

2023:PHHC:076119

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

227

CRWP 4463 of 2023

Date of Decision: 25.05.2023

Sushil Kumar and others

...Petitioner(s)

Vs.

State of Punjab and
others

...Respondent(s)

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

Present : Mr. A.D. S. Jattana, Advocate
for the petitioners.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Kanwaljeet Singh Derabassi, Advocate
for respondents No. 6, 7, 9, 10 and 11.

N.S.SHEKHAWAT, J. (Oral)

The petitioners have filed the present petition under Article 226 of the Constitution of the India with a prayer to issue directions to respondents No. 1 to 3 to protect their life and liberty as they apprehend imminent threat at the hands of respondents No. 5 to 11. Certain other prayers have also been made in the instant petition, but the learned counsel for the petitioners has confined his prayer only to the grant of relief of protection of life and liberty and submits that for other reliefs he shall avail his alternative remedies, in accordance with law.

Learned counsel for the petitioners contends that a civil litigation is pending between the parties with regard to the property in question mentioned in the present petition and they are being threatened by respondents No. 6 to 11.

Upon notice, a reply has been filed by way of an affidavit of the Senior Superintendent of Police, District S.A.S. Nagar (Mohali) on behalf of the official respondents.

The learned State counsel submits that the subject matter of the dispute between the parties is a temple (Tirth) and there are many small temples in the said premises. This time the dispute arose between the parties relating to the construction of the basement. Considering the sensitivity of the matter, the local police has already initiated the preventive action under Sections 107/151 Cr.P.C., so that no unlawful activity or untoward incident may take place between the parties. Learned State counsel further contends that one representation was received vide endorsement No. 139-P-ASP-DB dated 24.04.2023 and inquiry was conducted by ASI Kewal Kumar from Police Station Derabassi and he had recommended taking of preventive action against the parties. Even thereafter, several representations were received from time to time and the police has always taken action in accordance with law. The learned State counsel further contends that civil cases are pending between the parties before the learned Courts at Derabassi and the parties have been instructed to pursue their remedies before the Civil Court. He further contends that appropriate directions have issued to Assistant Superintendent of Police, Sub-Division Derabassi, SAS Nagar, Mohali, to maintain law and order in the area and if any breach of peace or untoward incident occurs in the area, strict action shall be taken in accordance with law against the persons involved in the case.

The learned State counsel has further assured the Court that in

case any representation is received by the police with regard to the threat of life and liberty of any person, the police will examine the matter and shall take steps to ensure that there is no breach of peace and the life and liberty of the concerned is protected in accordance with the provisions of the law. The learned State counsel has further assured the Court that the police shall not unnecessarily intervene in the matter and shall take action, only when some breach of peace or commission of cognizable offence is reported.

In view of the statement made by the learned State counsel, no further directions are required and the petition is, accordingly, disposed off.

Needless to say that the learned Civil Court shall decide the matter without getting influenced by any observations made in the present order.

25.05.2023
amit rana

(N.S.SHEKHAWAT)
JUDGE

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