

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

206

**CRWP-2567-2021 with
CRM-W-364-2021
Decided on : 20.02.2023**

Gurwinder Singh

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Imran Ahmed Ali, Advocate for
Mr. Tushaar Madaan, Advocate
for the petitioner.

Mr. Vinay Kumar Gupta, AAG, Punjab.

Mr. Barjinder Singh, Advocate for
Mr. Prateek Pandit, Advocate
for respondent No.4.

SANJAY VASHISTH, J. (Oral)

Instant petition is filed by petitioner-Gurwinder Singh, aged 38 years, for issuance of writ in the nature of mandamus for seeking directions to respondents No.1 to 3 for protection of lives and liberty of petitioner and his family members from the hands of private respondent No. 4-Gaurav Dhir.

Counsel for the petitioner has also prayed that respondent No.2-Senior Superintendent of Police, Hoshiarpur, to look into the representation dated 10.03.2021 (Annexure P-5), whereby, petitioner has expressed his apprehension to his life at the instance of respondent No.4.

While making submissions, counsel refers to the photographs attached to the petition (Annexure P-3) and further submits that respondent No.4-Gaurav Dhir along with many other persons, as seen in photographs, reached at the premises of the petitioner and issued threats and put the

situation in danger for petitioner. Said incident was subsequently published in the newspaper and that news item was extracted and annexed as Annexure P-4.

Learned State counsel has referred to the status report dated 17.11.2021 filed by way of affidavit of Tushar Gupta, IPS, Assistant Superintendent of Police, Sub-Division, Garshankar District Hoshiarpur on behalf of respondents No.1 to 3 and reads out Paragraphs No.1 and 3 and same be reproduced hereinbelow:-

“1. That it is humbly submitted that the petitioner submitted an application (Annexure P-2) to the SHO, P.S. Mahilpur, District Hoshiarpur against Chetan Dhir and Gaurav Dhir regarding attempting to break open the locks of his office. During the inquiry of the said application, the petitioner submitted another application (Annexure P-5) against Chetan Dhir and Gaurav Dhir regarding vandalizing and looting by entering forcibly in his house alongwith 50/60 unknown persons. During the inquiry the SHO, P.S. Mahilpur, District Hoshiarpur visited the spot and verified that there are two separate houses in 14 marlas plot on the Eastern side of Hoshiarpur road near the bus stand Mahilpur. These houses have separate courtyards. The house in which the petitioner lives alongwith his family members has his gate towards Northern side of street and ahead of the courtyard of house of the petitioner towards road, cousin of the petitioner alongwith his sister lives in separate house. One brother of Suraj has gone to Australia. These house has joint gate open towards road. There is 2/3 feet passage which leads to the house of the petitioner from the main joint gate. The petitioner stated that the area has not been partitioned so far. It was found that Suraj Kumar took his some household articles from his house on 07-03-2021 to Hoshiarpur and his some household articles are lying in this house. After leaving the house by Suraj Kumar, the petitioner tried to take the possession of the house. It is also found that Suraj Kumar has sold his share of his family from the above said house in question to Sushma Dhir wife of Late Sushil Kumar R/o Near Girls School, Mahilpur on 23-12-2020. The petitioner and respondent No.4 were asked to bring their ownership documents in respect of the house to the Police Station and they were also asked to produce evidence regarding stolen articles but the both parties did not produce any evidence in the inquiry. From the inquiry it was also found that the screening door of the house of Suraj Kumar was found to be damaged and the both parties were found to be living in separate houses. There is dispute of partition of joint house. When the both parties produce their ownership evidence regarding their houses, legal action will be taken against the guilty person. Both parties were instructed not to take law in their hand. The matter is of civil nature and as such the SHO, P.S. Mahilpur, District Hoshiarpur recommended to file the application of the petitioner.”

3. *That it is humbly submitted that the Police of P.S. Mahilpur, District Hoshiarpur also verified that there is no danger to the life and liberty of the petitioner and his family members as alleged in this petition.*

In view of above said submission the present petition is not maintainable and is liable to be dismissed.”

I have heard the respective parties in the petition and perused the apprehension expressed by the petitioner and also examine the same. Apparently, real dispute appears to be of civil nature regarding the property and same has been, so clarified in the reply filed by the State also.

In view of the reply filed by the State, petition stands disposed of.

Pending criminal miscellaneous application(s), if any, also stand disposed of.

However, it would be ensured that there is no harm to the lives and liberty of the petitioner and his other family members.

(SANJAY VASHISTH)
JUDGE

February 20, 2023

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<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>