

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

CRM-M-6307-2022 (O&M)

Date of decision: 30.08.2022

Harpreet Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Manpreet Ghuman, Advocate for the petitioners.

Mr. Subhash Godara, Addl. A.G. Punjab, with
ASI Rajpal Singh.

HARNARESH SINGH GILL, J. (ORAL)

CRM-28692-2022

Application is allowed as prayed for.

CRM-28693-2022

Application is allowed as prayer. Annexures A-1 to A-6 are
taken on record.

Main case:

Through the present petition, the petitioners seek issuance of
directions to respondent Nos. 3 to 5 to comply with the provisions of Section
160 Cr.P.C. by giving notice in advance, in case the presence of the
petitioners or any of their family members, is required in connection with
investigation, inquiry or trial.

Learned counsel for the petitioners submits that the petitioners are brother and sister; that earlier, petitioner No.1 was illegally detained by the concerned Police and father of petitioner No.1 filed CRWP-321-2019 in which Warrant Officer was appointed vide order dated 27.03.2019; that on being searched by the Warrant Officer, petitioner No.1 was not found in the custody of CIA Staff, Tarn Taran; that after the appointment of the Warrant Officer, FIR No.45 was registered on 28.03.2019; that the statement by petitioner No.1-Harpreet Kaur that she has no grievance against any person was made before the Court under the pressure of the police; that the above said FIR was registered against some other person and petitioner No. 1 was nominated later on and that the local police is now trying to implicate the petitioners in false cases.

Learned counsel for the petitioners also points out that the petitioners are being harassed by the police and prays that an advance notice be given to the petitioners, if they are required in any complaint against them.

Learned State counsel submits that as per the status report dated 24.3.2022, an FIR No. 14 dated 21.01.2020, was registered under Sections 307, 148, 149 IPC and Section 25 of the Arms Act, at Police Station City Tarn Taran, against one unknown person and during investigation in FIR No. 14 dated 21.01.2020, the petitioners were nominated vide DDR No. 34 dated 05.02.2020 on the basis of supplementary statement of Harjit Kaur recorded under Section 161 Cr.P.C. and the petitioners have not joined the investigation.

I have heard the learned counsel for the parties and have also gone through the paper-book.

The main ground of the petitioners is that a Habeas Corpus petition was filed by the father of the petitioners, though on search conducted by the Warrant Officer, petitioner No. 1 was not found in the Police custody and as per the learned counsel for the petitioners, keeping grudge in mind, the petitioners have been involved in FIR No. 14 dated 21.01.2020, registered under Sections 307, 148, 149 IPC and Section 25 of the Arms Act, at Police Station City Tarn Taran, on the basis of supplementary statement of the complainant.

In view of the above, the present petition is disposed of with a direction to the prosecution agency to give one week advance notice to the petitioners in case any complaint is received in the concerned Police Station.

30.08.2022

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No