

Kamaljit @ Kamla and others

....Petitioners

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Balram Singh, Advocate,
For the petitioners.

Mr. Mohit Thakur, AAG, Punjab.

ARUN MONGA, J. (ORAL)

This is a petition under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking issuance of directions to respondent Nos.1 to 3 to protect the life and liberty and property of the petitioners and further direct them not to harass and humiliate the petitioners by respondents No.5 to 16. Further prayer has been made to direct respondents No.1 to 3 to adhere the provisions of Section 160 Cr.P.C.

2. Brief facts of the case as pleaded are, that due to political rivalry, after the recent elections of village Panchayat, persons belonging to other opposite party are revengeful to the petitioners. Recently, respondent No.5-Inspector Onkar Singh Brar has joined as Station House Officer of Police Station, Satnampura, Phagwara, who is alleged to be a known person of respondent No.6-Som Nath, the Sarpanch. On 13.03.2019, a police barricade was installed in front of the house of the petitioners at Kirpalpur colony on the pretext that petitioners are indulging in illicit trafficking of narcotic substance 'Chitta'. Nothing was found or recovered from petitioners by the police. Yet, petitioners are being harassed time and again by respondents No.5 to 16. Petitioners also submitted representation dated 13.03.2019 (Annexure P-3) to respondents No.1 to 3 but to no avail. Hence, the present petition.

3. Learned State counsel, at the outset, submits that reply has already been filed which is on record. Relevant of the same is reproduced hereinbelow:

"3. No such direction is required as this petition has been filed to convert the attention of police officials from checking and curtailing the

illegal trafficking of Narcotic substance. The observation given by Hon’ble Supreme Court is correct, however, it does not apply in present case as the petitioners No.1 to 6 and their relatives are actively involved in illegal trafficking of Narcotic substance and the police officials are doing their duty and no ‘personal liberty’ as per Article 21 is taken away.”

4. Perusal of the report reveals that no further action is warranted on the part of this Court, merely on the basis of affidavits. Petition is disposed of with liberty to the petitioners to seek appropriate remedy before learned Court below, in accordance with law, if so advised.
5. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

10.08.2023

vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No