

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRWP-1466-2023

Decided on : 11.05.2023

Mukhtar Singh

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

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

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. K.P Singh, Advocate
for respondents No.4, 7 & 8.

SANJAY VASHISTH, J. (Oral)

1. In the present protection petition after hearing the petitioner on 16.02.2023 following order was passed:

“This is the petition under Article 226 of the Constitution of India for issuance of writ in the nature of mandamus for seeking directions to respondents No.2 and 3 for protection of life and liberty of petitioner from the hands of private respondents No. 4 to 10.

Counsel for the petitioner submits that private respondents No.4 to 10 are named accused in FIR No.51 dated 16.03.2017 registered at Police Station Lopoke, Amritsar Rural, under Sections 365, 379, 323, 148, 149 IPC. Said FIR had got lodged at the instance of petitioner.

Counsel for the petitioner further submits that two of the accused namely Gurjant Singh and Ranjodh Singh were arrested and later on granted bail. He also submits that vide order dated 01.11.2019 passed by Ld. JMIC, Ajnala, private respondents No.5 to 10 were declared proclaimed person and order dated 01.11.2019 says as under:-

“Statutory period of 30 days from the date of execution of proclamation has already been passed. However, accused Rajwinder Kaur, Bikramjit Singh, Gursewak Singh, Partap Singh, Pal Singh and Malkiat Singh did not appear. Accordingly accused Rajwinder Kaur wife of Mastan Singh, Bikramjit Singh son of Sukhdev Singh, Gursewak Singh son of Sher Singh, Partap Singh son of Nishan Singh, Pal Singh son of Joginder Singh and Malkiat Singh son of Karaj Singh, all residents of village Chak Misri Khan, Tehsil Ajnala, Police Station Lopoke are declared as proclaimed person. Intimation be sent to the SHO concerned. Let notice to IO with a direction to file list of property of accused above said accused be issued for 30.11.2019. “

Subsequently, notice was issued to the Investigating Officer time and again to furnish the list of properties of the accused persons, so that their property be attached as per provision of Section 83 Cr.P.C. However, since the Police officials including the investigating officer are

in connivance with the accused persons, no interest is being taken rather petitioner is harassed and threatened to settle the FIR.

Order dated 23.02.2021 passed by JMIC, Ajnala, says as under:-

“Non bailable warrants of accused were issued on the basis of application moved by 10. They have already been declared as proclaimed offender vide order dated 01.11.2019. Thereafter, notice was issued to 10 time and again to furnish the list of property of accused, so that the property be attached as per provisions of Section 83 Cr.P.C. However, IO is not coming present. Therefore, the remand papers are consigned to record room. The same shall be taken up as and when accused are arrested and produced in the court.”

In regard to the said apprehension, one representation dated 15.11.2022 (Annexure P-4) has also been addressed to Senior Superintendent of Police, Amritsar Rural-respondent No.2.

Notice of motion for 25.04.2023.

On asking of Court, Mr. Gurlal Singh Dhillon, AAG, Punjab, who is present in Court, accepts notice on behalf of respondents No.1 to 3(State), and seeks time to file status report.”

2. Learned State counsel informs the Court that cancellation report has been prepared and submitted to the concerned Court. However, final decision for that cancellation report is yet to be taken by learned Magistrate.
3. Faced with the situation, counsel for the petitioner makes request for withdrawal of the present petition with liberty, to seek alternate remedy available to the petitioner under the law.
4. Dismissed as withdrawn, with liberty as sought and recorded hereabove.

**(SANJAY VASHISTH)
JUDGE**

May 11, 2023

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