

CRWP-1078-2023

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

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CRWP-1078-2023

Decided on : 31.05.2023

Gursimran Singh

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sanjiv Kumar, Advocate for
Mr. Jatinder Singh Dadwal, Advocate, for the petitioner(s).

Mr. JS Arora, DAG, Punjab.

Mr. Amit Kumar Saini, Advocate
for respondent No.6.

SANJAY VASHISTH, J. (Oral)

1. In the present protection petition, following order was passed on
06.02.2023:-

“ Though dispute appears to be entirely of civil in nature i.e. of sale and purchase of vehicle and amount involved in it, yet on the basis of the allegations mentioned in paragraph No.8 to 10, counsel for the petitioner submits that respondent No.5, SI Partap Singh, Addl SHO, Police Station Basti Jodhewal, Ludhiana, who is impleaded by name, is a police officer having no jurisdiction over the area, is pressurizing and calling the petitioner and his father at police station and demanding Rs.5 Lakhs.

Paragraph Nos.8, 9 and 10 of the petition, says as under:-

“8. That on dated 03.12.2022 at about 4.35 PM, a call was received by father of the petitioner namely Tejinder Singh from Respondent No.5 i.e. SI Partap Singh P.S Basti Jodhewal and called him to the police station.

9. That on dated 04.12.2022 at about 10.20 AM, father of the petitioner alongwith Santokh Singh visit

to the police station. Then SI Partap Singh threatened them to give Rs. 5,00,000/- to the Chandeeep Singh. When father of the petitioner shown all the documents to the SI Partap Singh then even he stated that he has no concern with these documents and even refused to give the documents from the Chandeeep Singh and pressurize to give Rs. 5,00,000/- to Chandeeep Singh otherwise he will register a false case against them and further directed to them to reach Amritsar on 06.12.2022.

10. That on dated 06.12.2022 when father of the petitioner alongwith Santokh Singh and his friend reached Amritsar then SI Partap Singh alongwith Chandeeep Singh threatened them and detained them in a room for more than 24 hours and pressurise him to give Rs. 5,00,000/- immediately otherwise he will implicate them in a false case. Father of the petitioner and his father and friend escaped from their clutches after taking some time from them.”

Notice of motion for 03.03.2023.

On asking of Court, Mr. JS Arora, DAG, Punjab, who is present in Court, accepts notice on behalf of respondents No.1 to 4(State).

Respondent No.4-SHO Police Station-Sultanwind, Amritsar, would also send necessary information regarding the next date fixed before this Court to respondents Nos.5 and 6.

Learned State counsel would ensure that in the status report, to be filed before this Court, allegations levelled in the representation dated 17.01.2023 (Annexure P-3) and same being repeated in the present petition against respondents No.4 and 5, would be duly enquired into for explaining the same before the Court.”

2. Learned State counsel while referring to para Nos. 10 & 11 of the present petition, submits that there is no substance in the allegations levelled in the present petition. Para Nos. 10 & 11 says as under:-

“10. That on dated 06.12.2022 when father of the petitioner along with Santo Singh and his friend reached Amritsar then SI Partap Singh along with Chandeeep Singh threatened them and detained them in a room for more than 2 ½ hours and pressurize him to give Rs. 5,00, 000/- immediately otherwise he will implicate

them in a false case. Father of the petitioner and his father and friend escaped from their clutches after taking some time from them.

11. That on dated 09.12.2022 at about 2.12 P.M they demanded money from the father of the petitioner and on same day at about 4.16 P.M. they received the phone call from SI Partap Singh and called the father of the petitioner and then he along with nephew namely Manpreet Singh visit to the police station and again he asked to pay Rs.5, 00, 000/- to Chandeeep Singh otherwise he is going to register a false case against them.”

3. In support of his contention, learned State counsel refers to para No.2 of the status report dated 12.04.2023, filed before this Court. Para No.2 is reproduced as under:-

“2. That the petitioner has leveled allegations in para no.8, 9 & 10 of the petition. The parawise reply to para no.8 to 10 are reproduced herein below:-

Reply to Para no.8: *It is correct that on 03.12.2022, & call was received by the father of the petitioner namely Tejinder Singh from respondent no.5 and he was called to the police station. However, it is relevant to mention here that the petitioner has concealed the fact of filing written complaint/information to the concerned Station House Officer by respondent no.6 namely Chandeeep Singh. As a matter of fact, one written complaint dated 03.12.2022 was given by respondent no.6 to the Station House Officer, Police Station Basti Jodhewal, Ludhiana. After receiving the complaint, SHO had marked the enquiry to St Partap Singh, both who called through telephone and had requested both the parties to come to police station on 04.12.2022.*

Reply to Para no.9: *It is respectfully submitted that on 04.12.2022, the petitioner alongwith Santokh Singh Malvai had visited the police station. Both petitioner and said Santokh Singh Malvai were shown the copy of*

complaint given by Chandeeep Singh i.e. respondent no.6 on 03.12.2022. The allegations with regard to giving Rs.5 lacs to Chandeeep Singh and alleged threats by SI Partap Singh are found to be false. It is relevant to mention here that the petitioner alongwith Santokh Singh Malvai had themselves informed the enquiry Officer that they will settle the dispute with respondent no.6 namely Chandeeep Singh by going to Amritsar as respondent no.6 is resident of Amritsar. It was also submitted by the petitioner that no action be taken on the complaint given by respondent no.6 as he himself along with Santokh Singh Malvai and Tejinder Singh will get the matter settled with respondent no.6. Apart from it, no threat or pressure was ever created by any police official. No threat of false case was ever given by any police official.

Reply to Para no. 10: *The allegations leveled in this para are false and frivolous. It has been verified that SI Partap Singh never visited the place of Chandeeep Singh on 06.12.2022. The allegations leveled in this para are exaggerated. The petitioner was never pressurized by any police official and no demand was ever raised to give amount to respondent no.6.”*

3. Faced with the situation, learned counsel for the petitioner seeks withdrawal of present petition with liberty to avail alternative remedy available to the petitioner under the law.

4. Dismissed as withdrawn, with liberty as sought and recorded herein-above.

**(SANJAY VASHISTH)
JUDGE**

May 31, 2023

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No