

Date of Decision: 17.03.2023

## Versus

.....Respondents

Mr. Karunesh Kaushal, Assistant Advocate General, Punjab.

Prayer in the present petition is for issuance of directions to respondents No.1 and 2 to protect liberty of the petitioner at the hands of respondent No.3, who is threatening to falsely implicate the petitioner in a criminal case at the behest of respondent No.4.

Vide order dated 01.06.2022, this Court issued notice and in response to the same, the State has filed short reply by way of an affidavit of Gurvinder Singh, PPS, Deputy Superintendent of Police, NRI Wing, District SAS Nagar.

Learned State counsel has submitted that as per the enquiry being conducted, the dispute between the petitioner and respondent No.4 is regarding possession of one flat. He has drawn the attention of this Court to the reply filed, where, it has been mentioned that during enquiry it was found that Gurinderveer Singh and his father Baldev Singh Pabla had died in a road accident in the year 2018 and thereafter, the dispute arose on ownership and possession of Flat No.1221-A, regarding which respondent No.4 has filed a complaint to the police, which is enquired into by respondent No.3. It is submitted that the petitioner is being issued notice by the Investigating Agency so as to complete the enquiry in the complaint filed and for producing the

original record. However, despite the notices having been issued under Section 91 Cr.P.C., the petitioner is not coming forward to join the enquiry and to produce the requisite record. It is submitted that respondent No.3 is only carrying out the enquiry in accordance with law and the allegations pertaining to the threat given by respondent No.3 etc. is totally false and frivolous. It is submitted that respondent No.3 would conduct enquiry totally in accordance with law and the petitioner is legally bound to join the enquiry, which is to be conducted.

After hearing learned State counsel the present petition is disposed of with a direction to the Investigating Agency to conduct the enquiry already being conducted by adhering to the established procedure of Code of Criminal Procedure. The State would also ensure protection to the petitioner as enshrined under Article 21 of the Constitution of India. The petitioner is at liberty to pursue his remedy in accordance with law.

17.03.2023  
sharmila

Whether Speaking/Reasoned  
Whether Reportable

(RAJESH BHARDWAJ)  
JUDGE

: Yes/No  
: Yes/No