

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

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CWP-9672-2021 (O&M).

Date of Decision: 12.12.2022.

Vinod Kumar and others

..Petitioners

VERSUS

State of Punjab and others

.. Respondents

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

Present Mr. Shashank Shekhar Sharma, Advocate,
for the petitioners.

Ms. Niharika Sharma, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 for seeking issuance of directions to respondents No. 2 and 3 to provide security and protection to the petitioners in view of grave apprehension to their personal life and liberty.

Briefly summarized, the controversy in the present case is that the petitioners claim to be successfully elected councilors to the Municipal Council, Tapa, in their respective wards. It is averred in the present petition that the petitioners are under a grave and bona fide apprehension of being embroiled in false and frivolous cases at the behest of opposite councilors who are claimed to be members of the then ruling party in the State of Punjab. Profound fear and trepidation of the personal life and liberty was expressed in the present petition.

Written statement on behalf of respondents No.1 to 3 by way of affidavit of Sh. Jagjit Singh Saroya, PPS, Superintendent of Police (D), Barnala, District Barnala, has been filed. The relevant extract of the said reply reads thus:-

“2. That all the petitioners no.1 to 8 are elected as Municipal Councilors of Municipal Committee Tapa and all the petitioners are belongs to Shiromani Akali Dal party. Present petition has been filed by the petitioners only with intention to get protection only to impress the general public whereas there is no apprehension to the life and liberty of the petitioners. The police is doing its duty honestly, fairly and without any influence, in case petitioners have any apprehension then they can approach the answering respondents. Moreover, answering respondents are duty bound to protect the life and liberty of every citizen. Moreover, petitioners are not required by the answering respondents in connection with any case.

3. However, it is also submitted that on 29.03.2021 one complaint was received through telephone from Harnaib Singh son of Hans Singh resident of Ward No.8 Tapa that some persons under the influence of liquor are loudly abusing him and are harassing and humiliating him. On the basis of said complaint a police party headed by ASI Bali Ram moved towards the spot. When police party reached near Kulwant Di Chakki at about 9.10 PM then they found that petitioner Vinod Kumar alongwith Satnam Singh @ Geja, Preetesh s/o Rakesh Kumar and 5-6 unidentified accused were loudly abusing at that time sister of Vinod Kumar and 1-2 unidentified ladies were also present there. When police party tried to send back the petitioner Vinod Kumar and his companions to their houses then petitioner Vinod Kumar forcibly removed the turban i.e.

part of uniform of Senior Constable Dharminder Singh and accused Preetej removed the shoulder of the uniform of Sr. Ct. Dharminder Singh, whereas NOTA caught the complainant from his collar from back side and pushed accused Satnam Singh caught Sr. Ct. Dharminder Singh from his neck and broken two buttons of his uniform. Sister of Vinod Kumar her she also started raising lalkaras. Then other police party got released the complainant from the clutches of accused persons. In this regard case bearing FIR No.41 Dated 29.03.2021 us 353/186/332/294/510/148/149 IPC PS Tapa was registered against petitioner Vinod Kumar and his companions. During investigation of the case on 20.04.2021 petitioner Vinod Kumar was arrested by the police in accordance with law. Accused Satnam Singh was joined in investigation on 06.05.2021 in compliance of order passed by Ld. Additional Sessions Judge Barnala. On 13.05.2021 accused Preetesh (Juvenile) surrendered himself before the Ld. Court. Whereas on 19.06.2021 accused Geeta Rani w/o Rakesh Kumar and Pushpa were joined in investigation in compliance of order passed by the Ld. Additional Sessions Judge, Barnala. After completion of investigation challan against petitioner Vinod Kumar, Satnam Singh, Geeta Rani and Pushpa Rani was presented before the Ld. Court on 22.10.2021, whereas challan against juvenile was presented before the Ld. Court on 11.11.2021. Now said case is fixed for framing of charge.”

It is evident from the perusal of the above that there is no valid material for supplementing the apprehension expressed by the petitioners. The present petition is an outcome of apprehension in the mind of the petitioners. Moreover, the police has taken action whenever and wherever

the same was required. No further directions are required to be issued. The petitioners have also failed to demonstrate any continued grievance especially when there has been a change in the Government and there is no replication/rejoinder filed by the petitioners even though the reply in question was filed on 29.11.2021 and a period of more than 1 year has elapsed since then. The present petition is accordingly dismissed at this stage.

December 12, 2022.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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