

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

CRM-W-1229 of 2020 in/and
CRWP No. 8838 of 2020 (O&M)
Date of Decision: 7.12.2021

Manjit Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Ishma Randhawa, Advocate
for the petitioners.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J.

CRM-W-1229 of 2020

The application is allowed and the documents are taken on record.

Main case

This is a petition that has been filed for issuance of a direction to respondents 2 to 4 to protect the life and liberty of the petitioners from the hands of respondent No.5, who is allegedly torturing and harassing them.

The facts in brief are that the petitioners owe an allegiance to a particular political party. Petitioner No. 1 is a Sarpanch of her village since 2018. It is alleged that after petitioner No.1 won the election of the

Sarpanch, the opposite contestants from the present dispensation with a view to wreck vengeance have left no stone unturned to implicate the only son of the petitioners, namely Amritpal Singh in false and frivolous cases. It is alleged that the son of the petitioners had left the house in January 2019 and he has never returned since then and the petitioners have undergone immense emotional trauma as they do not know about the whereabouts of their son. It is alleged that after missing of the son of the petitioners, the local police have harassed and humiliated them and have made their life a living hell. The petitioners claim to have sworn a joint affidavit disowning their son.

On 14/15.09.2020, an FIR under the provisions of Unlawful Activities Act, 1967 came to be registered against Harjeet Singh and Shamsher Singh, belonging to the petitioners' village and since then the petitioners have become soft targets of police anarchy. It is alleged that respondent No.5, at the behest of respondents No. 3 and 4, has since been raiding the house of the petitioners several times and besides ransacking the house of the petitioners they have even physically beaten petitioner No.2, while abusing petitioner No.1.

Learned counsel for the petitioners would argue that despite the fact that the petitioners have disowned their only son and have time and again informed respondent No. 5 that they do not know about the whereabouts of their son, they are being tortured and harassed unnecessarily. It is argued that respondent No.5 has precluded anyone from visiting the house of the petitioners and in case someone dares to visit them,

he/she is threatened to implicate in a false case. The high-handedness of the police reached at its height when on 9.10.2020, petitioner No.2 was barred from entering his fields to harvest the paddy crop. It is submitted that though the petitioners have moved several applications/representations before the higher police authority regarding the harassment meted out to them but no action has been taken thereof.

Per contra, learned counsel for the respondent—State vehemently opposes the instant petition on the ground that the petitioners have concealed material facts from this Court. It is submitted that as per status report filed by Deputy Superintendent of Police, Sub Division Taran Taran, an inquiry was held in the subject matter of the instant petition and it was concluded that the allegations levelled by the petitioners are false and frivolous and without any merit. During the inquiry, it was surfaced that son of the petitioners, namely Amritpal Singh is habitual offender and he is wanted in as many as 11 cases registered against him under Section 302 etc. of the Indian Penal Code, Section 25 of the Arms Act and Section 13 etc. of the Unlawful Activities Provisions Act. The local police had received a secret information that son of the petitioners as well as some unknown persons had come at the tube well of petitioner No.2 along with weapons. On receipt of the information, the local police had conducted a raid in order to apprehend the son of the petitioners, but he was not found there and accordingly the police officials returned without any kind of interference in the harvesting of the crops, as alleged in the petition. The instant petition is nothing but a pressure tactic to pressurize the local police not to conduct

investigation in a case pertaining to petitioner No.2 and his son—Amritpal Singh in FIR No. 81 dated 5.12.2019 registered under Section 307 etc. IPC and 25 of the Arms Act. Further under the garb of this petition, the petitioners want to save the skin of their son, who is involved in a number of cases. Regular raids are being conducted by the police at the house of the petitioners only in order to arrest their son and the police have no objection if the petitioners harvest their crops. Therefore, since the allegations of harassment at the hand of the police are without any basis, the instant petition deserves to be dismissed.

I have heard learned counsel for the parties and have perused the paper book as well as the status report filed by the respondent—State.

The limited prayer made in this petition is to restrain respondent No. 5 from raiding the house of the petitioners herein, who are none than the parents of one Amritpal Singh, who have several cases registered against him, even cases pertaining to Section 302 etc. IPC. As per the police, there is apprehension that the petitioners herein are harbouring the said Amritpal Singh whose custody is required so that his role in the various FIRs pending against him could be thoroughly investigated.

As per learned counsel appearing appearing on behalf of the respondent—State, the petitioners are not being put to undue harassment and the premises were raided only when there was apprehension or information received that the said Amritpal Singh could be found within the said premises. She very fairly submits that the police would not unduly harass the petitioners, but in case the petitioners are required for any

investigation or questioning, due process of law would be followed for summoning them to the police station.

In view of the fair statement made by the learned counsel for the respondent—State this petition has rendered infructuous and is ordered accordingly.

December 7, 2021
Prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No