

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

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**CRWP-4823-2022
Date of decision: 20.05.2022**

HEERA LAL SINGH AND OTHERS

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

....Respondents

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

Present: Mr. Prince Sharma, Advocate
for the petitioners.

VINOD S. BHARDWAJ. J.(Oral)

1. The present Criminal Writ Petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus for directing the official respondents No.1 to 3 to protect the life and liberty of the petitioners and their entire family and not to interfere in the peaceful life of petitioners at the hands of respondents No.4 to 9.

2. Learned counsel appearing on behalf of the petitioners contends that the petitioner No.1 is working as Warder at the Department of Punjab Jail, Patiala and has two minor daughters who are residing with his wife Petitioner No.2 and his father-in-law petitioner No.3 herein. He contends that petitioner No.1 has an old dispute with respondent No.4 to 9 regarding FIR No. 145 dated 11.08.2016 has been registered against the said respondents under Sections 307/323/148/149

of the Indian Penal Code 1860 and Section 25 and 27 of the Arms Act, 1959 at Police Station City, Tarn Taran, Tehsil and District Tarn Taran, Punjab. It is submitted that petitioner No.1 was earlier friends with said respondents No.4 to 8 and the relationship however fell apart. It is contended that the said respondents are pressuring the petitioners to enter into a settlement with respondent No.4. It is alleged that on 02.04.2022, respondent No.9 along with respondent No.5 came on a motorcycle and tried to forcibly enter into the house of the petitioner No.1 in his absence. On 27.02.2022, even before the said occurrence, the said respondents had entered illegally into the house of the petitioners and threatened the petitioners No.2 and 3 to withdraw the said FIR. The said incident is stated to have been captured in the CCTV camera. He contends that the petitioners have already moved an application dated 04.04.2022 before the Senior Superintendent of Police, Tarn Taran, District Tarn Taran Punjab.

3. The allegations that have been leveled against respondents No.4 to 9 are that they the land mafia and have the support of the local MLA and as such, police is not taking action. Per contra, an FIR bearing No. 79 dated 30.07.2017 has been registered against the petitioners at the behest of respondent No.5 for commission of offences under Sections 307/326/323/34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Chohla Sahib, Tehsil & District Tarn Taran, Punjab.

4. I have heard learned counsel appearing on behalf of the petitioners and have gone through the averments raised in the instant petition and also to the documents appended thereto.

5. Apparently, the parties are at inter se dispute in as much as a case under Section 307 has been registered at the instance of the petitioner No.1 against the private respondents and an FIR against the petitioner has also been registered. Invariably, the said incident took place in the year 2016 and the FIR against the petitioner had been registered in the year 2017. The present incident in question is stated to have taken place in the year 2022. It does not appear to reason that the private respondents shall undertake any such endeavour at such a belated stage.

6. Be that as it may, allegations have been leveled that the said private respondents are in collusion with the local MLA, however, a perusal of the memo of parties shows that no such local MLA has been impleaded as a party in person. Besides, there is no allegation of any malice, bias or mischief being made by any of the police officials as no such allegations has been leveled against the Investigating Agency as well. The petitioner No.1 himself being an employee of Punjab Jail Department, it seems that the present petition has been filed with a view to pressurize the respondents as well as the Investigating Agency to not conduct the investigation and rather manipulate initiation of action against private respondents. Finding no merit, the instant petition is dismissed.

MAY 20, 2022
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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