

117

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

CRWP-4381-2022

Date of decision : 09.05.2022

Gagandeep Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sukhdeep Singh Sidhu, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a Criminal Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ in the nature of mandamus directing the official respondent Nos.1 and 2 to protect the life and liberty of the petitioner and to take recourse to the provision of Section 160 of Cr.P.C. in case, the petitioner is required in for investigation in case involving his brother Prince.

Learned counsel for the petitioner has submitted that petitioner is not an accused in any FIR and his brother namely Prince has been residing separately from him for the last 10 years and the said Prince is being implicated in FIR No.69 dated 11.04.2022 registered under Sections 307, 341, 323, 120-B, 34 of the Indian Penal Code, 1860 at Police Station City-2, Mansa and with respect to the said FIR, the police is repeatedly calling the petitioner to the Police Station, although the petitioner has

nothing to do with the said case and is not even aware about the whereabouts of the said Prince.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, 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 further submitted that in case, the petitioner is not an accused in the abovesaid FIR or in any other case, then the provisions of Section 160 of Cr.P.C. would be followed.

Keeping in view the abovesaid facts and circumstances, the present Criminal Writ Petition is disposed of with directions to the official respondents to issue written notice of at least three days in case the petitioner is required for the purpose of any enquiry with respect to FIR No.69 dated 11.04.2022 registered under Sections 307, 341, 323, 120-B, 34 of the Indian Penal Code, 1860 at Police Station City-2, Mansa, in which, the brother of the petitioner i.e. Prince is sought to be implicated.

Nothing stated above shall be construed as an expression of opinion on the merits of the case.

It is made clear that in case, there is FIR registered against the petitioner or is involved in any other case, then the present order would not ensue any benefit to the petitioner.

09.05.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No