

110

2023:PHHC:151206

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15721-2023

Date of decision: 29.03.2023

Gurmeet Kaur and others

...Petitioners

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. J.P.Devgan, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.

The present petition has been filed under Section 482 Cr.P.C read with Article 226 Constitution of India for issuance of directions to the respondent Nos.2 and 3 to act strictly in accordance with Chapter VII and Chapter XII of the Code of Criminal Procedure, 1973 with a further prayer not to harass, humiliate and victimize the petitioners and other family members by raiding at their houses as well as by calling them again and again to their offices and police station by respondent Nos.4 and 5, which is against the settled preposition of law in case of *Francis Coralie Mullin, 1981 (1) SCC 608*. Further, with a prayer that in case the presence of the petitioner is required then a prior notice under Section 160 of the Code of Criminal Procedure be issued in advance and legal action be taken qua representations dated

20.03.2023 and 21.03.2023 (Annexures P-9 and P-11, respectively).

Vide order dated 28.03.2023, learned State counsel sought time to file status report.

The factual matrix of the present case is that at the instance of respondent No.6 one FIR No.207 dated 22.12.2022 under Sections 302 and 34 IPC and Section 25 and 27 Arms Act, 1959 was registered at Police Station City Patti, District Tarn Tarn, wherein Karan Singh i.e. son of petitioner No.2 and grandson of petitioner No.1 and Jarmal Singh @ Jambi i.e. son of petitioner No.1 and ex-husband of petitioner No.2 and brother of petitioner No.4 have been nominated as an accused along with other two accused, namely, Bobby son of Mukhtiar Singh and Bikkar son of Sukha both residents of Ward No.2, Patti, Tehsil Patti District Tarn Tarn. It is also mentioned in the petition that due to these reasons, the raid was conducted by police authorities including respondent Nos.4 and 5 i.e. official respondents along with other employees. Petitioners requested the official respondents that they have no concern either with the Jarmal Singh @ Jarman Singh @ Jambi son of Sajan Singh nor with Karan Singh. Moreover, petitioner No.1 had already disowned her son, namely, Jarmal Singh @ Jarman Singh @ Jambi by way of furnishing affidavit dated 02.08.2022 along with disownment notice, which has already been published in the newspaper dated 03.08.2022 in classified column and copies are annexed as Annexures P-5 and P-6.

Learned counsel for the petitioner contends that petitioners are nowhere related to the afore-named persons and official respondents are unnecessarily harassing them without any reason at the behest of respondent No.6. He further contends that petitioners have requested many times to the

official respondents that aforesaid Jarmal Singh @ Jarman Singh @ Jambi and Karan Singh have no concern, but official respondent Nos.4 and 5 are pressurizing the petitioners to produce the above stated persons and petitioners are being harassed by called in the police station without any reasons again and again due to which they are facing great mental as well as physical harassment where they have not committed any offence. He further argues that aggrieved by the conduct of the official respondents, the petitioners have also sent representation dated 20.03.2023 as well as 21.03.2023, which are annexed as Annexures P-9 and P-11 and prays for indulgence of this Court.

In pursuance to the order dated 28.03.2023, the status report by way of affidavit dated 29.03.2023 has been filed and the same is taken on record, where specific stand has been taken by the learned State counsel that the petitioners have not approached this Court with clean hands rather they misled the Court by twisting the facts for their own convenience. He submits that one case FIR No.207 dated 22.12.2022 under Sections 302, 34 IPC and Sections 25 and 27 of Arms Act has been registered at Patti against Karan Singh son of petitioner No.2, Jarmal Singh @ Jarman Singh @ Jambi son of petitioner No.1 as well as Bobby son of Mukhtiar Singh and Bikkar Singh son of Sukha Singh all residents of Ward No.2 City Patti, District Tarn Tarn on the basis of statement recorded by Jaspal Singh son of Ujjagar Singh r/o Ward No.2 Patti, District Tarn Tarn. He also submits that son of petitioner No.1 and son of petitioner No.2 committed murder of Sajani son of Jaspal Singh (Complainant) and during the course of investigation, accused, namely, Bobby was arrested on 27.12.2022 and other accused, namely, Bikkar Singh was arrested on 28.12.2022, later on, who were declared innocent. Thereafter,

police apprehended aforesaid accused and regular raids were conducted by local police at their houses as well as at other suspicious places, but despite efforts both have not been arrested till today and are required for investigation, who have committed heinous crime under Section 302 IPC, which is a crime against the society at large.

Learned State counsel has denied the allegations levelled by the petitioner in the present petition rather the plea taken by the petitioners that since Jarmal Singh and Karan Singh have been disowned and the plea of Panchayati divorce of petitioner No.2 could not be established as inspite of request made by official respondents, no such document was ever produced by the petitioners before the police ever-since at any point of time and the present petition is nothing just to put pressure upon the official respondents by not allowing them to perform their official duties in accordance with law. He also submits that since the FIR against both the accused has been registered under Section 302 IPC so raids are being conducted as a part of legal procedure. Moreover, no such evidence has been produced by the petitioners with regard to the levelling allegations of physical as well as mental harassment, therefore, present petition deserves to be dismissed.

I have heard the learned counsel for the parties and have gone through judgment on which learned counsel for the petitioners has relied upon to support his contention, which is submitted in the present petition and the same does not apply to the facts and circumstances of this case.

Moreover, as per submissions made by learned State counsel that the respondents are performing their duties to unearth the truth and petitioners have not produced any evidence to support their allegation, this Court is not

inclined to interfere by invoking its power under Section 482 of Cr.P.C.

Hence, present petition is accordingly dismissed.

(DEEPAK MANCHANDA)
JUDGE

29.03.2023
vanita

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