

CRWP-3754-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on : 01.05.2023

Raj Kaur

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner(s).

Mr. Anmol Singh Sandhu, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. In the present protection petition, after hearing the petitioner on
20.04.2023, following order was passed:-

“1. Petitioner- Raj Kaur, aged 36 years, wife of Balwinder Singh, has filed the instant petition for seeking direction to respondent No. 2 i.e. Senior Superintendent of Police, Gurdaspur, to safeguard the lives and liberty of the petitioner and her four minor children from the hands of respondent No. 3 i.e. Manjit Singh, SHO, Police Station Kalanpur, District Gurdaspur.

2. Learned counsel for the petitioner submits that respondent No. 3 and other police officials on his instructions have been entering and raiding the house of the petitioner without any search warrant by alleging that her husband-Balwinder Singh is involved in case under NDPS Act. Therefore, to know the whereabouts of the husband of the petitioner, unnecessarily, she alongwith her four minor children are being harassed again and again. In this regard, petitioner has stated in paragraphs No. 7 and 8 of the petition that the police officials are not allowing her and her children to enter the house till she produces her husband-Balwinder Singh.

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3. *Counsel also submits that in regard to unnecessary harassment caused to the petitioner and her minor children, one representation dated 12.04.2023 (Anneuxre P-2) has already been addressed to Senior Superintendent of Police, Gurdaspur through e-mail, but no remedial steps are taken.*

4. *Notice of motion for 01.05.2023.*

5. *On asking of the Court, Mr. Anmol Singh Sandhu, AAG, Punjab, accepts notice on behalf of respondents No. 1 and 2. He seeks time to file status report in regard to the submission addressed here above.*

6. *Meanwhile, respondent No.2- Senior Superintendent of Police, Gurdaspur, would ensure the Court that there would be no raid in the absence of warrants of search.”*

2. Today, learned State counsel has filed the status report dated 25.04.2023, by way of affidavit of DSP, Kalanaur, Gurdaspur, on behalf of respondents No.1 & 2, 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 petitioner.

3. Learned State counsel refers to paragraph No.11 of the said status report, and submits that petitioner’s husband – Balwinder Singh, is involved in several criminal cases including of the offences covered under the NDPS Act and Explosives Act. In fact, petitioner was never harassed, but the inquiry in ordinary course was conducted to know the whereabouts of said Balwinder Singh, from the petitioner, but allegations of causing harassment to her and her minor children, is incorrect.

4. Learned State further refers to paragraph No.9 of the aforesaid status report, which says as under:-

“9. *That it is humbly submitted that the local police i.e.*

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respondent No.3 not harassed to the petitioner and her family members. However, in compliance with order of this Hon'ble Court, the directions has been issued to the deponent and SHO Police Station Kalanaur (respondent No.3) by the respondent No.2 to investigate the case according to law and not to harass the petitioner and her minor children.”

5. In view of the fact that as per the status report, several criminal cases were registered against the husband of the petitioner, and the assurance has been given by the official respondents that the proceedings of the investigation would be conducted in accordance with law, without causing any harassment to the petitioner and her minor children.

6. Heard.

7. I do not find any substantial reason to issue any specific direction to the respondent – State at this stage, because of the antecedents projected by the State regarding the husband of the petitioner.

Accordingly, petition stands **disposed of** without any direction.

(SANJAY VASHISTH)
JUDGE

May 01, 2023

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No