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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-8931-2020

Date of Decision: 17.02.2022

Harjit Singh and another

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: None for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Munish Puri, Advocate, for respondent Nos. 6 to 12.

JASGURPREET SINGH PURI, J. (Oral)

The matter has been called twice but nobody has appeared on behalf of the petitioners.

It has been informed by learned counsel for respondent Nos.6 to 12 that earlier Mr. Karan Sachdeva, Advocate was counsel for the petitioners who had filed the present petition seeking protection of life and liberty and thereafter, on the last date of hearing some other counsel had appeared and there appears to be a change of counsel but again nobody has appeared today.

Mr. Hittan Nehra, learned Additional Advocate General, Punjab has stated that a detailed reply has been filed in this case by way of an affidavit dated 31.12.2020.

Since nobody has caused appearance on behalf of the

petitioners and a reply has already been filed by the State, this Court would proceed further on the basis of the pleadings made in the present case and also reply filed by the State.

The present petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure for the grant of protection of life and liberty as according to the petitioners there was a constant threat at the hands of private respondents No.6 to 12 to take illegal and forcible possession of their Stone Crusher.

Notice of motion was issued by this Court on 30.10.2020 and in pursuance thereof, learned counsel for the State of Punjab had also appeared and respondent Nos. 6 to 12 had also appeared before this Court.

Mr. Hittan Nehra, learned Additional Advocate General, Punjab has submitted while referring to the affidavit filed by the State as well as on the basis of instructions from ASI Sanjeev Kumar that petitioner No.2 had submitted an application in respect of the incident dated 18.09.2020 and the matter was enquired into by the police and the police had summoned both the parties and thereafter, an agreement was executed between both the parties by which the matter of the incident dated 18.09.2020 was compromised. Apart from the same, a civil suit is also pending before the Court of Additional Civil Judge (Senior Division), Pathankot which was filed against petitioner No.2-Malkiat Singh and thereafter, the matter has been compromised between the parties. As per the affidavit the matter in dispute between the petitioners and the opposite party was regarding the ownership/partnership of M/s. Asian Stone Crusher at Behrian Bajurg and there was no question of any threat to the life and liberty of the petitioners

since the petitioners had stated that the matter has been compromised. The

learned State counsel further referred to para No.8 of the affidavit wherein it has been stated that it has been found that there is no apprehension to the life and liberty of the petitioners as the matter has been compromised between the parties. He further submitted that in view of the aforesaid position no further purpose will be served to continue with the present proceedings and, therefore, has prayed for the dismissal of the present petition.

I have heard the learned counsel for the parties.

I have perused the documents available on the record and also submissions of learned State counsel as well as learned counsel for respondent Nos. 6 to 12. The learned counsel for respondents Nos. 6 to 12 has stated that he has no instructions from his clients with regard to the aforesaid compromise since they have not approached him after engaging him in the present case.

In view of the aforesaid position by taking into consideration the affidavit filed by the State that on inquiry it has been found that there is no threat to the life and liberty of the petitioners since the matter has been compromised between the parties, no further proceedings are required to be carried on in the present case.

Consequently, the present petition is hereby dismissed.

17.02.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No