

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

CRWP-9343-2020 (O&M).
Date of Decision:-26.08.2021.

Madhu Bala

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

CRM-W-984-2021

This is an application for placing on record copy of Calandra under
Section 107/151 Cr.P.C. dated 06.08.2021 as Annexure P-6.

Application is allowed and Annexure P-6 is taken on record.

Registry to tag the same at the appropriate place.

CRWP-9343-2020

This is a petition under Articles 226/227 of the Constitution of India
for directing the official respondents to protect the life and liberty of the petitioner.

Learned counsel for petitioner has submitted that the petitioner is a
lady of 57 years and she is apprehensive that some untoward incident may take
place at the behest of respondent Nos.4 and 5.

A perusal of the representation, which has been given by the petitioner to respondent No.2, shows that there is colour of civil dispute in the same.

Learned counsel for the State has referred to the detailed reply, which has been submitted by way of an affidavit to state that an inquiry was conducted with respect to the dispute in question and it was found that there was Panchayat land in front of the house of the petitioner and the petitioner, along with her husband, was wanting to take forcible possession of the same and, subsequently, a compromise was also effected, which was signed by the husband of the petitioner and the husband of the petitioner agreed to demolish the wall constructed on the Panchayat land but later on they did not fulfill their promise. Then the Gram Panchayat moved a complaint to the Block Development and Panchayat Officer (BDPO), Nabha, and the said BDPO, *vide* letter No.5703 dated 28.10.2020, directed to demolish the illegal constructions. It is also submitted that the matter is pending in the Civil Court.

Learned counsel appearing for respondent Nos.4 and 5 has submitted that respondent Nos.4 and 5 are only villagers and they have never threatened the petitioner and the entire dispute is a civil dispute. He has further submitted that on account of the alleged encroachment of the petitioner, the vehicles of the villagers including the answering respondents cannot move freely.

Learned counsel for the petitioner has submitted that he has restricted his present petition only to the protection of life and liberty of the petitioner, who is a lady. It has been submitted by the learned counsel that the entire dispute as to who is in legal/illegal occupation or as to whether the petitioner has encroached any property, would be decided by the Civil Court/Competent Court and in the

present petition, he does not wish to press the said aspect. It has further been submitted that any order with respect to the protection of life and liberty of the petitioner would not possibly have any bearing in the dispute with respect to the disputed land/property.

Keeping in view the above said facts and circumstances, this Court feels that it does not wish to venture into the civil dispute between the parties and leaves the parties to agitate the same before the Civil Court/Competent Court. However, only with respect to the apprehension raised by the petitioner with respect to bodily injury, without commenting upon as to whether the apprehension is genuine or not, this Court feels that respondent No.2 would look into only the said limited aspect and take appropriate action, in accordance with law.

It is clarified that this Court has not given any opinion on the merits of the dispute, which the Civil Court/Competent Court would decide uninfluenced by any observation made in this order, nor it has made any observation on the conduct of the private respondents.

Disposed of with the above said observations.

(VIKAS BAHL)
JUDGE

August 26, 2021.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.