

CRWP No. 5404 of 2021

Date of Decision: 06.01.2022

Janak Rani

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Anil Kumar Garg, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 29.06.2021, the following order had been passed by this
court:-

“Case heard via video conferencing.

By this petition, the petitioner seeks protection of life and liberty at the hands of respondents no. 3 to 6, especially respondent no.3 who is stated to a police official and is allegedly illegally helping respondents no.4 to 6 and had also illegally detained and tortured her at the police station and threatened her to implicate her in false cases.

She further seeks a direction to respondents no.1 and 2 to take action against respondents no.3 to 6 on the representations made against them.

Learned counsel for the petitioner submits that the petitioner, who is a 70 year old lady, is being harassed time and again by the police only because her

son is allegedly involved in some crime. Because of that she is again being called to the police station despite earlier having been released upon her daughter having filed CRWP no.3753 of 2021 before this court, seeking issuance of a writ in the nature of habeas corpus.

Notice of motion.

Mr.Saurav Khurana, learned DAG, Punjab, accepts notice at the asking of the court.

A copy of the petition be given to him today itself by learned counsel for the petitioner.

Adjourned to 10.9.2021.

The Commissioner of Police, Ludhiana, is directed to look into the matter and to get an affidavit of at least a Deputy Commissioner of Police filed before the next date of hearing.

In the meanwhile, the petitioner shall not be harassed in any manner by the police unless there is any evidence of collusion by her with her son; and if at all she is to be questioned in connection with the crime, it shall be only by due process of law as prescribed in the Cr.P.C. by giving her notice etc.

Any harassment of a 70 year old lady, unless there is any evidence of her actual involvement in any crime, shall be looked upon very adversely by this court and action shall be taken against the concerned police officers/officials, if necessary.”

Thereafter, an affidavit dated 09.09.2021 has been filed by the Joint Commissioner of Police (Rural), Ludhiana, which is ordered to be taken on record.

As per the said affidavit, all the allegations made by the petitioner were found to be false.

Learned counsel for the petitioner however submits that in fact it is only after that order was passed, that even the representation made by the petitioner earlier has been admitted to have been received, with it however stated that even that representation was also found to be false.

Without making any comment on the correctness of what has been contended in the affidavit of the Joint Commissioner of Police, this petition is disposed of, with the observations already made by this court on 29.06.2021 repeated and 'made absolute', to the effect that the life and liberty of the petitioner shall be duly protected as per law, she being a 70 year old lady (as contended) and if at all she is to be joined in any investigation qua any FIR registered against her son, it shall only be by due process of law with notices duly shown to be served upon her as per legal process, failing which naturally, the petitioner would have remedies for non-compliance of this order.

January 06, 2022
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes