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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-100-2022

Date of Decision: 19.05.2022

Karnail Singh

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vishal Rattan Lamba, Advocate, for the petitioner.

Mr. Davinder Bir Singh, Deputy Advocate General, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India with a prayer for issuance of directions to protect the life and liberty of the petitioner and his family members at the hands of respondent No.5. Respondent No.5 is a serving ASI and Incharge of the Police Post Lopo, Police Station Badhni Kalan, District Moga.

The grievance of the petitioner in the present case was that the petitioner was having a dispute with his neighbours because the petitioner had stood witness against them in a case titled Paramjeet Kaur and another Versus Pargat Singh which is pending in the Court of Learned Civil Judge, Senior Division, Moga. The neighbours of the petitioner were therefore keeping grudge against him and they had installed a camera at the height of 14 feet facing the house of the petitioner, breaching the privacy of the house of the petitioner and whenever the petitioner asked them to turn the direction of the

camera, then they used to start quarrelling with him. The petitioner thereafter moved a complaint to the Superintendent of Police, Moga on 01.12.2021 against his neighbours. Apart from the same, it is also the case of the petitioner that respondent No.5 who is a Assistant Sub Inspector and Incharge of the Police Post came to the house of the petitioner and conducted the checking of the cameras and thereafter, he told that installation of cameras at the height of 14 feet was correct and he also started exerting pressure upon the petitioner to come to the police post on the next date for signing a compromise.

Learned counsel for the petitioner has submitted that respondent No.5 who is police officer and connived with the neighbours of the petitioner and had been exerted pressure upon the petitioner and has therefore exceeding his jurisdiction.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab has stated that a reply by way of affidavit has been filed by the Assistant Superintendent of Police (Sub Division) Nihal Singh Wala, District Moga and while referring to the aforesaid reply he submitted that on the basis of the application which was filed by the petitioner to the Superintendent of Police, Moga against his neighbours pertaining to installation of camera at the height of 14 feet towards his house, now an FIR No.31 dated 28.03.2022, under Section 354-C IPC, Police Station Badhni Kalan has been registered against the alleged accused persons after enquiry was got conducted through DSP, Special Crime, Moga. He further submitted that so far as the allegations against respondent No.5 are concerned, the allegations were found to be incorrect and there was no substance in the allegations of the petitioner against respondent No.5. He further submitted that

at the instance of one other person namely Chaturvedi Sharma an FIR No.2 dated 05.04.2022 has been registered against respondent No.5 under the Prevention of Corruption Act, 1988 which was although not connected with the present case. He further submitted that there is no threat from respondent No.5 to the petitioner.

I have heard the learned counsel for the petitioner.

In view of the factual position stated by the learned Deputy Advocate General, Punjab the subject matter of the present petition does not survive.

The present petition is therefore disposed of accordingly.

However, learned counsel for the petitioner has submitted at this stage that respondent No.5 can again exert pressure upon the petitioner and implicate him in false cases.

The aforesaid submission of the learned counsel for the petitioner seems to be premature at this stage. However, considering the fact that respondent No.5 has now been implicated in case under the Prevention of Corruption Act, 1988 in some other case, liberty is granted is granted to the petitioner to file an appropriate application before the SSP, Moga in case, it is so required at any point of time and can raise his grievances with regard to respondent No.5. Needless to say that in case any such application /complaint/representation is filed, then the SSP, Moga shall consider the same as expeditiously as possible.

19.05.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No