

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRWP-5781-2021 (O&M)
Date of Decision:-29.6.2021

Harbhajan Singh @ Bhajan Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.S. Sandhu, Advocate for the petitioner.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner aged 75 years has approached this Court seeking issuance of directions to protect his life and liberty as he apprehends threat to the same at the hands of respondents No.4 to 8.
2. Notice of motion.
3. On asking of the Court, Mr. V.G. Jauhar, Sr. DAG, Punjab, upon whom an advance copy of petition had already been served, accepts notice on behalf of the respondent-State.
4. Learned counsel for the petitioner has submitted that there had been a dispute over land between the petitioner and the private respondents since the last

about 20 years and in order to take forcible possession of the land, the private respondents pressurized the petitioner and they have always been threatening the petitioner and had also caused injuries to him regarding which FIR No.88 dated 9.9.2006 at Police Station Goraya, District Jalandhar under Sections 323, 324, 325, 326, 365, 148 and 149 of Indian Penal Code came to be lodged.

5. Learned counsel for the petitioner has submitted that previously the petitioner had approached this Court by way of filing CRM-M-35431 of 2011, which was disposed off vide order dated 4.4.2013 (Annexure P-8) wherein directions were issued to the official respondents to evaluate the threat perception and to take necessary steps. It has been submitted that thereafter the trial in respect of FIR No.88 dated 9.9.2006 concluded and the private respondents i.e. respondents No.4 to 6 were convicted vide judgment dated 29.9.2017 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Phillaur.
6. The appeal filed by the accused against the said judgment of conviction dated 29.9.2017 was also dismissed by the Court of learned Additional Sessions Judge, Jalandhar vide judgment dated 15.5.2019 (Annexure P-3) and the accused were taken into custody. It has been submitted that once the accused were taken into custody there was no threat perception. However, subsequently the said private respondents have been released on special parole on account of a general order passed by a High Powered Committee due to spread of pandemic COVID-19 and the said respondents have again intensified their threats to the petitioner.

7. I have heard the learned counsel for the petitioner as well as the learned State counsel.
8. Having regard to the facts and circumstances of the case and while bearing in mind that the private respondents appear to be desperate kind of persons, who have already been convicted, the petition is disposed off with liberty to the petitioner to file a fresh representation to respondent No.2-Commissioner of Police, Jalandhar delineating the entire facts and the reasons of his apprehension. In case any such representation is filed by the petitioner, the same shall be got examined by respondent No.2-Commissioner of Police, Jalandhar expeditiously in accordance with law. In case, it is found that there is any genuine threat to the life and liberty of the petitioner, then necessary steps shall be taken to ensure that no harm is caused to the petitioner.
9. The petition stands disposed off accordingly.

29.6.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No