

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

219

CRWP-7611-2021

Decided on : 23.11.2021

Karamjeet Kaur

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Saurabh Kaushik, Advocate
for the petitioner.

Mr. N. K. Banka, DAG, Punjab.

Mr. Nakul Sharma, Advocate
for respondent No. 4.

VIKAS BAHL, J. (Oral)

The present Criminal Writ Petition has been filed under Articles 226/227 of the Constitution of India for the issuance of writ in the nature of mandamus directing the respondent Nos. 2 and 3 to protect the life and liberty of the petitioner and her family members from the hands of respondent No. 4 who are not allowing the petitioner to cultivate her land.

Learned counsel for the petitioner has submitted that in the present case, a civil suit was filed by Jagjit Singh, respondent No. 4 against the present petitioner and in the said suit, status quo order had been passed. It is further submitted that a representation has been given by the petitioner to respondent No. 2 in which it has been stated that action be taken against respondent No. 4 and till the time, the matter is not finally decided by the Civil Court, respondent may be restrained from interfering

in the land and he may also be directed to comply with the order of the Court. The prayer clause in the said representation is reproduced hereinbelow:-

“Hence, it is requested by filing application that stern legal action may be taken against aforesaid person and until Court does not decide regarding this land, till that time he may be restrained from interfering in land. He may be instructed to comply orders passed by Hon'ble Court. Our life and liberty may be protected and justice may be done.”

Learned State counsel as well as learned counsel for the complainant, on the other hand, have referred to the reply filed by the State. Paragraphs 8, 9 and 10 of the said reply are reproduced hereinbelow:-

“8. That it is respectfully submitted that so far as life and liberty of petitioner/her family members is concerned, in that regard it is submitted that she was given personal hearing by the answering respondent and was made aware of Police Helpline No. 181 and 112. Apart from that, Deputy Superintendent of Police Sub Division, Amloh was directed to ensure her safety, who got verified the numbers of weapons available with family of respondent No. 4. As per the verification made, the 12 bore Gun (double barrel) issued to respondent No. 4 was found lying deposited with Khanna Gun House, Nabha and his license expired (which was not renewed on account of registration of above noted case/ FIR No. 32 against him) and no other family was found possessing weapon.

9. That it is further respectfully submitted that the Deputy

Superintendent of Police, Sub Division, Amloh also provided his personal mobile No. to the petitioner and further directed the SHO, Police Station Amloh and Incharge Police Post Bugga Kalan, for immediately reporting the matter with him in case of receipt of complaint from petitioner. Further, even though from last three years the complainant alongwith her son (supra) was found residing with her father Harbans Singh at Village Palia Kalan, Police Station Bhadson, District Patiala and no complaint was found received from her in connection with alleged incident dated 28.06.2021 with police of District Fatehgarh Sahib, however in order to avert any further harm the preventive action under Section 107/150 Cr.P.C. was taken against respondent No. 4 vide DDR No. 24 dated 27.09.2021 recorded at Police Station Amloh.

10. *That in view of the aforesaid facts and circumstances it is evident that the land in question is lying unutilized and is under litigation, whereupon status quo order is operating. The possession of that would be given subject to decision of Ld. Court of Competent Jurisdiction and both the petitioner as well as respondent No. 4 has undertaken to abide by the decision of Court. So far as grant of protection to petitioner is concerned, it is submitted that the petitioner has got recorded that presently she is residing with her parents and needs no protection and same would be required by her at the time of obtaining possession of land, for which she is availing her legal remedy and she would request for police help when needed. As a matter of consequence, the complaint received from petitioner was filed.”*

In view of the reply, which has been filed by learned State counsel, learned counsel for the petitioner submits that the present petition has become infructuous, at this stage. He, however, states that the

petitioner be granted liberty to initiate appropriate proceedings in accordance with law in order to enforce her civil rights.

In view of the statement made by learned counsel for the petitioner, the present petition stands disposed of as having been rendered infructuous. However, liberty is granted to the petitioner to initiate/defend appropriate proceedings, in accordance with law.

(VIKAS BAHL)
JUDGE

23rd November, 2021
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No