

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

**COCp-869-2023 (O&M)
Date of decision: 31.07.2023**

Maniksha**...Petitioner**

Versus

Harjinder Singh**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Lupil Gupta, Advocate
for the petitioner.

Mr. Ajit Singh Natt, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner alleges violation of the order dated 11.01.2023, passed by this Court in CRWP-10481-2022, vide which, while disposing of the petition, the following order was passed:

“This petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondent Nos. 1 to 6 to ensure protection of life and liberty of the petitioner and her associates which is in danger at the hands of respondents No.7.

Vide order dated 15.11.2022, this Court directed the State to file status report keeping in view the threat perception. Thereafter, again on 06.12.2022, status report was ordered to be filed. Even today, no status report has been filed till date and prayer for some more time has been made to file the status report.

Keeping in view the prayer of the petitioner ensuring protection of life and liberty, respondent No.6-SHO Police Station City Kharar, District SAS Nagar, Mohali (Punjab) is directed to decide

representation/complaints dated 14.10.2021, 16.11.2021 and 24.09.2022 (Annexures P-2, P-3 and P-5 respectively) of the petitioner after taking into consideration all the relevant aspects, within a period of two weeks in accordance with law from the date of receipt of certified copy of this order.

Present petition is disposed of in aforesaid terms.”

Learned counsel for the petitioner submits that even a complaint has been given to Additional Director General of Police, Internal Security, Punjab, in which, on 21.06.2022, a report was sought from DSP, CID Unit, SAS Nagar.

Reply, by way of the affidavit of the respondent-SHO, Police Station City Kharar, SAS Nagar, has been filed today in Court, vide which, the following specific stand is taken:

“4. That in compliance thereof, the DSP, Sub Division Kharar-1, District SAS Nagar submitted his report dated 10/03/2023 before the SSP, District SAS Nagar with the following findings:-

I. That the petitioner is associated with the group of Jyoti Mahant and the 2nd group of Pooja Mahant (respondent No. 7) in the Kharar area are his disciples. Both the aforesaid groups are having dispute amongst themselves with regard to the collection of congratulatory gifts in the area because of which, both the parties have got registered FIR No. 7 dated 06/01/2021 u/s 379-B, 323, 34, 506 IPC at PS City Kharar and FIR No. 95 dated 15/03/2021 u/s 323, 341, 427, 506, 148, 149 IPC PS City Kharar and FIR No. 360 dated 21/10/2021 u/s 379-B, 323, 341, 427, 506, 148, 149 IPC PS City Kharar against each other, which are under investigation.

II. That apart from this, in order to maintain the peace and security and keeping in view the security of both the parties, the preventive action u/s 107/150 Cr.P.C. has also been initiated against both the parties.

III. That the complaints Annexure P-2 (complaint dated 14/10/2021) and Annexure P-3 (complaint dated 16/11/2021) mentioned in the writ petition were given at PS City Kharar, which stand filed after enquiry by the SHO PS City Kharar.

IV. That apart from this, the petitioner had given one complaint regarding protection in the office of Additional Director General of Police Security Punjab, Chandigarh, in which regard also, no threat of any kind was assessed to the life and liberty of the petitioner.

V. That keeping the security of the petitioner ahead, his security is being ensured through the PC party, patrolling parties by way of patrolling and checking. The protection of life and liberty of the petitioner is being ensured in compliance of the orders passed by this Hon'ble Court and no further action is required on the writ petition.

5. That the aforesaid report of the DSP, Sub Division Kharar-1, District SAS Nagar was thoroughly perused and considered by the SSP, District SAS Nagar and while agreeing with the same, the annexures of aforesaid representations were filed in the office by the SSP, District SAS Nagar and the compliance report was also sent to the Assistant Registrar (Criminal) of this Hon'ble Court vide office order No. 15370/G/litigation dated 18/03/2023. The true translated copy of the office order dated 18/03/2023 is attached herewith as Annexure R-1/T for the kind consideration of this Hon'ble Court.”

The SSP, SAS Nagar has also passed an office order dated

18.03.2023 in the present matter giving the facts of the case. The operative

part of the same reads as under:

“In compliance of the orders passed by the Hon'ble Punjab and Haryana High Court Chandigarh the directions were issued to the Deputy Superintendent of police Kharar-1, District SAS Nagar to send report after conducting further proceedings, who after conducting the enquiry submitted his report. From the perusal of the report received, it came to light that the petitioner Maniksha Mahant is associated with the group of Jyoti Mahant resident of Nijjar road Mundi Kharar and the 2nd group of Pooja Mahant (respondent No. 7) in the Kharar area are his disciples. Both the aforesaid groups are having dispute amongst themselves with regard to distribution of area for collection of congratulatory gifts in the area because of which, both the parties have got registered FIR No. 7 dated 06/01/2021 u/s 379-B, 323, 34, 506 IPC at PS City Kharar and FIR No. 95 dated 15/03/2021 u/s 323, 341, 427, 506, 148, 149 IPC PS City Kharar and FIR No. 360 dated 21/10/2021 u/s 379-B, 323, 341, 427, 506, 148, 149 IPC PS City Kharar against each other, which are under investigation. Apart from this, in order to maintain the peace and security situation and keeping in view the security of both the parties, the preventive action u/s 107/150 Cr.P.C. was also initiated against both the parties.”

Learned counsel for the petitioner could not dispute the aforesaid facts.

In view of the aforesaid position, no further orders are called for in the present petition and the same is disposed of.

Rule stands discharged.

31.07.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No