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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-W-112-2023 in/and
CRWP-9544-2020
Date of Decision:17.03.2023

Harmandeep Singh ...Petitioner

vs.

State of Punjab and others ...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. G.S Brar, Advocate
for the petitioner.

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

Mr. Satnam Singh, Advocate
for respondents No.4 and 5.

N.S.Shekhawat J. (Oral)

CRM-W-112-2023

Learned counsel for the petitioner has tendered unconditional apology for filing the application which was not in proper form and prays that Annexure P-4 may kindly be taken on record.

In view of the above, application is allowed, subject to just all exceptions. Annexure P-4 is taken on record.

CRWP-9544-2020

The petitioner has filed the instant petition under Article 226 of the Constitution of India seeking the protection of life and liberty of the petitioner and to take strict legal action against respondents No.4 and 5.

Learned counsel for the petitioner contends that father of the petitioner was an agriculturist and was selling his crop continuously since last 20 years to one SB Commission Agent, shop No.133, Dana Mandi, Malout, which is run by respondents No.4 and 5. Father of the petitioner sold wheat crop to respondents No.4 and 5 and an amount of Rs. 81,000/- was outstanding. He made many requests to respondents No.4 and 5 for making the payment and also convened the Panchayat. He also made a complaint to the Market Committee and the Market Committee vide the letter dated 26.05.2016, directed respondents No.4 and 5 to appear before the Committee to resolve the complaint. The respondents No.4 and 5 neither appeared nor paid the balance amount. Ultimately, on 06.06.2020, i.e after four years father of the petitioner committed suicide due to the act and conduct of the respondents. As a consequence, one FIR No.124, dated 07.06.2020 was registered under Sections 306, 34 of IPC at Police Station Lambi. Learned counsel further submits that the private respondents were threatening them to compromise the matter otherwise they shall face dire consequences. He further contends that the petitioner had submitted a representation Annexure P-3 dated 23.10.2020 to the Senior Superintendent of Police, Sri Muktsar Sahib, but no action was taken on the said representation. Upon notice, a detailed reply by way of an affidavit of Deputy Superintendent of Police, Sub-Division Malout, District Sri Muktsar Sahib has been filed on behalf of respondents No.1 to 3. Respondents No. 4 and 5 have also adopted the reply submitted by the State of Punjab.

Learned State counsel contends that the accused were running the business of Commission Agents in the name and style of M/s M.B Commission Agent at shop No.133 at Dana Mandi, Malout jointly since 2002

and they had been issued a licence dated 19.10.2002 by the Market Committee. Gurpreet Singh, since deceased used to sell his crops to the commission agents through the agency of the respondents No. 4 and 5 from the last many years and he had taken the amount every year. On 29.04.2016, one FIR was registered against respondent No.4 and he was sent to jail and the shop of commission agency was closed. Due to the said fact, even he could not get his licence renewed and the licence of the respondents No.4 and 5 was cancelled by the Market Committee on 31.03.2016 and since then the shop of the accused was closed. Learned State counsel further contends that on the basis of the investigation, it has been concluded that the suicide by Gurpreet Singh, since deceased was due to domestic or some other reasons. Even no suicide note was left by deceased Gurpreet Singh and further the complainant could not produce any evidence to show the non-payment of amount by the accused i.e respondents No.4 and 5. It was also found during the course of investigation, the names of the above accused i.e respondents No.4 and 5 were got nominated by the petitioner in the FIR in question either due to instigation by someone or out of greed. Since, the allegations levelled in the FIR were found to be false, the cancellation report was prepared on 05.02.2021 and was presented to the competent Court. However, vide the order dated 22.07.2022, the learned JMIC, Malout referred the matter back to the police for further investigation. Even during the further investigation, the allegations levelled in the FIR were found to be false and the cancellation report in this regard shall be presented in the competent Court without any unnecessary delay. Even from the contents of the FIR, the offence under Section 306 IPC would be debatable.

Learned State counsel further submits that proper enquiry has been held and no threat to the life and liberty of the petitioner is there at the hands of the respondents No.4 and 5. Learned State counsel has further assured the Court that in case any application for protection of life and liberty is received, appropriate action shall be taken in accordance with law.

In view of the statement made by learned counsel for the State, it would be appropriate to give a quitus to the litigation and no further orders are required and the petition is accordingly disposed off.

The petitioner shall be at liberty to avail alternative remedies, in accordance with law.

17.03.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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