

CRWP-4414-2023

- 1 -

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

113

**CRWP-4414-2023
Decided on : 08.05.2023**

Deepak Pathania and another

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

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

SANJAY VASHISTH, J. (Oral)

1. Petitioners – Deepak Pathania, aged about 33 years and Pooja Bhatoya, aged about 32 years, have filed instant petition for seeking protection to the lives and liberty, which is stated to be at risk at the hands of private respondents No.4 & 5.

2. Counsel for the petitioners submits that earlier one FIR No.41, dated 23.03.2019, under Sections 376, 420 of IPC, was registered at Police Station Phase II, Distt. SAS Nagar (Mohali), against petitioner No.1, at the instance of sister of respondent No.5. However, vide judgment dated 27.10.2022 (P-4), petitioner No.1 was acquitted by the Special Court, SAS Nagar (Mohali).

3. Counsel for the petitioners further submits that during the pendency of trial both the petitioners got married and at the instance of petitioner No.2, one Criminal Complaint CIS No. CRR/03/2022 was instituted against respondents No.4 & 5 for committing an offence punishable under Sections 3 & 4 of the Scheduled Caste and Scheduled

CRWP-4414-2023

- 2 -

Tribe (Prevention of Atrocities) Act, 1989 (in short 'SC & ST Act').

4. In the said complaint, both the private respondents were summoned vide order dated 11.01.2023, by the Court of Ld. Additional Sessions Judge, SAS Nagar, Mohali.

5. Counsel further submits that Anticipatory Bail application of both private respondents No.4 & 5 has also been dismissed by the summoning/trial Court.

6. To substantiate the arguments, counsel submits that petitioner No.1 has already faced the trial for four years, and he is of the apprehension that respondents No.4 & 5 in connivance with the police, may get involved both the petitioners in a false case without any reason. Therefore, on 03rd April, 2023 (P-8), petitioner No.1 to respondent No.2 (Director General of Police, Punjab Police Head Quarter, Sector 9, Chandigarh) and respondent No.3 (Sr. Superintendent of Police, Distt. SAS Nagar, Mohali) in regard to the apprehension realized by petitioner No.1, in the representation submitted by him, it has been explained as under:-

“4. That the above persons have an Immigration Officer in Phase IX and they are very close to the police officials, therefore, I have full apprehension that they will again try to implicate me in a totally false case.

5. That due to the influence enjoyed by these persons, I have already faced the agony of trial for almost 4 years and since they have been summoned to face the trial against them, they are bent upon to frame me and since they are having close relations with some of the officials, it will be easy for them to get me implicate me in totally false cases.

In these circumstances, I humbly request you that my life and liberty may directed to not to register any false case against me at the instance of above said Sukhwinder Singh,

CRWP-4414-2023

- 3 -

Anjali and her sister.”

7. On being asked by the Court, counsel for the petitioners could not point out any instance to show that except one FIR No.41, dated 23.03.2019, which was lodged at the instance of sister of respondent No.5, no other application or complaint has ever been moved by sister of respondent No.5 – Anjali, or respondent No.5 herself or her husband i.e. respondent No.4 – Sukhwinder Singh.

8. Therefore, counsel after realizing that there is no cause of action available to him, at this stage, he seeks withdrawal of present petition.

9. In view of statement of counsel for the petitioners, present petition stands disposed of being withdrawn.

(SANJAY VASHISTH)
JUDGE

May 08, 2023*J.Ram*

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