

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

115

CRWP-2361-2022

Date of decision: 16.03.2022

CHANDER KANTA AND ANOTHER

.....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Gaurav Datta, Advocate
for the petitioners.

SANT PARKASH, J. (ORAL)

The petitioners have filed the present petition under Article 226 of the Constitution of India with a prayer for issuance of directions to the official respondents to protect their life and liberty from danger at the hands of private respondents, protect the petitioners from false implication at the behest of the private respondents by respondent No. 6 and transfer the enquiry of the complaint made by Neha Gumber to some higher officer of District Fatehgarh Sahib.

The petition has been filed on the averments that son of the petitioners got married to one Neha Gumber against their wishes. Thereafter, son of the petitioners started living with Neha Gumber in his in-laws house and after that he had gone to Australia. Due to the said conduct, the petitioners disowned their son and daughter-in-law. Now, Neha Gumber at the instance of her parents have started harassing and demanding share in the property being the share of her husband. The

private respondents having great influence in the political as well as police circle are threatening the petitioners and are causing interference into the possession over their property and also want to dispossess them from their property. The petitioners have already filed a civil suit for permanent injunction before the learned trial Court in this regard.

It has been further averred in the petition that Neha Gumber has made a complaint against the petitioners to the Commissioner of Police, Jalandhar which was marked to the Incharge/SHO, Women Cell, Jalandhar for investigation. The Incharge, Women Cell (respondent No.6), at the instance of private respondents is harassing and calling the petitioners time and again and they are made to sit for long hours without any reason by the Incharge, Women Cell, Jalandhar. The petitioners are old aged persons and are facing lot of difficulties in travelling from Mandi Gobindgarh to Jalandhar. The petitioners have risk of loss of life and property from the hands of Neha Gumber and her accomplices.

At the very outset, learned Counsel for the petitioners would contend that the petitioners have moved two complaints dated 10.02.2022 (Annexures P-6 and P-7) before the concerned authorities for transferring the enquiry of the complaint made by Neha Gumber to some higher officer of District Fatehgarh Sahib as the police of Jalandhar is favouring the private respondents but their grievances have not been looked into and further prays for issuance of directions for protection of life and liberty of the petitioners from danger at the hands of private respondents who are adamant to kill the petitioners.

Notice of motion restricted to respondents No. 1 to 5 only.

Mr. Tanvir Joshi, AAG, Punjab has accepted notice on behalf of respondents No. 1 to 5 and he has no objection if appropriate direction for providing requisite protection to the petitioners is given.

In view of the facts and circumstances of the case, the petition is disposed of with directions to respondent No. 5-Commissioner of Police, Jalandhar to look into the grievances of the petitioners as set out in the petition and also expressed in the complaints/representations (Annexures P-6 and P-7) and decide the same in accordance with law, within one month from the date of receipt of copy of this order and also to take appropriate action for protection of life and liberty of the petitioners as may be warranted by the circumstances.

Registry is directed to send a copy of this order along with copy of the petition and above said representations (Annexure P-6 and P-7) to respondent No. 5-Commissioner of Police, Jalandhar for requisite compliance.

16.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

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