

CRWP-8433-2021

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

CRWP-8433-2021

Date of decision: 06.09.2021

Khushi and another

...Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Surinder Gandhi, Advocate,
for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The present criminal writ petition has been filed under Article 226/227 of the Constitution for issuance of a writ in the nature of mandamus directing respondents No.1 to 3 to protect the life and liberty of the petitioners at the hands of and against the atrocities committed upon them by Jaibir, Sub Inspector, CIA-II, Rohtak, Naresh Rathi, Incharge CIA-II, Rohtak and 7-8 other police officials of CIA-II and to register an FIR against them for the offences committed by them.

Learned counsel for the petitioners contends that on 05.05.2021, at about 5.00 P.M., when petitioner No2 alongwith her minor daughter was going on a scooter to fetch milk from the Milk Dairy, she was waylaid by Jaibir, Sub Inspector, CIA-II, Rohtak, accompanied by 7-8 other police officials. They then forcibly abducted the petitioner and her daughter by pulling them in the police vehicle and took them to the police

CRWP-8433-2021

station. Even no female police official was accompanying the police party. The police had kept the petitioners in the illegal custody, throughout the whole night at Police Station Rohtak, and also used filthy language against petitioner No.2. On the next date i.e. 06.05.2021, the police registered FIR No.281 dated 06.05.2021, under Section 20 NDPS Act, Police Station City Rohtak, against some persons, who were not known to petitioner No.2. Petitioner No.2 has falsely been implicated in the aforesaid FIR. Petitioner No.2 has also moved a representation dated 12.08.2021 (Annexure P-1) to respondents No.2 and 3, for redressal of her grievance.

I have heard the learned counsel for the parties.

In the present case, an FIR has been registered against petitioner No.2 under the provisions of NDPS Act. Petitioner No.2, if so advised, is at liberty to take legal recourse as regards her implication in the aforesaid FIR, but she cannot be allowed to maintain the present petition alleging danger to her life and liberty and that of her child, when as stated above, a criminal case stands registered against her.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

06.09.2021

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No