

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

243/2

**CRWP-337-2021 (O&M)
Date of decision: 08.07.2022**

NACHATTAR SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : None for the petitioner.

Mr. Karanbir Singh, AAG Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Article 226 of the Constitution of India for seeking issuance of writ in the nature of *mandamus* directing the respondent Nos.2 to 4 to protect the life and liberty of the petitioner from the hands of private respondents.

A perusal of the order-sheet shows that there was no representation on behalf of the petitioner on 21.02.2022 in CRWP-10646-2020 and there was no representation on behalf of the petitioner in CRWP-337-2021 on 21.03.2022.

Learned State counsel has made a reference to the short reply filed by way of affidavit of Lakhbir Singh, PPS, Deputy Superintendent of Police, Sub-Division Valtaha Camp at Bhikhiwind, District Tarn Taran in CRWP-10646-2020.

The relevant extract of the same reads thus:-

“3. That it is submitted that on receipt of the copy of order 18.12.2020, passed by this Hon'ble Court, in the office of the respondent No.2, the respondent No.2 had marked the same the predecessor of the deponent to look into the matter, upon which the deponent got enquired the matter through the respondent No.3 and respondent No.4 pertaining to the threat perception to

the petitioners and in this regard detailed enquiry has been conducted by the respondent No.3 and respondent No.4 separately under the supervision of predecessor of the deponent, the enquiry officers have tried to approach the petitioners but they were not found on the addresses mentioned in the present petition, the enquiry officers have also approached the private respondents namely Nachattar Singh Le respondent No.5, Tarlok Singh i.e. respondent No.6, Chamkaur Singh i.e. respondent No.7. Jagir Kaur i.e. respondent No.8, Balwinder Singh i.e. respondent No.9, Manjit Kaur i.e. respondent No. 10, Rajinder Singh Le. respondent No.11 in order to afford them an opportunity of being heard and further the enquiry officers: have also got recorded the statements of the respectable persons of the village Ami shah, District Tarn Taran and after conducting enquiry, the enquiry officers came to the conclusion that the petitioner No.1 namely Pooja previously performed marriage with the respondent No.5 namely Nachattar Singh on 09.12.2015 with her own will and out of their wedlock one male child namely Daljit Singh was born on 11.03.2018. It has also emerged on record that the petitioner No.1 left her matrimonial house alongwith her minor son Daljit Singh without intimating her family members and even they do not know where she is residing now and on the other hand, the enquiry officer also got recorded the statement of Salwinder Singh son of Pishora Singh, resident of Ami Shah (Sarpanch) in which he stated that Ram Singh son of Mukhtiar Singh, resident of Ami Shah told to him that his son Gurdev Singh i.e. petitioner No.2 had gone to Amritsar for some work on 19.12.2020 but he has not returned back till date. During the course of enquiry, the enquiry officers found that no threat has ever been extended to the petitioner as falsely alleged and prima facie there is no threat to the life and liberty of the petitioners. Moreover, neither the petitioners approached the local police ever nor they are residing at addresses mentioned in the present petition. As such, the local

police is unable to obtain the version of the petitioners and to provide security, if required, in accordance with law and as per threat perception to them. The true translated copy of the enquiry report conducted by the police of police station Khalra dated 05.01.2021 is annexed here with as Annexure R-1/T and the true translated copy of the enquiry report conducted by the police of Police Station Khemkaran dated 06.01.2021 is annexed herewith as Annexure R-2/T for the kind perusal of this Hon'ble Court."

A perusal of the report received from the Station House Officer of the concerned Police Station clearly shows that investigation was conducted into the matter wherein a statement has been got recorded by the respondents that they have no objection regarding the petitioner-Pooja leaving the house at her own free will and residing with her in-laws. The statement of petitioner-Nachattar Singh has also been recorded by the concerned SHO in its report and the same has been perused.

In view of the report so filed by the State in CRWP-10646-2020, no further directions are required to be passed.

The instant petition is disposed of. However, the petitioner shall be at liberty to take recourse to the alternative remedies available to him in accordance with law.

(VINOD S. BHARDWAJ)
JUDGE

July 08, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>