

In the High Court of Punjab and Haryana at Chandigarh

Criminal Writ Petition No. 6274 of 2020
Date of Decision: 15.01.2021

Harbans Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Aayush Gupta, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Om Pal Sharma, Advocate
for respondents No. 6 and 7.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This petition has been filed under Article 226 of the Constitution for issuance of a writ directing respondents No. 2 to 5 to protect the life and liberty of the petitioner at the hands of respondents No. 6 to 9 and to investigate FIR No. 91 dated 13.6.2020 registered under Sections 420 and 120-B IPC, at Police Station Dakha, District Ludhiana (Rural) in a fair manner.

Learned counsel for the petitioner submits that respondent No. 6 (nephew) and respondent No. 7 (niece), in connivance with each other, cheated the petitioner. He further submits that respondents No. 6 and 7 enticed the petitioner to get execute a power of attorney in favour of respondent No. 6 for the purpose of taking care of the land of the petitioner,

situated at village Dakha but instead they got executed the power of attorney in favour of respondent No. 6 for all the purposes; that respondents No. 6 and 7 also got executed a Will in favour of respondent No. 6; that on the basis of the said forged power of attorney, respondent No. 6 got executed a gift deed in favour of respondent No. 7, who sold the property of the petitioner to respondents No. 8 and 9 and the petitioner was not paid any sale consideration; that the petitioner had also filed a suit for declaration against the private respondents and vide order dated 26.9.2019 passed by the trial Court, the private respondents were restrained from alienating the property in question; that after passing of the said order, respondent No. 9 tried to take forcible possession of the property in question. Learned counsel for the petitioner further submits that petitioner is a 75 years lady and the private respondents have been pressuring her to enter into a compromise and also threatening her.

Learned State counsel as well as learned counsel for respondents No. 6 and 7 have opposed the prayer made by the learned counsel for the petitioner.

I have the learned counsel for the parties.

A perusal of the reply filed by the State shows that, on the application of the petitioner, enquiry was duly conducted in which respondents Manjinder Singh and Manjit Kaur were found guilty and accordingly FIR No. 91 dated 13.6.2020 under Section 420/120-B IPC was registered against them. It has also been mentioned in the reply that during investigation, accused Manjinder Singh-respondent No. 6, Manjit Kaur-respondent No. 7 and Jasmir Singh @ Billu Baba-respondent No. 9 were

arrested and released on bail.

Since after conducting the enquiry by the Deputy Superintendent of Police, Dakha, FIR No. 91 dated 13.6.2020 was registered against the accused persons and during investigation, respondents No. 6, 7 and 9 were arrested and released on bail, no case for grant of protection to the petitioner is made out.

The petition is dismissed with costs of Rs. 10,000/- to be deposited with the Poor Patient Welfare Fund, PGIMER, Chandigarh.

(HARNARESH SINGH GILL)
JUDGE

January 15, 2021
Gurpreet

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