

207.

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

CRWP-1591-2019

Date of Decision: 02.12.2021

KASHMIR SINGH

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Jasneet Mehra, Advocate,
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR.J (Oral)

The present criminal writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of mandamus directing respondent No.2 to protect the life, liberty and property of the petitioner and his family members at the hands of respondents No.3 and 4, who are threatening the petitioner with false implication.

Learned counsel appearing on behalf of the petitioner would contend that the petitioner wanted to send his son Jagroop Singh to foreign country and an assurance was given by private respondents No.7 to 10 that they will send his son abroad i.e. to Canada on a work visa for three years and get him PR. The petitioner herein has given an amount of Rs.6 lakhs,

however, the private respondents failed to send Jagroop Singh to Canada. As the private respondents failed to return the money, the petitioner made a complaint to the local police for taking legal action, however, nothing came out of it, which led to the petitioner filing the instant petition claiming that his life and liberty were being compromised at the hands of private respondents.

Notice of motion was issued, pursuant to which, a short affidavit of Gurpartap Singh Sahota, PPS, Deputy Superintendent of Police, Sub-Division Attari, Amritsar-Rural, on behalf of respondents No.1, 2 & 5 has been filed. In the said reply, it is clearly stated that the police are not in connivance with the private respondents. In fact, both parties were called to the police station and a compromise was effected between them on their own free will on 02.08.2019. In terms of the compromise, an amount of Rs.1 lakh was returned in cash to the petitioner and it was further decided that the balance amount of Rs.2 lakhs would be paid in installments and the first installment of Rs.25,000/- was to be given on 02.10.2019.

Counsel appearing on behalf of the petitioner would urge that the amount has not been returned despite the compromise having been effected between the parties. She would contend that the terms of the compromise have not been adhered to by the private respondents. Whereas learned State counsel would submit that separate petition has been filed seeking protection to the life and liberty.

I have heard learned counsel for the petitioner and perused the reply filed.

Admittedly, the present petition has been filed seeking a direction in the nature of mandamus for protection of the life and liberty of the petitioner at the hands of private respondents. In the opinion of the Court if any of the terms and conditions have not been adhered to, the petitioner would have an independent remedy, which remedy cannot be availed of in these proceedings. Consequently, the present petition is disposed of leaving it open to the petitioner to claim any amount due to him in accordance with law.

(JAISHREE THAKUR)
JUDGE

02.12.2021

sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No