

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

230 (6)

**CRWP-4881-2020 (O&M)
Date of decision: 01.03.2023**

GURCHARAN SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Sachin Kalia, Advocate for
Mr. R.S. Bajaj, Advocate
for the petitioners.

Mr. Gaurav Garg Dhuriwala, Addl. A.G. Punjab.

Mr. Harneet Singh Oberoi, Advocate
for respondent No.4.

VINOD S. BHARDWAJ, J. (Oral)

The instant Criminal Writ Petition has been filed under Articles 226 of the Constitution of India praying for issuance of a direction to respondent No.2 to protect the life and liberty of the petitioner and his family members as he apprehends serious danger to his life at the hands of respondents No.3 and 4.

Reply by way of affidavit of Prithpal Singh, PPS, Superintendent of Police (PBI), SBS Nagar, District SBS Nagar on behalf of respondents No. 1& 2 was filed on 14.12.2020. The relevant extract thereof reads thus:

“2. That it is respectfully submitted that thorough inquiry, into the allegations leveled by petitioner in his

representation Annexure-P-5, was got conducted through Superintendent of Police, (PBI), SBS Nagar as it was marked to Superintendent of Police (PBI), SBS Nagar by Director Bureau of Investigation, Punjab, Chandigarh and from the inquiry report dated 02.12.2020, given by Superintendent of Police, (PBI), SBS Nagar, which has been thoroughly considered and dully endorsed by Senior Superintendent of Police, SBS Nagar, and the same was sent to Director Bureau of Investigation, Punjab, Chandigarh and the same was also considered by Director Bureau of Investigation, Punjab, Chandigarh and accepted the same on 05.12.2020, it has been revealed that petitioner has no threat to his life and liberty and the facts mentioned in the instant petition by the petitioner are manipulated and self made by the petitioner as such the instant petition is liable to be dismissed.

3. That it is respectfully submitted that the allegations of petitioner as leveled by him in his representation Annexure-P-5, have thoroughly been inquired by the Superintendent of Police (PBI), SBS Nagar, and during inquiry the petitioner, respondent no.3 and 4, ASI Manish Kumar and Charan Singh son Daleep Singh and other witnesses acquainted with facts and circumstances were associated and they have been thoroughly examined and their statement were recorded. It is further submitted that call detail record (CDR) and Whatsapp Chat of petitioner-Gurcharan Singh, ASI Manish Kumar and Simarjit Singh (worker of respondent no.4) were obtained and thoroughly verified, but no evidence has been found in the same to substantiate the allegations leveled by the petitioner. It is further submitted that after thorough inquiry, it has been revealed that respondent no.4 is running an construction company namely Great Green Build India Private Limited and the company has put up a residential colony in the name of Green City at Banga, and petitioner was

appointed as care taker of the colony and plots were also being sold through petitioner in the said colony and petitioner was working with respondent no.4 on commission basis. It is further transpired during inquiry that Charan Singh son Daleep Singh and respondent no.4 had worked jointly in the aforementioned company from 2001 to 2016 and later on they had some dispute pertaining to property and respondent no.4 filed a civil suit No.283 dated 23.05.2016 and civil suit no.314 dated 04.03.2017 against Charan Singh mentioned above and respondent no.4 also got lodged FIR No.30 dated 15.03.2017 under Section 406, 420, 120-B IPC, against Charan Singh at police station Division No.6, Jalandhar. It is further revealed during inquiry that petitioner and respondent no.4 also had dispute pertaining to payment of commission of plot sold through the petitioner and accordingly, respondent no.4 turned out the petitioner from his company and due the same the instant representation was moved by the petitioner. The allegations of the petitioner that Charan Singh and Manish Kumar sent amount through Anil Kumar @ Billa of Pal Garments Jalandhar, to respondent no.4 while he was in Thailand, was thoroughly inquired by associating Charan Singh and Manish Kumar into the inquiry, but they both flatly denied having received any call from Thailand from respondent no.4 in connection with sending amount as alleged by the petitioner. It is further submitted that no evidence has been found during enquiry that any amount was transmitted out of country, even petitioner also failed to produce any iota of evidence in support of his aforementioned claim, as such the allegations of making payment to respondent no.3 in Thailand also fell flat. It is further transpired during inquiry that petitioner has closeness with Charan Singh son of Daleep Singh and petitioner in connivance with Charan Singh has moved the

instant representation due to some dispute with respondent no.4, without any evidence and proof. The petitioner has concocting a story to put pressure upon respondent no.4. It is further revealed during inquiry that neither respondent no.3 nor 4 ever threatened the petitioner as alleged in the instant petition. It is further submitted that during inquiry no substance has been found in the allegations that petitioner was ever threatened by respondent no.4 at Banga, as there is no evidence or witness to support these allegations. Moreover, the petitioner did not move any complaint since January 2020, nor gave any reason as to why he did not move any complaint to local police since January 2020, pertaining to alleged threats given to him by respondent no.4. In addition, to petitioner himself admitted in his statement got recorded by him during inquiry that he was never threatened by respondent no.3 or any of the police officer of Punjab police. Therefore, due to non-availability of any evidence to substantiate the allegations, the inquiry officer recommended to file the representation Annexure-P-5 of the petitioner. Keeping in view the facts and circumstances mentioned hereinabove, the instant petition is liable to be dismissed.”

It is submitted that the inquiry report was submitted to the Director, Bureau of Investigation, Punjab and the same was accepted on 05.12.2020.

A separate reply by the remaining respondent has also been filed. However, the same is not required to be adverted to at this juncture.

Taking into consideration that, the allegations had already been inquired into by the respondent authorities and reply having been

filed in December 2020 without any rejoinder/replication thereto, there is no reasons for this Court to come to any other conclusion but to accept that the allegations leveled by the petitioner have already been inquired into and the petitioner failed to substantiate the said allegations.

The present petition is accordingly dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 01, 2023

Vishal sharma

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