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

CRWP-2102-2022

Date of decision : 09.03.2022

Nayab Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amandeep Singh Gulati, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a Criminal Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ, order or direction especially in the nature of mandamus directing respondent Nos.1 to 3 to protect the life and liberty of the petitioner.

Learned counsel for the petitioner has submitted that the petitioner has made representation dated 03.03.2022 (Annexure P-6) to Superintendent of Police, District Kurukshetra-respondent No.2, in which, it has been stated that the present petitioner is 63 years old person and had entered into agreement to sell dated 31.07.2020 with respondent No.4 for total consideration of Rs.20,00,000/- and respondent No.4 had agreed to pay a sum of Rs.10,00,000/- and thereafter, as per the version of the petitioner, the said agreement was cancelled on account of breach by respondent No.4. It is further submitted that respondent No.4 wanted his money back

whereas, the petitioner stated that the said agreement stood cancelled and earnest money stood forfeited but however, the petitioner had returned the money. It is stated that with respect to the dispute with respondent No.4, which is primarily civil in nature and regarding which, a civil suit is also pending, the petitioner was first called in the month of June, 2021 and thereafter again called in September, 2021 when the petitioner had filed anticipatory bail application before the Sessions Judge, Kurukshetra where the report had been given by the police authorities that till that date, no FIR had been registered against the petitioner and there was only one complaint filed by respondent No.4 which was pending. The said petition was accordingly disposed of by observing that four days advance notice be given in writing to the petitioner in case the FIR is registered and the petitioner is sought to be arrested. It is further stated that thereafter, the petitioner was again called in the month of October, 2021 and again in January, 2022 and on both the said occasions, the petitioner had filed pre-arrest blanket bail applications (Annexures P-3 and P-4) which were ultimately withdrawn since as per the police report, no FIR had been registered. It is contended that the petitioner has now again been called on 27.02.2022 to appear in the police station on 28.02.2022 with respect to some dispute.

Learned counsel for the petitioner has submitted that the said act is resulting in harassment of the petitioner and has further stated that the petitioner would be satisfied, in case, Superintendent of Police, District Kurukshetra-respondent No.2 is directed to look into representation dated 03.03.2022 (Annexure P-6) and to consider the same, in accordance with law.

Notice of motion.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition and has stated that although the notices are being given to the petitioner to appear, in accordance with law, however, he has no objection in case, respondent No.2-Superintendent of Police is directed to look into representation dated 03.03.2022 (Annexure P-6).

Keeping in view the abovesaid facts and circumstances, the present Criminal Writ Petition is disposed of with direction to respondent No.2 to look into representation dated 03.03.2022 (Annexure P-6) and after considering the entire aspect, to take appropriate action, in accordance with law within a period of three weeks from the date of receipt of certified copy of the present order.

It is, however, clarified that this Court has not gone into the merits of the allegations made by the petitioner and it would be open to respondent No.2 to make his independent enquiry/assessment with regard to the representation.

It is, however, clarified that this order shall not debar the State from proceeding against the petitioner, if involved in any case.

09.03.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No