

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRWP-868-2023

Decided on : 13.04.2023

Nitin Bharadwaj and others

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Ritu Singh, Advocate for
Mr. Virender Soni, Advocate
for the petitioner(s).

Mr. P.K. Jhanda, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

On 16.02.2023, following order was passed:-

*“Order dated 31.01.2023 passed by this Court says as under:**“Prayer in the instant petition filed under Article 226/227 of the Constitution of India, is for issuance of directions to official respondents, to provide protection of lives and liberty of the petitioners, at the hands of private respondent No. 4.**Learned counsel for the petitioners submits that though the dispute between the petitioners and respondent No. 4 is with regard to the business, so any breach of the conditions would amount to civil dispute, yet, respondent No. 4 being an influential person in the State of U.P., has come over to the place of the petitioners and issued threats of abduction through the police of U.P.**Counsel further submits that feeling apprehensive, petitioner No. 1 sent a complaint dated 19.01.2023 (Annexure P-6) to respondent No. 2, Commissioner of Police, Gurugram. Counsel also submits that even prior to the said complaint, one complaint through E-mail dated 09.12.2022 (Annexure P-5) was also addressed to respondent No. 2- Commissioner of Police, Gurugram, but neither any action is being taken by the Haryana Police to verify the facts alleged in the representation of visiting of respondent No. 4 at the premises of the petitioners on 11.11.2022, nor there is any assurance of securing the lives and liberty of the petitioners.*

Notice of motion.

On asking of the Court, Mr. J.S. Arora, DAG, Punjab, to whom advance copy of paper book stands supplied, accepts notice on behalf of respondents No. 1 to 3 (State). He seeks time to file status report.

Adjourned to 16.02.2023.”

In compliance of order dated 31.01.2023, status report by way of affidavit of Sanjeev Kumar, HPS, Assistant Commissioner of Police, Sadar, Gurugram dated 15.02.2023, produces by learned State counsel on behalf of respondents No. 1 to 3 and same is taken on record. Registry is directed to tag the same at appropriate place.

Relevant paragraphs No. 3 to 5 says as under:

- “3. That in this context, it is submitted that the complaints bearing no. 143-DS dated 20.01.2023, 147-DS dated 20.01.2023, 199- DS dated 30.01.2023, 219-DS dated 02.02.2023 submitted by the petitioner no. 1 were enquired by SI Balraj. During the course of enquiry, it came forth that the petitioner no. 1 had agreed to sell a water cooling machine to the respondent no. 4 Mangey Ram Malik. The price of the said machine was Rs. 1,18,000/- and the same was sent to the respondent no. 4 in vehicle no. DL-1L-AE-3115 vide bill no. 361439458538. However, the second part of the machine was not sent to the respondent no. 4. Regarding the same, the respondent no. 4 had visited the office of the petitioner no. 1 Nitin Bhardwaj on 19.11.2022 for obtaining the second part of the machine where they conversed with each other.*
- 4. That the petitioner no. 1 also alleged that the respondent no. 4 had threatened him. However, the petitioner no. 1 was not able to produce any evidence regarding the alleged threatening, to substantiate the allegations of threatening levelled by him. From the above enquiry, the present matter was found to be pertaining to money transaction and therefore, of civil nature and the petitioner no. 1 was advised to initiate appropriate proceedings in the Civil Court.*
- 5. That in view of the above enquiry conducted by SI Balraj, the report dated 12.02.2023 was prepared by the SHO P.S. Badshahpur, Gurugram and the same was sent to the senior officers, whereby the complaints filed by the petitioner no. 1 were recommended to be filed. The report dated 12.02.2023 is attached*

herewith as Annexure R-1 for kind perusal of this Hon'ble Court."

Learned State counsel informs that infact no material has been supplied by the petitioners in support of the allegations levelled in the compliant.

Learned counsel for the petitioners submits that there is sufficient material with the petitioners, but no adequate opportunity was granted by respondent No. 2 to the petitioners.

Be that as it may, learned counsel for the petitioners is granted one more opportunity for the said purpose.

Adjourned to 31.03.2023.

Let, petitioners appear in the office of respondent No. 2-Commissioner of Police, District Gurugram, Haryana on 01.03.2023 for submitting the necessary material."

Status report dated 15.02.2023 filed by the State on behalf of respondents No.1 to 3 is already available on record. However, learned State counsel informs the Court that during the pendency of the present petition before this Court, at the instance of respondent No.4 – Mangey Ram Malik, one case FIR No.99, dated 16.03.2023, under Section 406 of IPC, has been registered at P.S. Kandhla, Distt. Shamli (U.P.)

Faced with the situation, counsel for the petitioners seeks withdrawal of the present petition with liberty to seek appropriate remedy according to law before the appropriate forum.

Dismissed as withdrawn, with liberty as stated herein-above.

**(SANJAY VASHISTH)
JUDGE**

April 13, 2023

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No