

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

**CRM-W-437-2023 IN/AND
CRWP-1236-2023**

Date of Decision:31.05.2023

Sukhjinder Singh

...Petitioner

vs.

State of Punjab and others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. L.S Sidhu, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Ajaypal Singh Gill, Advocate
for respondents No.4 to 6.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition before this Court under Article 226 of the Constitution of India for issuance of appropriate directions to respondents No.1 to 3 to ensure that the life and liberty of the petitioner is protected, as he apprehends threat at the hands of respondents No.4 to 6.

2. Learned counsel for the petitioner contends that the respondent No.6 is the real brother of the petitioner, whereas respondents No.4 and 5 are the real nephews of the petitioner. The family owns about 152 acres of land. The petitioner has only two daughters and no son. His elder daughter namely, Ranjit Kaur is married, whereas his younger daughter namely, Gurjeet Kaur is sports person and a shooter of national level. Taking advantage of the situation

of the petitioner, the private respondents wanted to forcibly occupy the land of the petitioner and his daughters.

3. Learned counsel for the petitioner further contends that he has already filed a civil suit against the private respondents seeking relief of injunction and the suit is pending adjudication before the learned Civil Court. Even the private respondents have filed the applications for partition under Section 111 of the Punjab Land Revenue Act. Even during the pendency of the proceedings before the Civil Court and Revenue Court, the petitioner is being repeatedly threatened and attacked by the private respondents. He also submitted a complaint, Annexure P-4 dated 10.12.2022, still no action has been taken on the same.

4. Pursuant to the notice issued by the Court, a short reply has been filed by way of an affidavit of Senior Superintendent of Police, District Sri Muktsar Sahib and learned counsel for the State as well as learned counsel appearing for the private respondents have controverted all the facts mentioned in the petition. Learned State counsel submits that on the directions of the Senior Superintendent of Police, Sri Muktsar Sahib an enquiry was ordered and DSP, Sub-Division Malout had conducted the enquiry and both the parties were joined during the course of enquiry.

5. Learned State counsel further contends that one FIR No.35 dated 17.02.2022 under Sections 324, 326, 307, 506, 148, 149, 120-B IPC was registered at Police Station Lambi on the basis of the statement made by respondent No.4 against the unknown persons. However, during the course of investigation, both daughters of the petitioner and husband of his daughter have been nominated as accused in the present case. Apart from that, one more FIR

No.268 dated 12.11.2022, under Sections 447, 511, 34 IPC was registered at Police Station Lambi on the basis of the statement made by Jaswinder Singh, respondent No.4 against the petitioners.

6. Be that as it may, it is the bounden duty of the State to ensure that there is no breach of peace in the area and the life and liberty of every citizen is protected by the official respondents. Learned counsel appearing for the State has assured the Court that in case any complaint is received with regard to the threat to the life and liberty of the petitioner and his other family members and in case the threat perception is found, appropriate action shall be taken on the same, in accordance with law.

7. Learned counsel for the State further submits that since the matter is pending before the Civil Court, the police shall not take any action with regard to the disputes involving the ownership and possession of the parties on the land in question. However, in case any cognizable offence is committed by anyone or if there is any breach of peace and tranquility in the area, the police shall take appropriate action as per law.

8. In view of the statement, made by learned State counsel no further directions are required and the petition is accordingly disposed off.

9. Since the main case is disposed of, all other pending applications, if any, are also disposed off.

31.05.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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