singh Dadwal, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The present petition has been filed under Article 226 of the Constitution for issuance of direction to respondents No.1 to 4 to protect the life and liberty of the petitioner at the hands of respondents No.6 to 9, who, as per the petitioner, are influential and political persons and indulged in illegal mining in the area, including the land of the petitioner.

Learned counsel for the petitioner contends that the petitioner is an illiterate person and his thumb impressions had been obtained on some blank papers so as to carry out the illegal mining by respondents No.6 to 9 from his land. It is further submitted that when the petitioner asked them to refrain from carrying out the illegal mining, the said respondents had threatened him with dire consequences. It is yet further submitted that the representation dated 17.05.2021 made by the petitioner to the Director General of Police, Punjab, did not evoke any response and hence, the petitioner has been left with no remedy, except to file the present petition.

I have heard the learned counsel for the petitioner.

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It is the case of the petitioner himself that respondents No.6 to 9 have been carrying out the alleged mining from his land for the last three-four months. Still further, he alleges that his thumb impressions were obtained on some blank papers projecting therein that the petitioner had taken an amount of Rs.2.50 lakh from respondents No.6 to 9 in lieu of the mining from his land. It appears that the petitioner had arrived at an agreement with the aforesaid respondents for the said mining from his land. Such comprehension is obtained on the basis of the very fact that in respect of the alleged document signed by the petitioner somewhere in April, 2021, the petitioner for the first time made a representation to the Director General of Police, Punjab, on 17.05.2021. Moreover, the petitioner though has made averments in para No.6 of the petition that his thumb impressions were obtained on some blank papers, yet no such document has been annexed with the present petition.

From the aforesaid conduct of the proceedings, it clearly transpires that the petitioner has not come to this Court with clean hands and has kept the material and true facts from this Court.

In view of the above, the present petition is dismissed with costs of Rs.10,000/-, to be deposited by the petitioner with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, with a period of one month from the date of receipt of certified copy of this order.

28.06.2021

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No