

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

**CRWP No. 7604 of 2021
Date of Decision: 31.08.2021**

Deepak Kumar

Petitioner

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Harmanpreet Kaur, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is filed seeking directions to respondents No. 1 to 3 to protect the life and liberty of the petitioner and to restrain respondent No. 4 i.e. Anil, CIA In-charge, District Mahendergarh from harassing or interfering in the peaceful life of the petitioner.

The allegations in the pleadings are that on 17.1.2021, four or five unknown persons came to the petitioner's house with covered faces and told the family members of the petitioner that they were there to arrest the petitioner in case of theft of mobile and demanded Rs.1,00,000/-. One of them informed his name as Anil, CIA In-charge.

Learned counsel for the petitioner submits that it is a case of continuous harassment and the official respondents are demanding money.

Learned counsel for the State, on instructions from ASI-Hari Parkash, submits that the petitioner had earlier filed a petition with similar request in which reply was filed. After going through the reply, learned counsel for the petitioner sought permission to withdraw the present petition with liberty to avail remedies in accordance with law. She further submits that the petitioner is wanted in FIR No. 604 dated 30.11.2020, registered at Police Station, Mahendergarh as he had received stolen

property.

With exactly similar prayer and impleading the same respondents, CRWP No. 1560 of 2021 was filed by the petitioner. Reply dated 24.3.2021 in the shape of affidavit was filed by the State. In the reply, it was mentioned that during investigation of the FIR, co-accused Parveen specifically stated that jewellery stolen from Baba Jairam Dass Colony was sold to the petitioner. Thereafter on 17.1.2021, raid was conducted at the shop of the petitioner but he was not available. Two members of the Special Staff went to the house of the petitioner where his wife refused to give whereabouts of the petitioner. The allegations against respondent No. 4- Anil were refuted by the State stating that he was present on 17.1.2021 from morning till evening at Special Staff, Mahendergarh.

The petitioner is evading apprehension since January, 2021. To circumvent his involvement in the FIR, one petition after the other is filed in this court with similar prayer. The earlier petition was withdrawn with liberty to avail remedies in accordance with law. Instead of availing the remedies, the second petition was filed claiming the same relief. Learned counsel for the State has informed that arrest warrants of the petitioner have been issued. It is a case of misuse of the process of law.

The petitioner is dismissed.

Considering the conduct of the petitioner, cost of Rs.15,000/- is imposed to be deposited in the Punjab & Haryana High Court Lawyers Welfare Fund.

[AVNEESH JHINGAN]
JUDGE

31st August, 2021

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