

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

CRWP-4037-2021

Date of decision : July 12, 2022

Parvinder Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

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

Present:- Mr. Rohit Kaushik, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ J. (ORAL)

The present petition has been filed under Article 226/227 of the Constitution of India for seeking writ in the nature of mandamus directing the official respondents to protect the life and liberty of the petitioner and to take action against the unknown persons, who had fraudulently obtained loan against the land belonging to the petitioner.

Pursuant to the notice issued, status report by way of affidavit of Gurvinder Singh, PPS, Deputy Superintendent of Police, Circle Rajpura, District Patiala has been filed. As per which it is evident that one case bearing FIR No.53, dated 02.06.2019 has been registered against the petitioner for the commission of offences punishable under Sections 341, 323, 324 and 34 of the Indian Penal Code at Police Station Banur on the statement of one Simranjit Singh son of Amrik Singh. It is also apprised that the offence in question was bailable and that the present petition has been instituted on earlier apprehension of the likelihood of the petitioner to be taken into custody.

It is also pointed out by the learned counsel appearing on behalf of the State that as a matter of fact it is the father of the petitioner as well as brother, who had taken loan against the land of the petitioner and that as many as nine FIRs have been registered against them. The relevant extract of the status report reads as under:-

“That during the course of investigation it came into light following FIRs are registered against Gurwinder Singh son of Avtar Singh (brother of petitioner) regarding fraud with the banks as he taken huge amount of loan from the banks with fraudulent manner with forged and fake documents and against other which are as under:-

- (i) FIR No.410 dated 14.12.2018, under section 420, 465, 467, 468, 471, 120-B IPC Police Station City Rajpura.*
- (ii) FIR No.236 dated 30.10.2020, under section 420, 465, 467, 468, 471, 120-B IPC Police Station City Rajpura.*
- (iii) FIR No.16 dated 28.01.2021, under section 420, 465, 467, 468, 471, 120-B IPC Police Station City Rajpura.*
- (iv) FIR No.5 dated 27.01.2021, under section 420, 465, 467, 468, 471, 120-B IPC Police Station Banur.*
- (v) FIR No.6 dated 28.01.2021, under section 420, 465, 467, 468, 471, 120-B IPC Police Station Banur.*
- (vi) FIR No.7 dated 28.01.2021, under section 420, 465, 467, 468, 471, 120-B IPC Police Station Banur.*
- (vii) FIR No.9 dated 28.01.2021, under section 420, 465, 467, 468, 471, 120-B IPC Police Station Ghanour.*
- (viii) FIR No.12 dated 30.01.2021, under section 420, 465, 467, 468, 471, 120-B IPC Police Station Sirhind.*
- (ix) FIR no.58 dated 02.02.2021, under section 420, 465, 467, 468, 471, 120-B IPC Police Station Zirakpur.*

14. That it is pertinent to mention here that in FIR no.410 dated 14.12.2018 and case FIR no.236 dated 30.10.2020 of

Police Station City Rajpura the father of the petitioner is also nominated as an accused.

15. *That during the course of investigation, it came to light that accused Parwinder Singh petitioner neither nominated in the FIRs no. 5,6 and 7 of 2021 under section 420, 465, 467, 468, 471, 120-B IPC Police Station Banur and nor he is called or raided in theses FIRs. Moreover, a report has also been received from Police Station City Rajpura as well as from Police Station Ghanour that Parwinder Singh petitioner is neither required nor nominated as an accused in the FIRs bearing nos. FIR no.410 dated 14.12.2018 and case FIR no.236 dated 30.10.2020 and FIR No.16 of 28.01.201 and FIR no.9 of Police Station Ghanour. True translated copies of report is attached herewith as **Anenxure R-1/T Colly**.*

16. *That it is also worthwhile to mention there that case FIR no.12 dated 30.01.2021 of Police Station Sirhind District Fatehgarh Sahib and in FIR no.58 dated 02.02.2021 Police Station Zirakpur petitioner is not nominated as an accused in the FIRs.*

17. *That actually, the accused/petitioner is required in case FIR no.53 dated 02.06.2019 u/s 341, 323, 324, 34 IPC Police Station Banur since he had neither joined the investigation nor surrendered himself before the Investigating Officer. The offences are bailable in nature so the petitioner is required in this case only at present. So, the present writ petition is not maintainable and the same is liable to be dismissed.”*

In view of the extract of the status report noticed above, no further direction is required to be issued in the present case. There does not seem to be any valid apprehension against the life and liberty of the petitioner and there is no material to substantiate such apprehension.

The present petition is dismissed accordingly.

(VINOD S. BHARDWAJ)
JUDGE

July 12, 2022
sarita

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No