

CRWP-7692-2023

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

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CRWP-7692-2022

Decided on : 01.06.2023

Inderpal Singh Bains and another

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Navjot Singh, Advocate
for the petitioner(s) along with petitioner No.2.

Mr. J.S. Arora, DAG, Punjab.

Mr. Vinish Singla, Advocate,
for respondent No.5.

SANJAY VASHISTH, J. (Oral)

1. By recording some previous orders, on 18.05.2023, following order was passed:-

"1. After hearing the respective counsel on 18.01.2023, following order was passed:

"Order dated 10.08.2022 says as under:-

"Learned Counsel for the petitioners contends that respondent No.5, who is son of the former DGP Haryana has been harassing the petitioner No.2, who is sister of petitioner no.1 and is living separate from respondent No.5 on account of a strange relationship between the husband and wife. As a share abuse of his authority and influence, the Punjab Police is not taking any action against the respondent despite representations being submitted by the petitioners. Ms. Amarjit Kaur Khurana, DAG, Punjab, who is present in the Court and to whom a copy of petition has already been supplied. She prays for some time to complete instructions.

To come up for consideration on 22.09.2022."

Thereafter, status report dated 13.12.2022 has been filed by learned State counsel on behalf of respondents No.1 to 3.

Para 7 of the said report says as under:-

"That it is respectfully submitted that vide the

present petition, the petitioners have prayed for issuance of directions to the of icial respondent NO.2 to protect the life and liberty of the petitioner at the hands of respondent No.5 and to decide the representations dated 02/07/2022 and 09/07/2022 (Annexure P-1 and P-2) of the petitioner. In response to the same, it is most humbly submitted that the representations dated 02/07/2022 and 09/07/2022 (Annexure P-1 and P-2) of the petitioner were duly looked into and finding the allegations levelled therein to be not proved, the same were consigned in the of ice. However, keeping in view the threat perception raised by the petitioners, the preventive action u/s 107/150 Cr.P.C. was initiated against the respondent No. 5 and the Calandra was prepared on 14/11/2022 and presented before the L.d. SDM, SAS Nagar, which is pending consideration before the Ld. SDM, SAS Nagar. Thus, no cause of action survives in favour of the petitioners.

In view of the facts and circumstances narrated above, it is most humbly prayed that the present petition filed by the petitioners may kindly be disposed of, in the interest of justice. The answering respondent undertakes to comply with any order or direction which this Hon'ble Court would pass, in the facts and circumstances of the present case.”

Learned counsel for the petitioners submits that local police has washed of its hands from taking any action against respondent No.5- Tarunjeet Singh Sandhu, because he is son of former DGP. Therefore, apprehension to their lives and liberty, still exists.

Be that as it may, this is admitted fact that petitioner No.2- Monica Bains is wife of respondent No.5-Tarunjeet Singh Sandhu.

Let notice be issued to respondent No.5 for the date fixed for hearing and respondent No.5 as well as petitioner No.2 would remain present before this Court on the next date of hearing.

Adjourned to 13.02.2023.”

- 2. On the request of the parties, matter was adjourned to find out some amicable solution of the dispute between them. But unfortunately, it could not mature.*
- 3. Adjourned to 30.05.2023, for further consideration.*
- 4. In the meantime, without making any observation about the allegations levelled in the petition, this Court hereby directs respondent No.5-Tarunjeet Singh Sandhu to furnish an undertaking/affidavit in the present petition of not causing any kind of interference or hindrance in the day to day life of the petitioners and other family members.”*

2. Mr. Vinish Singla, Advocate, appearing on behalf of respondent No.5, points out that on some previous dates of hearing, Mr. Piyush Gill, Advocate, was marked to be present for respondent No.4, whereas, the said counsel either appeared along with him (Mr. Vinish Singla, Advocate) or on his behalf, only for representing respondent No.5.

Counsel for respondent No.5 further submits that in the order dated 30.05.2023, though his presence for respondent No.5 has been marked correctly, but in the first para of the said order, it has been wrongly/inadvertently typed as '*Mr. Vinish Singla, Advocate representing respondent No.4*'.

In view of the statement made by Mr. Vinish Singla, Advocate, appearing for respondent No.5, appearance of Mr. Vinish Singla, Advocate, and of Mr. Piyush Gill, Advocate, in the present case would be considered only on behalf of respondent No.5 – Tarunjeet Singh Sandhu.

3. Counsel for the petitioners, on instructions from petitioner No.2, who is present in-person in Court today, states that in view of the development(s) that have taken place during the last few dates, and the affidavit filed by respondent No.5 – Tarunjeet Singh Sandhu, petitioners do not wish to press present petition for the time being. Thus, seek withdrawal of the same.

Dismissed as withdrawn, at this stage.

(SANJAY VASHISTH)
JUDGE

June 01, 2023

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*