

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

237

CRM-M-49569-2018 (O&M)

Date of decision: 13.12.2022

HARWINDER SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Mr. Kamalpreet Bawa, AAG Punjab.

AMAN CHAUDHARY. J.

Present petition has been filed for issuance of direction to respondent Nos.1 to 2 neither to harass/interfere in the peaceful possession of house of the petitioner nor intrude into his privacy by raiding the house on the instance of respondent Nos.4 to 6.

Notice of motion in this case was issued on 06.11.2018, pursuant to which reply dated 12.09.2019 by way of affidavit of Gurbans Singh Bains, PPS, DSP Dakha, District Ludhiana (Rural) has been filed. Learned State counsel makes a reference to para 1 of the preliminary submissions, which reads thus:-

“1. That on 03/11/2018 Jaljit Singh Cheema S/o Gurbax Singh respondent no. 4 gave statement to the police that he is residing in Germany for the last about 38 years. His brother Harjinder Singh is residing in Canada who has come to India now. In the year 1989 he (Jaljeet Singh Cheema) has purchased 17 Kanal 5 Marla land from Gurbachan Singh S/o Chatar Singh R/o Jangpur with the consent of his brother Harjinder Singh. This land is registered in his name. He further stated that he gave land which came in his share from his father to brother Harjinder Singh. He has constructed his house in the land which he has purchased after leaving some land vacant in the year 1994. Whenever he comes to India he used to live in that house along with his family members. In his absence his sister Balwinder Kaur Deol wife of Jit Singh R/o Gurmaliapur used to lookafter his land. He has executed a

written agreement to this effect. The electric meter installed in this house is in his name. He also used to make payment of Tax to the Municipal Committee, Mullanpur. His sister Balwinder Kaur has gone to Canada 4 year back. His whole luggage was lying in his house. His Bhanja Gurpreet Singh used to look after this house after his sister went to Canada. His Bhanja also went to Canada 4-5 months back. On 17/10/2018 Jaljit Singh Cheema came to India and came to know that Harwinder Singh son of Joginder Singh R/o Rajoana Kalan, Amrik Singh R/o Rurka Kalan, Binder Singh S/o Bishan Singh S/o Amrik Singh R/o Hissowal and 4-5 unidentified person inconnivance with his bhanja Gurpreet SinghDeol, Jeet Singh Deol and Gurwinder Kaur Deol tried to take possession of his house. These persons have stolen his articles i.e. A.C., Bed, Cooler and other domestic articles. These persons also threatened him to kill. Due to fear he went to his relatives. On this statement case FIR No. 281 Dated 03/11/2018, U/s 380/447/511/506/120-B IPC has been registered in P.S.Dakha against the petitioner and other above mentioned persons. The petitioner is an accused in this case/FIR. The petitioner is absconding and could not be arrested yet. The police is not harassing to the petitioner. These false allegations have been leveled by the petitioner on the police in order to create pressure. In these circumstances, there is no merit in this petition and the same may kindly be dismissed.”

In view of the aforesaid, learned State counsel submits that the present petition has been rendered infructuous and may be disposed of as such.

In view of the above, no further orders are required to be passed in the present case.

Petition is disposed of as having been rendered infructuous.

However, liberty is granted to the petitioner to avail of alternate remedy, available to him, in accordance with law.

(AMAN CHAUDHARY)
JUDGE

December 13, 2022

S.Sharma(syr)

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