

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

CRWP-9370-2021 (O&M)

Date of decision: 15.02.2022

Sandeep Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- None for the petitioners.

Mr. Davinder Bir Singh, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The present criminal writ petition has been filed under Article 226 of the Constitution for issuance of directions to the official respondents to protect the life and liberty of the petitioners as the police officials of Police Station STF Phase 4, SAS Nagar, Mohali, are unnecessarily harassing the petitioners without any reason.

There is no representation on behalf of the petitioners. Even on 02.11.2021 the situation remained same.

It is the case of the petitioners that the petitioners made various representations/complaints to the higher authorities qua the false implication of petitioner No.2 in a case under NDPS Act wherein he stands released on bail; that owing to the aforesaid reason, the official respondents got annoyed and are now threatening the petitioners to involve them in a false case.

In response to the notice of motion, reply dated 23.11.2021, by way of affidavit of the Deputy Superintendent of Police, STF Patiala Range, Patiala, has already been filed.

Learned State counsel submits that a police party headed by SI Gurinder Singh, reached Rattan Nagar, Tripuri, Patiala, for routine check-up and the police officials were performing their official duties; that the petitioners suspected that the police party had tried to arrest them whereas none of the police officials entered the house of the petitioners, and that a case bearing FIR No.52 dated 18.04.2020, under Sections 21, 21-A and 27 NDPS Act, Police Station STF Patiala Range, stands registered against petitioner No.2 and others, for possessing 800 gram heroin.

Learned State counsel draws the attention of this Court, towards para No. 4 of the aforesaid reply, which is as under:-

“ That in reply to Para No. 4 of the petition, it is submitted that that Chamkaur Singh father of petitioner No. 2 and his wife-Karamjit Kaur and some unknown persons filed various applications to the Senior Police Officers and higher officials. In the applications, the allegations have been levelled that the Inspector Ravinder Kumar, STF, and other police party discharged the present Sarpanch Rimpay, of village Tarkhan Majra, after taking Rs. 18 lakhs and due to non-payment of Rs. 10 lakhs, Kulwinder Singh resident of Kheri Gorian has falsely been implicated in the case. The enquiry of the said applications was conducted by AIG STF Patiala Range and submitted his report vide No.01/AIG/STF/Patiala dated 01.01.2021 Copy of enquiry report dated 01.01.2021 is attached herewith as Annexure R-4 According to enquiry report it has been found initially the investigation of the case was conducted by SI Kuljit Kaur STF who on getting secret information got registered above noted case by sending Ruqa As per Hon'ble Higher Courts SI Kuljit Kaur STF Sangrur informed Inspector Ravinder Kumar No. 839/Sangrur, STF, Sangrur, from her mobile phone No. 80546-01072 on his mobile phone number 80547-12047 WhatsApp voice call along with police party for further action Inspector Ravinder Kumar No 839 Sangrur STF Sangrur after getting information laid Nakabandi at T-point Lakhewal and a car No PB 11CR 6873 Made Swift Dzire was seen

coming from Channo side in which the petitioner No. 2-Kulwinder Singh was driving the car and accused Sarabjit Singh alias Sonu son of Balwinder Singh r/o Jaiton Mandi District Faridkot now r/o Jaimal Singh Colony Duldi Gate Nabha District Patiala was sitting on his side in the car. The search of the carried out in the presence of Harwinder Singh, PPS, DSP, STF, Patiala Range, Patiala, and 800 grams of heroine was recovered from the car. Petitioner No. 2 and above said Sarabjit Singh were arrested in the above noted case and information was given to their LRs. The applications were filed by Chamkaur Singh father of accused-Kulwinder Singh, resident of Kheri Gaudrian and Karamjit Kaur wife of accused Kulwinder Singh and other unidentified persons to take undue benefits in the case, so that case can be contested by taking this point in the court. Nothing has been proved against the police personnel regarding the withdrawal of case after receiving money or to make demand of money. Therefore, the enquiry officer recommended that the applications be consigned to record room.

Since the police officials were on a routine checking and were only performing their official duty and they apprehended petitioner No. 2 and another person and in this regard FIR No.52 dated 18.04.2020, under Sections 21, 21-A and 27 NDPS Act, Police Station STF Patiala Range, stands registered against petitioner No.2 being driver of the car and his co-accused Sarabjit Singh @ Sonu, for possessing 800 gram heroin.

In view of the reply submitted by the learned State counsel, no case is made out to grant any relief to the petitioners as prayed for, the petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

15.02.2022

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No