

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

204

CRWP-3859-2022

Decided on : 22.02.2023

Harjinder Kaur and another

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Mikhail Kad, Advocate for
Mr. Ashdeep Singh, Advocate
for the petitioner(s).

Mr. Vinay Kumar Gupta, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

Prayer in this petition is for issuance of directions to respondent No.2 to provide sufficient protection to the lives and liberty and their family members, as official of respondents No.3 are unnecessarily harassing the petitioners, by calling them at Police Station and raiding their house despite there being no complaint against them.

Counsel for the petitioners submits that FIR No.18, dated 06.03.2022, under Sections 302, 307, 148, 149 of IPC and under Section 25 of the Arms Act, has been registered at P.S. Kalanaur, and 'Komalpreet Singh' who is son of the petitioners, has been implicated as one of the accused.

Learned State counsel, on instructions from ASI Vishnu Dass, states that there are total 11 accused, and out of which 05 accused have been arrested, but remaining 06 accused are still absconding.

Learned State counsel further submits that official respondents

have never bothered/harassed unnecessarily to the petitioners, but their son 'Komalpreet Singh' is at large, and needs to be arrested, therefore, for making certain inquiries to know the whereabouts of their son, cooperation of the petitioners is required, and for the said purpose they have been contacted on few occasions.

While submitting so, learned State counsel refers to para No.9 and 10 of the status report dated 29.07.2022, which was filed in the registry, which is reproduced as under:-

- “9. That it is humbly submitted that many raids have been conducted to arrest the remaining accused, but the remaining accused (including son of the petitioners) yet to be arrested. The efforts are being made to arrest the remaining accused.
10. That it is humbly submitted that the local police locate to the whereabouts of the son of the petitioners. The petitioner No.1 was stated that her son namely Komalpreet has been disowned from her property. The statement under Section 161 Cr.P.C. of petitioner No.1 was recorded by the Investigating Officer, after the said statement of the petitioner No.1, the local police not visited in the house of the petitioners. The statement of the petitioner No.1 is annexed herewith as Annexure R-1/T.”

I have gone through the contents of the petition, and the status report filed by the State.

This Court has put it to the learned State counsel that whether the petitioners are required/wanted in FIR No.18, dated 06.02.2022, as witness, or for any other purpose; answer is in negative.

Be that as it may, it would be expected from the Investigating Officer that petitioners be not questioned or harassed or called at police station unnecessarily in regard to the investigation of the case FIR No.18, dated 06.02.2022 at Police Station Kalanaur, because as per the stand of the State also petitioners are neither accused nor witnesses in the said case. However, it would also be expected from the petitioners that whenever, it is required, they will follow the spirit of law and would extend their cooperation for effecting arrest of the accused i.e. their son, if his whereabouts are in their knowledge.

With the aforementioned observations, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 22, 2023

J.Ram

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