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

CRWP No. 6528 of 2021
Date of Decision: 16.07.2021

Ranbir Singh and another

-Petitioners

Versus

State of Punjab and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. B.S. Bhalla, Advocate,
for the petitioners.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioners seek issuance of necessary directions to respondent No.2 to protect their lives and personal liberties from being invaded at the hands of respondent No.3 who is Station House Officer of Police Station Nangal.

Learned counsel for the petitioners has alleged incriminating allegations against respondent No.3 in citing the petitioner No.1 as a prosecution witness without his consent. FIR No.204 was registered on 17.09.2020 under Section 307 IPC and under Section 25 of Arms Act, Police Station Nangal against some accused. Petitioner had no knowledge about the

registration of said case. In February, 2021 petitioner No.1 came to know about his status of being cited as prosecution witness in the said FIR. Petitioner No.1 went to the Court and got the record inspected through his lawyer wherein he found that his statement was allegedly recorded under Section 161 Cr.P.C. Petitioner No.1 got the challan from the counsel of the accused along with his alleged statement under Section 161 Cr.P.C.

Perusal of the record would show that petitioner No.1 was alleged to be the person who accompanied the police officials when raid was conducted at the house of Harpreet Singh. Petitioner had no knowledge about the said incident. He had never seen Nitin Kumar and Harpreet Singh together on 17.09.2020 nor was any recovery effected from the house of Harpreet Singh. The alleged statement under Section 161 Cr.P.C. was false and fabricated. Thereafter, the petitioners went to Police Station on 11.03.2021 and brought this fact to the notice of respondent No.3, who became annoyed with the petitioners and kept them in police custody for 03 days and also tortured them without any rhyme or reason. Petitioners were released on 14.03.2021 when the villagers requested respondent No.3 to release the petitioners. Petitioners were very much afraid and have not come out of their houses for 03 months. Ultimately, the petitioners discussed the issue with their

family members and decided to contact respondent No.2. Accordingly, petitioners met respondent No.2 on 04.05.2021 and after hearing the petitioners, respondent No.2 asked the petitioners to submit affidavits. On 07.05.2021, the petitioners prepared the affidavits and got them attested from Executive Magistrate. In the affidavits, petitioners have denied that they had accompanied the police party at the time of raid to the house of Harpreet Singh nor was any mobile phone recovered from Harpreet Singh in their presence. On 11.05.2021 also, the petitioners went to the office of respondent No.2, but he was not found present in the office. They again went to the office of respondent No.2 on 28.06.2021 and at that time, respondent No.3 was present in the office and he gave threats to the petitioners. Petitioners came back home. With these allegations, petitioners have espoused their grouse before respondent No.2, but no action has been taken so far.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, D.A.G., Punjab accepts notice on behalf of respondents.

In view of nature of order which this Court proposes to pass, there is no necessity of calling upon any response from the respondents, as no order prejudicial to the interest of any party is being passed.

At this stage, without embarking upon merits of the case, this petition is disposed of by sending a copy of this petition to respondent No.2 to treat the same as representation on behalf of the petitioners and redress the grievance of the petitioners without being influenced by any statement of fact, preferably within a period of one month from the date of receipt of certified copy of this order.

16.07.2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No