

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

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**CRWP-5391-2021 (O&M)
Date of Decision: 03.03.2023**

Surender Singh and others	Vs.	...Petitioners
State of Haryana and others		...Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Kamaldeep Sehra, Advocate
for the petitioners.

Mr. Rajinder Kumar, DAG, Haryana.

Mr. Sanjiv Gupta, Advocate
for respondents No. 6 to 8.

N.S.SHEKHAWAT, J. (Oral)

The petitioners had filed present petition before this Court for issuance of directions to respondents No. 1 to 4 to protect the lives and liberty of the petitioners as they apprehend threat at the hands of respondents No. 6 to 8.

Learned counsel for the petitioners has submitted that a civil litigation is pending between the petitioners and respondent No. 6. He has further submitted that even though symbolic possession of the land in question was delivered to respondent No. 6, but the actual possession of the land in question is still with the petitioners. He further contends that the suit property was part of the joint land, which has not been partitioned between the co-shares till date. Even petitioner No. 2 lodged one FIR dated 01.07.2020 against respondents No. 6 to 8 for trespassing over the property and for extending threats to the lives of the petitioners. However, private respondents in collusion with local police had initiated

proceedings under Section 145 Cr.P.C. and a calandra Annexure P-3 under Section 145 Cr.P.C. was presented in this regard. Learned counsel further submits that private respondents in collusion with respondent No. 5, are making every possible effort to dispossess the petitioners from the joint property and are also threatening to the petitioners to involve them in a false case.

Upon notice, a reply by way of affidavit of DSP, Police Station Gharaunda was filed on behalf of the respondents No. 1 to 5. Learned State counsel submits that on the basis of the complaint moved by respondent No. 6, a case bearing FIR No. 265 dated 08.06.2021 under Sections 148, 149, 323, 447, 506 and 511 of IPC was registered against Jasvinder Singh son of Harnek Singh, Tejinder Singh son of Gurbachan Singh, Kulvinder Singh son of Tejinder Singh, Surender Singh son of Gurbachan Singh and Joginder Singh son of Nanu Singh. After completion of the investigation, the challan under Section 173 Cr.P.C. was prepared by the SHO Police Station Taraori on 24.06.2021 and submitted in the Court on 24.06.2021 itself. Apart from that, on 13.11.2021, Tejinder Singh petitioner No. 2 moved a complaint in Police Station Taraori regarding altercation and threat by Ishwar Singh son of Harbans Singh, his wife namely Karamjit Kaur, Rishi Pal, Kala son of Rishi Pal, Kavita and Savita daughters of Rishi Pal as well as wife of Rishi Pal and his brother in law. On the basis of the said complaint, FIR No. 489 dated 13.11.2021 under Sections 323/506 IPC was got registered at Police Station Taraori. After completion of the investigation, the final report under Section 173 Cr.P.C. was prepared and has been submitted in the

competent Court on 09.02.2022. Apart from that, one more FIR No. 490 dated 13.11.2021 under Sections 323, 324, 427 and 34 IPC was registered against Surender son of Gurbachan Singh, Manu son of Tejinder Singh and Tejinder son of Gurbachan Singh and even in the said FIR, the challan has been submitted in the Court of learned Illaqa Magistrate Karnal on 25.02.2022.

Learned counsel for the State of Haryana on instructions from Inspector Sandeep SHO Police Station Taraori, who is present in the Court submits that the local police has investigated the matter fairly. He further submits that in case, there is any apprehension of breach of peace and tranquility in the village or in case there is any threat to the lives and liberty of the petitioners or any other person, they are at liberty to approach the police at Police Station Taraori and appropriate action shall be taken in accordance with law. He further assured the Court that the police shall not interfere with the possession of either party on the suit land, which is subject matter of civil litigation between the parties and shall comply with the orders passed by the learned Civil Court, from time to time. Learned State counsel further submits that the police shall not visit the spot except when a complaint is received with regard to breach of peace or some cognizable offence is committed by anyone and in that case also, action shall also be taken as per law.

In view of the above assurance, no further directions are required and the petition is, accordingly, disposed off.

03.03.2023
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No