

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

247

CRM-M-2859-2021 (O&M)

Date of decision: 24.05.2022

KIRANPAL SINGH AND ANOTHER

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Robin Singh, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The present petition had been filed by the petitioner under Section 482 Cr.P.C. praying for issuance of directions to the official respondents to safeguard the life and liberty of the petitioners as threat was apprehended at the hands of private respondents No. 4 to 6.

It is alleged by learned counsel appearing on behalf of the petitioners that respondent No.4 is practising Advocate in the District Court at Sangrur and was also elected as a Secretary of the District Bar Association. The said Advocate does not nurture friendly relations with the petitioners and had been extending threats and harassment to the petitioners and member of their family. It is contended that on the 06.01.2021, the petitioner had parked his scooter in front of his house when the respondents No.5 and 6 who are sons of respondent No.4 hit

the scooter of the petitioner No.1 and when the petitioner No.1 asked them to be careful, they started abusing the petitioner No.1 and pushed the petitioner No.1 to the ground and gave blows on his chest. It is further alleged that petitioner No.1 is a heart patient and is undergoing a treatment. He submits that he reported the matter to the police, however, no action has been taken thereupon.

Pursuant to the order dated 03.03.2022 passed by this Court a status report by way of affidavit of Hans Raj, PPS, Deputy Superintendent of Police, Sub Division, Sangrur, District Sangrur had been filed on behalf of respondents No.1 to 3. A copy thereof stands furnished to the learned counsel appearing on behalf of the petitioners. The relevant extract of the same is read as under:

“2. That pursuant to the said order, it is submitted that Padamveer Singh (petitioner No.2) son of Kiranpal Singh (Petitioner No.1) resident of near S.P.S. School, behind Ford Ikon car Agency, Patiala Bye Pass, Sangrur, District Sangrur has submitted application bearing No. 1408/P dated 21.02.2022 for taking action against Eshan Karwal and Yogesh Karwal sons of Baljeet Singh Karwal residents of near S.P.S. School, behind Ford Ikon car Agency, Patiala Bye Pass, Sangrur to the Senior Superintendent of Police, Sangrur with the allegation that Eshan Karwal and Yogesh Karwal live in his neighborhood. Their father Baljeet Singh Karwal is working as an Advocate in District Courts, Sangrur. In the last year, 2021, they had attacked on him with baseball, due to which he remained admitted in the Civil Hospital, Sangrur for two days, but Police Administration had not taken any action, then he had filed a petition in the Hon'ble Punjab and Haryana High Court, which is pending there. Eshan Karwal gives threats to him for the

withdrawal of the petition. On 17.02.2022, he was coming to home for Lunch. When he entered in his street then the above said Eshan Karwal and Yogesh Karwal were sitting in their car, as soon as they saw him, started the car and came towards him at high speed and tried to crush him. He, somehow, controlled his bullet motor cycle still their car side mirror hit his motor cycle. They threatened him to withdraw the case, Yogesh Karwal was driving the vehicle, he turned his car around again and tried to crush him. Then both of them drove the vehicle at high speed and fled. They requested that after inquiry into the matter necessary action be taken.

3. That the said application was entrusted by the Senior Superintendent of Police, Sangrur to answering respondent (i.e. Deputy Superintendent of Police, (Rural) Sangrur. The inquiry was conducted by joining both the parties and relevant documents were taken on record. After conducting a thorough, fair and independent inquiry, the answering deponent has submitted the inquiry report vide No. 155/5P/D.S.P (R) dated 05.04.2022 to the Senior Superintendent of Police, Sangrur that, during inquiry it has been found that the applicant Padamvir Singh and respondents Yogesh Karwal and Eshan Karwal being neighbour, on seeing to each other used to taunt. Due to the aforesaid, a minor dispute arose between the two parties on 06.01.2021. Due to minor injuries sustained during the dispute, the applicant Padamveer Singh was admitted to Civil Hospital, Sangrur and both the parties started to submit applications against each other, but due to injuries on the person of applicant Padamver Singh as simple in nature, no cognizable offence was found to be made out regarding which DDR No. 26 dated 23.01.2021 CCTNS Rojnamcha P.S. Sadar Sangrur already recorded. Besides this, during inquiry into the application No. 276/P dated 08.01.2021 moved by the father of applicant

conducted by S.H.O. P.S. Sadar Sangrur, no solid proof or evidence with regard to giving beating to applicant, has come forward, due to which a report was submitted to the S.S.P. Sangrur with the recommendation to consign the application to the record, which was consigned to the record on 08.03.2021. In this regard the applicant has filed a case in Hon'ble High Court, Punjab and Haryana at Chandigarh, which is pending consideration. Regarding the incident of 17.02.2022, the applicant has presented CCTV footage, the respondents are seen sitting in a car outside their house and getting into the car. But nothing seems to be clear about the speeding vehicle trying to hit the applicant, hitting the car mirror in his motorcycle and trying to crush the applicant by turning the car back nor any solid proof or witness was produced. The present application seems to have been submitted due to old enmity. From the entire facts emerged during inquiry the matter is found to be small altercation on petty matter being both the parties lives in neighbourhood, however, keeping in view the apprehension of breach of peace notice No. 1022/5A dated 04.04.2022 has been issued to S.H.O. P.S. Sadar Sangrur with the direction to take preventive action against the concerned erring persons. Therefore, no action is required to be taken by the police on this application. After agreeing with the said inquiry report, the matter was seen and filed by S.S.P. Sangrur on 05.04.2022. True translated copy of inquiry report is annexed as Annexure R-1/T and in vernacular is annexed as annexure R-1.

4. That it is further submitted that keeping in view the apprehension of breach of peace, preventive action has been initiated vide DDR No. 12 dated 09.04.2022 CCTNS Rojnamcha P.S. Sadar Sangrur against Yogesh Karwal and Eshan Karwal sons of Baljeet Singh Karwal r/o Sangrur and Kalandra to his effect has been presented in

the Court of SDM, Sangrur.

5. *That it is also pertinent to mention that Kiranpal Singh son of Ram Singh, resident of near S.P.S. School, behind Ford Car Agency, Patiala bypass Road, Sangrur had also submitted an application No. 276/P dated 08.01.2021 against Baljeet Singh Karwal, Yogesh Karwal and Eshan Karwal sons of Baljeet Karwal and inquiry into the said application was conducted by the S.H.O. P.S. Sadar Sangrur and having found no substance in the allegations leveled in the application, the S.H.O P.S. Sadar Sangrur recommend the application to be consigned to the record. On the basis of inquiry report submitted by the S.H.O. P.S. Sadar Sangrur, the then D.S.P. Sub-Division, Sangrur further submitted that during the inquiry of the application, no fact regarding the allegations levelled by applicant Kiranpal Singh with regard to causing beatings by entering into the house is came to the notice for consideration and no concrete witness/evidence has been produced by the applicant Kiranpal Singh. Therefore, there is no necessity of taking any action by the local Police, so the Inquiry Officer recommend that the application may be consigned to the record. On the basis of said inquiry report, the answering deponent further submitted report vide No. 277/5P/D.S.P./R dated 06.03.2021 with the same recommendation. The Senior Superintendent of Police, Sangrur has seen and filed the matter on 08.03.2021. This very fact has been mentioned in the status report already filed in the main CRM-M-2859 of 2021. True translated copy of inquiry report is annexed as Annexure R-2/T.”*

In view of the above, no further direction is required to be issued in the instant petition. The petitioners shall however be at liberty to take recourse to the remedies that are available to their in accordance with law against the inquiry so conducted in the application submitted

by the petitioner No.2.

Dismissed as not pressed at this stage with liberty as
aforesaid.

(VINOD S. BHARDWAJ)
JUDGE

MAY 24, 2022

Vishal sharma

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