

228

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.8380 of 2020 (O&M)

Date of decision: 28.06.2021

Sumitra Rani and another

....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.S. Sekhon, Advocate
for the petitioners.

Ms. Aditi Girdhar, AAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this writ petition is for issuance of a direction to the official respondents to protect the life and liberty of the petitioners at the hands of the private respondents.

On 09.04.2021, the following order was passed by this Court:-

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

Notice of motion was issued on 14.10.2020. It appears that process fee has not been filed due to some misconception.

This petition has been filed by the petitioners for issuance of necessary directions to official respondents to protect their lives and personal liberties from being invaded by the private respondents, who are alleged to be inimical towards the petitioners and intend to grab the properties of the petitioners.

Precisely, for the grievance in question, the petitioners have also approached the police authorities i.e. Director General of Police, Haryana by way of representation dated 06.10.2020.

Petitioner No.2 appears in person and submits that during pendency of the present petition, necessary

CASE HEARD THROUGH VIDEO CONFERENCING

directions be issued to the police to make suitable arrangement for protection of their lives and personal liberties. They feel reasonable apprehension of their physical elimination at the hands of the private respondents.

Petitioner No.2 undertakes to file process fee within a week and on doing so, process be issued to the respondents for 28.06.2021.

In the meanwhile, petitioners if so advised may appear before respondent No.3 with a detailed representation. The respondent No.3 is directed to look into the threat perception of the petitioners and if apprehensions of the petitioners are found to be bona fide, then suitable protection qua their lives and personal liberties be ensured in accordance with law.”

Counsel for the petitioner has argued that petitioner No.1 – Sumitra Rani is a widow lady and is residing with her daughter i.e. petitioner No.2 – Swati Kataria. It is further submitted that on 16.10.2016, an incident happened when the petitioner No.1 – Sumitra was brutally injured in an attempt to murder and FIR No.694 dated 27.10.2016 under Sections 148/149/323/307/354-A(1)/376/511/506 IPC was registered at Police Station Assandh. It is also submitted that the private respondents are having high links and the brother of petitioner No.1 namely Punit Kataria, who was 30 years of age was allegedly murdered by those persons. It is further argued that the petitioner are having an agricultural land of about 35 acres on the main road, which is a prime land and the private respondents are having an eye on the same and the petitioners being the ladies are not permitted to cultivate their land.

Counsel for the petitioner has referred to the contents of the FIR No.694 dated 27.10.2016, wherein it has been alleged that many people are visiting the Deras set up by the private respondents

CASE HEARD THROUGH VIDEO CONFERENCING

and they are putting pressure on the petitioners to part away their land and in that regard, the petitioners have given representations to various authorities.

Reply by way of affidavit of the Deputy Superintendent of Police, Assandh, District Karnal on behalf of respondents No.1 to 4 is on record and as per the affidavit, it is stated that on receiving the complaint, he tried to contact the petitioners at their residence as they were not available and their house was found locked.

During the enquiry, the private respondents were joined and their statements have been recorded and in their statements, they have stated that they have cultivated the land at their own and have neither threatened the petitioners nor entered their land and they have no objection if the petitioners visit their land and they will not interfere in the land of the petitioners.

It is also stated by counsel for the petitioner that FIR No.694 dated 27.10.2016 registered on the complaint of petitioner No.2 – Swati Kataria, is still pending against some of the private respondents as the investigation was transferred by the order of the Deputy General of Police, Haryana to State Crime Branch (H), Madhuban.

For a ready reference, Para 12 of the reply, is reproduced as under:-

“12. That in reply to the contents of Para No.12 of the petition, it is submitted that the petitioners are at liberty to live peacefully in their village. Moreover, inquiry was deeply conducted by deponent, who during the course of enquiry had joined Mandeep Singh Bajwa S/o Inderjit Singh Bajwa R/o Dera Bajwa Ardana, Gurwinder Singh S/o Gurbaj, Surender Singh S/o Gurdial Singh, Gurdyal

CASE HEARD THROUGH VIDEO CONFERENCING

Singh S/o Balihar Singh, Inderjit Singh S/o Balihar, Narender Singh S/o Balihar Singh all residents of Dera Bajwa, Ardana, (Ishwar Singh S/o Bhalla Ram R/o Ardana and Dilbagh Singh S/o Chabeg Singh, who cultivated the land of the petitioner) in the inquiry and recorded their statements. In their statements, they said that they have cultivated their land by own. They have never threatened to the petitioners no entered into the land pertain to the petitioners. They have no objection qua the visiting of Sumitra Rani and Swati Kataria to their land. They will not interfere in the land of the petitioners.”

Counsel for the State, on the basis of the affidavit of the Deputy Superintendent of Police, has not disputed the factual position, however, it is submitted that the report under Section 173 Cr.P.C., has already been filed in FIR No.694.

After hearing the counsel for the parties and in view of the affidavit of the Deputy Superintendent of Police, Assandh, Karnal, in which it is stated that he has recorded the statement of all the private respondents, who have clearly deposed that they will not interfere on the 35 acres of land, which is in the possession of the petitioners, this writ petition is disposed of, with a following directions:-

- 1. It will be open for the petitioners to manage their land themselves or by leasing it out to a third person or to cultivate the same by appointing servants.***
- 2. As and when the petitioners intend to visit their land, they will give an advance notice to the Deputy Superintendent of Police, Assandh, Karnal and he will provide police protection to them in order to visit their land.***

CASE HEARD THROUGH VIDEO CONFERENCING

3. In view of the statements recorded by the Deputy Superintendent of Police, Assandh, Karnal, of the private respondents that they have cultivated their land at their own and have never threatened the petitioners nor entered in the land of the petitioners and will not raise any objection qua the visit of the petitioners to their land, it is the petitioners, who is in possession of the land and the private respondents are restrained to interfere in the land of the petitioners, in any manner.

With the aforesaid observations/directions, this writ petition is disposed of.

**(ARVIND SINGH SANGWAN)
JUDGE**

28.06.2021
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No