

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-13800-2018(O&M)

Date of Decision: September 23, 2022

Subash Kundra@ Katty & anr.

...Petitioners

Versus

State of Punjab & ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- None for the petitioners.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.(Oral)

Prayer in the present petition under Section 482 Cr.P.C. is for issuance of directions to respondents No.2 to 5 to initiate action and to investigate the matter properly and as per law for taking and demanding bribe from the petitioners by threatening that false criminal case shall be registered against them as they are going to be declared as BC by preparing Calendra under Section 110 Cr.P.C and their family members.

Order dated 20.04.2018 passed in this case shows that this petition was directed to be heard along with CRM-M-5120-2016. In the order dated 30.10.2018, it has been recorded that the aforementioned writ petition was dismissed as not pressed vide order dated 19.01.2018 passed in the said case. Thereafter, CRM-3179-2018 was filed seeking to revive the said petition, which was eventually dismissed vide a separate order passed on 30.10.2018.

Learned State counsel refers to paragraphs 4 to 7 of the reply dated 15.01.2020, which read as under:-

“4. That it is pertinent to mention here that Jagjit Singh Chawla, father of petitioner No.2 has filed a CWP No.4277 of 2016 for issuance of direction to register a case against for taking and demanding bribe from him, which is pending for adjudication before this Hon'ble High Court.

5. That, thereafter, the father of petitioner No.2 also filed CRM No.5120 of 2016 for issuance of direction to the State to investigate the matter properly as per law as regards respondent No.6 to 10 taking and demanding bribe from the petitioner by threatening that the false criminal case shall be registered against him, which was dismissed as not pressed vide order dated 19.01.2018 is being annexed herewith Annexure R-1.

6. That the claim raised by the petitioners in the instant petition was also raised in CRM No.28918 of 2017 filed by petitioner No.1 which was disposed off vide order dated 06.02.2018 with a direction that in case the petitioner No.1 is sought to be arrested pursuant to a complaint or case against him, he may be given 3 days advance notice. A true copy of the order dated 06.02.2018 is being annexed herewith as Annexure R-2.

7. That apart from above, the petitioners have filed the instant petition seeking the direction to the official respondents to provide them adequate security. In this regard, it is submitted that no truth is found in the applications submitted by the petitioners for granting them adequate security as there is no threat perception to their life and liberty, as has been projected by them.”

He submits that in view of the aforesaid, the present petition though was misconceived, however in view of the para 7, the same has been rendered infructuous.

In view of above, the present petition has been rendered

infructuous and is disposed of as such. However, the petitioners are at liberty to avail their alternative remedy in accordance with law.

September 23, 2022
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(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: Yes