

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

206

CRWP-2782-2023

Decided on : 22.05.2023

Sandeep Singh and others

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTHPRESENT: Mr. Hitesh Verma, Advocate
for the petitioner(s).

Mr. Vinay Kumar Gupta, AAG Punjab.

SANJAY VASHISTH, J. (Oral)

1. Ms. Manveen Narang, Advocate, puts in appearance on behalf of respondents No.6 to 11 and files his *memorandum of appearance* in Court today, which is taken on record, subject to all just exceptions. Office is directed to tag the same at appropriate place. She undertakes to file her Vakalatnama in the registry in due course of time.

2. In the present protection petition after hearing the counsel for the petitioners on 22.03.2023, following order was passed:

“By way of instant petition, petitioners have approached this Court for issuance of writ in the nature of mandamus for seeking directions to respondents No.2 and 3 for protection of lives and liberty of petitioners from the hands of private respondents No. 5 to 11 and to conduct free, fair and impartial investigation in case FIR No.280 dated 13.10.2022 under Section 306 IPC registered at Police Station City 1 Abohar.

Counsel for the petitioners submits that Sahib Singh who was elder brother of petitioner No.1 and son of petitioners No.2 & 3, had attempted to commit suicide in October, 2022 and expired on 19.10.2022. Before committing an act of suicide, one video was prepared by him holding his wife Monika-respondent No.10 responsible. Still, the district Police has been harassing the petitioners instead of conducting a fair and impartial investigation in the matter. Rather, there is regular pressure on the petitioners to withdraw the already registered FIR. Petitioner have already submitted one representation dated 16.10.2022 (Annexure P-5) and 09.03.2023 (Annexure P-9), but no heed is being paid.

Notice of motion for 22.05.2023.

On asking of Court, Mr. Anmol Singh Sandhu, AAG, Punjab, who is present in Court, accepts notice on behalf of respondents No.1 to 4(State).

Let requisite copies of complete paper-book be supplied to learned State counsel, during course of the day.

Respondent No.4 is directed to serve a legal notice regarding the next date fixed before this Court upon respondents No.5 to 11.

In the meantime, learned State counsel would file status report in regard to the investigation conducted by the police in case FIR No.280 dated 13.10.2022 under Section 306 IPC registered at Police Station City 1 Abohar.”

3. Today, reply dated 22.05.2023, by way of affidavit of Sukhwinder Singh Brar, PPS, Deputy Superintendent of Police, Sub-Division Abohar, District Fazilka, on behalf of the respondents No.1 to 4, has been filed by learned State counsel, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioners.

4. Learned State counsel refers to Paragraph No.3(v) to 3(vi) :

“3(v) It is submitted that Manish Mittal son of Rishi Kumar) (relative of the accused) moved an application(No.2244-SPL-PC dated 17.10.2022) to the S.S.P, Fazilka pleading the accused to be moцент, requested for conducting an enquiry into the matter. The said application was marked to the S.P. (H), Fazika. During the enquiry conducted by the S.P.(H), Fazilka, the FIR in question was found to be false and the enquiry report No.201-PC-R-SP-H-FZK dated 15.02.2023 was also approved by the S.S.P., Fazilka. During the enquiry, it was found that the victim Sahib Singh was addicted to drink and he used to beat his wife Monika. There was a matrimonial dispute between the victim and his wife regarding which cases were pending in the learned court. The victim also threatened the accused party that he will commit suicide. The victim was remaining mentally upset.

3(vi). On the basis of the aforesaid enquiry report, the police prepared the cancellation report in the FIR in question on 118.02.2023. The cancellation report is yet to be filed in the learned court.”

While referring to the said part of the reply/affidavit, learned State counsel submits that once there is fact finding report after investigation regarding the matrimonial dispute of the deceased with his wife and that in his life, victim(deceased) was addicted to drink and used to beat his wife (Monika), petitioners would be having a chance to file objection/protest petition before the Court concerned at the time of consideration of cancellation report by the learned Magistrate.

5. In view of the stand taken by the State of preparation of cancellation report, counsel for the petitioners seeks withdrawal of the present petition with liberty to seek alternative remedy available to petitioners under the law before the appropriate forum.

6. Dismissed as withdrawn, with liberty as sought and recorded hereinabove.

(SANJAY VASHISTH)
JUDGE

May 22, 2023

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