

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216

CRWP-1209-2023

Decided on : 19.04.2023

Inderjit Singh and others

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Abhinav Singh, Advocate
for the petitioner(s).

Mr. JS Arora, DAG, Punjab.
(on instructions from ASI Balkarn Singh)

Mr. Mohd. Yousaf, Advocate
for respondents No.5 to 8.

SANJAY VASHISTH, J. (Oral)

1. In the present protection petition, after hearing the petitioners on 08.02.2023, following order was passed:

“Instant petition is for seeking direction to official respondents No.1 & 2 to protect lives and personal liberty of the petitioners at the hands of respondents No.3 & 4, by misusing their official position at the instance of respondents No.5 to 8, by repeatedly summoning and detaining the petitioners in the police station.

Counsel for the petitioners submitted that in the year 2019, daughter of petitioners No.1 & 2, namely Jasmeet Kaur wanted to go to Canada for study purposes, and for the same, petitioners No.1 & 2 borrowed some amount from respondents No.5 & 6. After completing the course, Jasmeet Kaur returned to India in November, 2022. Since, said Jasmeet Kaur had got Permanent Residency status (PR), respondents No.5 & 6 insisted to perform the marriage of respondent No.8 – Harpreet Singh with said Jasmeet Kaur. Ultimately, after some resistance, said Jasmeet Kaur (daughters of petitioners No.1 & 2) performed marriage with respondent No.8 – Harpreet Singh.

Counsel for the petitioners further submits that petitioners have already returned the amount more than Rs.20.00 lakhs, to respondents No.5 & 6, which was borrowed at the time of sending their daughter Jasmeet Kaur, to Canada. Now, Jasmeet Kaur has left for Canada on 15.01.2023, but respondent No.8 – Harpreet Singh is staying in India.

Counsel for the petitioners also submits that due to some misunderstanding between the petitioners, and private respondents, on the issue of money transactions, unnecessarily, policy authorities i.e. respondents No.3 & 4 (impleaded by name) along with 25-30 supporters and henchmen, in order to arm twisting the petitioners, are

visiting at their residence, and even calling them at police station.

Notice of motion for 28.02.2023.

On asking of the Court, Mr. J.S. Arora, DAG, Punjab, who is present in Court, accepts notice on behalf of respondents No.1 & 2 (State), and seeks time to file status report, in specific, whether the allegations against respondents No.3 & 4, without there being any criminal case against the petitioners, is correct or not ?

Let requisite copies of the complete paper book be supplied to learned State counsel during course of the day.

Adjourned to 28.02.2023. ”

2. Today, status report dated 18.04.2023, by way of affidavit of Balwinder Singh Randhawa, PPS, Additional Deputy Commissioner of Police, City-1, Police Commissionerate, Jalandhar, on behalf of the respondents No.1 & 2, has been filed by learned State counsel, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioners.

3. Learned State counsel points out that criminal case i.e. FIR No.20 dated 18.02.2023, under Sections 406, 420, 120-B of IPC and Section 13 of Punjab Travel Professionals (Regulation) Act 2014, has been registered at Police Station Navi Baradari, Police Commissionerate, Jalandhar, against the petitioners.

4. Paragraphs No.9 to 11 referred by learned State counsel, says as under:

“9. That it is respectfully submitted that during enquiry by respondent no.3, both the parties were called. The petitioner no.1 & 2 along with Jasmeet Kaur did not appear before enquiry officer i.e. respondent no.3. However, after going through documents and statements of witnesses, the respondent no.3 come to conclusion that accused persons have duped a sum of Rs.15 Lakh from the complainant party on the pretext of sending Harpreet Singh i.e. respondent no.8 to Canada, and later on as per compromise effected between them, the marriage of respondent no.8 was to be solemnized with Jasmeet Kaur daughter of petitioner no.1 & 2 and thereby received Rs. 15 Lakh from the complainant party under false promise that Jasmeet Kaur shall call respondent no.8 to Canada after reaching there, however she failed to do so as such, respondent no.3 recommended to register FIR against the petitioners and Jasmeet Kaur after taking opinion from DA Legal Jalandhar and forwarded his report to deponent. The deponent

approved the same and sent his report to DCP (Investigation) Jalandhar who after seeking opinion from D.A. (Legal), Jalandhar recommended to register FIR against Inderjit Singh, Rajwinder Kaur, Jasmeet Kaur and Jashandeep Singh. On perusal of the enquiry reports by D.A. (legal), prima facie offences attracted under sections 406, 420, 120-8 B of IPC and section 13 of Punjab Travel Professionals (Regulation) Act 2014. As a consequence thereof, case/FIR No. 20 dated 18.02.2023, under sections 406, 420, 120-B of IPC and section 13 of Punjab Travel Professionals (Regulation) Act 2014 was registered at Police Station Navi Baradari, Police Commissionerate, Jalandhar.

10. That since the investigation is at its initial stage and the petitioners have appeared before the investigation officer as per direction of this Hon'ble Court and they were formally arrested by the police and immediately they were released by the investigating officer after completion of necessary legal formalities.

11. That it is most respectfully submitted that complaint bearing No. 228-PTM dated 15.02.2023 (Annexure: P- 4) filed by the petitioner, has been enquired by the deponent. The said application was knowingly false and purposely vexatious and the allegation put forth in the said complaint has not supported with evidence. The petitioners have leveled false allegations against the police i.e. respondent no. 3 & 4 just to desist them from taking legal action against the petitioners. The deponent thoroughly enquired Annexure P-4 and has come to conclusion that no harassment has been caused by the respondent no.3 & 4 and even no threats perception alleged to be given by the private respondents no. 5 to 8 to the petitioner and nothing like sort of that has ever happened as mentioned in this petition. Copy of enquiry report is annexed herewith as Annexure: R-1/T. ”

Learned State counsel also submits that all the petitioners have been granted interim anticipatory bail by this Court and next date fixed in the said case is 08.05.2023.

Faced with the situation, counsel for the petitioners seeks withdrawal of the present petition with liberty to take appropriate steps to defend themselves in the criminal case already registered by the State.

Dismissed as withdrawn.

(SANJAY VASHISTH)
JUDGE

April 19, 2023

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