

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANIDGARH

112

CRWP No.8074 of 2022
Date of Decision: 25.08.2022

Jarnail Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Rakesh Kumar, Advocate
for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

NAMIT KUMAR, J (ORAL)

This criminal writ petition has been filed under Article 226/227 of the Constitution of India for issuance of directions to respondents No.2 and 3 to protect the life and liberty of the petitioner and his family members from respondents No.4 to 7. Further, prayer has been made for direction to consider and decide the representation dated 25.07.2022 (Annexure P-4).

The brief facts as given in the petition are that the petitioner was running three shops as a restaurant and the said shops were taken from Hardev Singh (respondent No.4) and the petitioner was paying the rent regularly. The above said Hardev Singh has extended the threats to his life and liberty and also threatened him to take the possession of the property from the petitioner forcibly by illegal means. It has further been pleaded that in view of the above said threats of dispossession, the petitioner approached the Civil Court by filing a civil suit for permanent injunction

along with application under Order 39 Rule 1 and 2 read with Section 151 CPC, restraining Hardev Singh-defendant and his agents from taking the forcible possession of the shops from the petitioner. The above said suit and the application filed by the petitioner came up for hearing before the Learned Additional Civil Judge (Sr. Divn.), Bholath on 08.02.2021 and he was restrained from taking forcible possession of the shops in dispute from the petitioner till further orders, except in due course of law. It has further been averred that Hardev Singh along with accomplice Sarup Singh Ghugh S/o Charan Singh, Dalip Singh S/o Teja Singh, Jarnail Singh S/o Hem Singh, Harjit Giri S/o Gian Singh resident of Maqsoodpur came to the shops of the petitioner and man handled him, and inflicted injuries upon the petitioner and they put the locks over the all shops by applying the force and thereafter the necessary belongings and articles were also taken into the possession by Hardev Singh and his above said accomplices took away cash of Rs.67,000/- which they have taken away by applying the force and till date the petitioner is running from pillar to post for getting justice. It has further been averred that qua the said incident of assaulting, an FIR No.0016 dated 04.03.2021 U/S 325, 323, 427, 34 IPC, police station Begowal, District Kapurthala has been registered but no action is being taken by the police against respondents No.4 to 7 and representation dated 25.07.2022 (Annexure P-4) has also been submitted to the Senior Superintendent of Police, Kapurthala, however, no action whatsoever has been taken by the said authority so far.

Notice of motion.

Mr. Vishnav Gandhi, DAG, Punjab, accepts notice on behalf of respondents No.1 to 3-State.

Without going into the merits of the claim raised in the petition and even the assertions set out in the petition, the present petition is disposed of only with a direction to respondent No.2-Senior Superintendent of Police, Kapurthala to consider the claim raised by the petitioner in the representation dated 25.07.2022 (Annexure P-4), in accordance with law, by passing a speaking order, preferably within one month from the date of receipt of certified copy of this order, after affording an opportunity of hearing to the petitioner.

The present petition stands disposed of accordingly.

(NAMIT KUMAR)
JUDGE

25.08.2022
D.Bansal

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