

CRM-M-14217-2021

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

CRM-M-14217-2021

Reserved on: 23.05.2022

Pronounced on : 25.05.2022

Karandeep Singh

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Argued by:- Mr. Lovepreet Singh, Advocate for
Mr. P.P.S.Tung, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J.

Present petition has been filed for issuance of directions to respondents No.2 and 3 to look into the matter and initiate legal action against respondent No.4, for misusing the official power conferred on him under the Excise Act and committing the offence under Section 70 of the Punjab Excise Act, by illegally conducting the vexatious search of the house of the petitioner, in connivance with respondent No.5, who is a liquor vendor.

Learned counsel for the petitioner has contended that on 02.11.2020, respondents No.4 and 5 alongwith 4-5 persons raided the house of the petitioner in a private vehicle without any search warrant; that they had misbehaved with the family members of the petitioner and also threatened them; that they searched the house and car of the petitioner

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thoroughly, but did not find anything illegal; that respondent No.4 in connivance with respondent No.5 conducted the illegal raid without informing the local police and when they came to know that her aforesaid illegal act of searching the house of the petitioner had been recorded in the CCTV footage, she had got registered a false case bearing FIR No.190 dated 02.11.2020, registered at Police Station City Anaj Mandi, under Sections 353, 186 and 506 IPC, against him as an arm twisting mechanism. He has further contended that the petitioner had also moved representation dated 09.01.2021 to respondent No.3-SSP, Patiala, for redressal of his grievance.

On the other hand, learned State counsel has contended that the petitioner had obstructed respondent No.4 in performance of her official duties, following which the above-noted FIR had been registered against the petitioner; that the petitioner had earlier filed CRWP-508-2021, on the basis of the same set of allegations and the said petition had been disposed of with a direction to the Senior Superintendent of Police, Patiala, to examine the representation dated 09.01.2021 (Annexure P-1), submitted by the petitioner, expeditiously, preferably within a period of four weeks.

Learned State counsel has further contended that the petitioner submitted the aforesaid representation dated 09.01.2021, that he appeared before the Senior Superintendent of Police, Patiala, on 29.01.2021, and after inquiry, it was found that the above-noted FIR had rightly been registered against the petitioner.

I have heard the learned counsel for the parties.

A perusal of the record would show that FIR No.190 dated

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02.11.2020, registered at Police Station City Anaj Mandi, under Sections 353, 186 and 506 IPC, has been registered against the petitioner for obstructing respondent No.4 in discharging her official duties. Moreover, on the basis of same set of allegations, the petitioner had earlier approached this Court by way of CRWP-508-2021. The Coordinate Bench, on 17.03.2021, disposed of the aforesaid petition, by passing the following the order:

“The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Article 226 of the Constitution of India for issuance of direction to the official respondents No.2 and 3 to look into the representation dated 09.01.2021 (Annexure P-1) and not to harass the petitioner at the instance of the private respondent.

Status report by way of affidavit dated 03.02.2021 of Deputy Superintendent of Police City-II, Patiala on behalf of respondents No.1 to 3 has been filed, in compliance of the order dated 19.01.2021. Same is taken on record. A copy thereof, has been supplied to the counsel for the petitioner.

Without commenting upon the allegations levelled in the petition or on the contents of the representation, writ petition is disposed of with a direction to respondent No.2-Senior Superintendent of Police, Patiala, to examine the representation dated 09.01.2021 (Annexure P-1) submitted by the petitioner expeditiously, preferably within a period of four weeks from the date of receipt of certified copy of this order and thereafter to take appropriate steps as warranted in accordance with law.”

A perusal of the record would also show that in pursuance of

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the order dated 17.03.2021 passed by the Coordinate Bench, the representation dated 09.01.2021 (Annexure P-1) was looked into and it was found that the above-noted FIR had rightly been registered against the petitioner. Moreover, as per para No.11 of the status report, there are as many as four cases registered against the father of the petitioner, under the Excise Act.

As a sequel to the above discussion, this Court does not find any merit in the present petition.

Dismissed.

25.05.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No