

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

146

CRWP-5313-2022

Date of decision: 01.06.2022

PRABHJOT SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. G.P.S. Ghuman, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The petitioner has filed the instant Criminal Writ Petition under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus seeking directions to respondents No.2 and 3 to initiate action against official respondent No.4 and private respondents No. 6 to 7 on the basis of representation dated 17.03.2022.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is engaged in the business of wholesale and retail trade of cosmetic and general store near Qila Chowk at Patiala. He contends that the petitioner was aspirant to settle abroad and was looking for an agent who could guide him better for execution of his plans to settle abroad. The father of the petitioner discussed the same with respondents No. 5 and 6 who used to purchase the goods from the petitioner and had earned faith and confidence of the father of the petitioner. The said respondent informed the father of the petitioner

that there is no occasion for looking out for any other agent as the said respondents are themselves engaged in the business of sending children abroad to USA, Canada and Australia. It is submitted that upon the failure on the part of respondents to fulfill their obligation despite having received a total amount of Rs. 7,27,000/- from the petitioner, a complaint in this regard was submitted whereupon FIR No.22 dated 10.02.2022 was registered against respondent Nos.5 and 6 at Police Station Kotwali Patiala under Section 406, 420, 506 and 120-B of the IPC & Section 13 of the Punjab Prevention of Human Smuggling Act, 2012.

Learned counsel appearing on behalf of the petitioner has argued that despite registration of the FIR the official respondents are not taking any action against the accused and that the said accused persons are extending threats to the petitioner to compromise the matter.

It is contended that a representation has been submitted in this regard to the Chief Minister of Punjab and that the same is still pending.

I have heard learned counsel appearing on behalf of the petitioner and gone through the documents appended along with the instant petition.

It is not in dispute that the FIR on the strength of the allegations levelled by the petitioner against the private respondents already stands registered on 10.02.2022. There is no allegation against any person for not carrying out duties in a manner known to law. There is no reason for the Court to assume that the officials concerned would

not discharge their duties and carry out a fair investigation in accordance with law. In so far as the allegations pertaining to the alleged threats is concerned, a narrative so made in the representation at paragraph No.09 is extracted as under :

“That the accused persons are roaming freely and are giving threats to the applicant that in case I initiate any action in above mentioned case or not withdrawn the case then they shall kill me, therefore, I have threat to my life and liberty too.”

It is evident that the said averment is vague, baseless and is unsubstantiated in particulars. Seemingly, the said representation and the present petition have been filed only to caste unnecessary pressure upon the Investigating Agency.

There is no merit in the present petition and the same is liable to be dismissed.

JUNE 01, 2022
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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