

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30292-2023

Date of Decision: 19.09.2023

Om Prakash

. . . . Petitioner

Vs.

State of Haryana and others

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Siddharth Gupta, Advocate, for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

DEEPAK GUPTA, J.

Status report by way of affidavit of Sh. Sajjan Kumar, Deputy Superintendent of Police, Kalayat, on behalf of respondents No.1 to 4, has been filed today in Court and the same is taken on record.

2. Grievance of the petitioner is that he had made complaint against respondent No.5-Naresh, a member of Gram Panchayat of Village Balu, District Kaithal to set aside his election, as said respondent No.5 has illegally encroached upon a public street comprised in Khasra No.1649. He also filed a separate petition under Section 7(2) of the Punjab Village Common Land Act, 1961 for removal of the illegal encroachment by the private respondents on the public street. On the other hand, respondents have filed a civil suit seeking declaration and permanent injunction, which is pending before the Civil Judge, Junior Division, Kaithal. Petitioner has also referred about the various complaints made by him from time to time, as he and his family members are being attacked by one or the other respondents and that no action is being taken.

2. Petitioner prayed for handing over the investigation of his complaint dated 26.05.2023 (Annexure P4) to some senior police official not below the rank of DSP and to lodge an FIR against respondent No.5 and his associates. Petitioner also prayed for issuing directions to official respondents No.1 to 4 to protect his life and property from the hands of respondents No.5 to 18.

3. Detailed status report has been filed on behalf of respondents No.1 to 4, as per which the complaints made by the petitioner were inquired into from time to time and even the proceedings under Section 107/151 Cr.PC against respondent No.5; and under Section 107/150 CrPC against the petitioner were initiated. It was further found on inquiry that there was no need of any police security to the petitioner.

4. Having regard to the detailed report, submitted by the respondent/State, no direction is required to be issued in the matter. However, liberty is given to the petitioner to avail other remedies available to him under law. In case, in future, he faces any threat to life and liberty from the private respondents, he may approach the official respondents, who will assess the threat perception to the life of the petitioner and shall take necessary action in accordance with law.

Disposed of.

(DEEPAK GUPTA)
JUDGE

19.09.2023

Vivek

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No