

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRWP-11044-2021
Date of Decision: 02.06.2023

Harjit Singh ...Petitioner(s)
Vs.
State of Punjab and others ...Respondent(s)

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

Present : Mr. Anil Chawla, Advocate
for the petitioner.

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

Mr. Sandeep Wadhawan, Advocate and
Mr. Suvir Tandon, Advocate
for respondents no. 5, 7, 13 to 15 and 17 to 19.

Ms. Ramandeep Kaur, Advocate for
Mr. Rajesh Kapila, Advocate
for respondent No. 12.

Mr. Deepak Arora, Advocate
for respondent No. 20.

Mr. Rahul Bhargava, Advocate
for respondent No. 21.

N.S.SHEKHAWAT, J. (Oral)

The petitioner has filed the present petition under Article 226 of the Constitution of India for issuance of appropriate directions to respondents No. 2 to 4 to protect the life and liberty of the petitioner. It is further prayed that the directions may be issued to the official respondents to issue notice under Sections 41-A and 160 of Cr.P.C., in case, they are required in any of the criminal case.

The learned counsel for the petitioner contends that one FIR No. 122 dated 08.08.2020 was registered against Amarjeet Kaur, Harpal Singh, Sonu Baba and Gurcharan Singh @ Gora. The challan was presented against all the accused except accused Gurcharan Singh @ Gora, who had not been arrested in spite of dismissal of anticipatory bail application. He further contends that he was pressurized by the accused Gurcharan Singh @ Gora and others to compromise the matter and was mentally and physically harassed by the respondents. Learned counsel further contends that earlier also, he filed a CRWP 7388 of 2021 (O&M) before this Court, which was disposed off by this Court vide order dated 26.10.2021 (Annexure P-4). The petitioner also got one FIR No. 265 dated 07.11.2021 under Sections 341, 323, 324, 148 and 149 IPC, Police Station Gate Hakima, District Amritsar (Annexure P-5) against the accused, but no action was taken on the same. The petitioner also got one more FIR No. 57 dated 05.06.2022 under Sections 323, 324, 341, 148 and 149 IPC registered at Police Station Division D, Amritsar.

The submissions made by the learned counsel for the petitioner have been vehemently opposed by the learned counsel appearing for the State of Punjab as well as learned counsel appearing on behalf of private respondents. The learned State counsel submits that FIR No. 122 dated 08.08.2020 under Sections 323, 324, 148 and 149 IPC (added Sections 325 vide GDR No. 26 dated 13.08.2020 and

326 IPC vide GDR No. 26, dated 15.10.2020, was registered at Police Station Sultanwind, Amritsar City, at the instance of the petitioner. He contends that the matter was investigated fairly and impartially and after getting the medical opinion with regard to Injury No. 7 on the person of petitioner, the offence under Section 325 IPC was added vide GDR No. 26 on 13.08.2020. During the course of investigation, the accused Harpal Singh, Amarjit Kaur, Gurcharan Singh @ Gora, Jaswinder Singh @ Sona Baba @ Giani were arrested and the recovery of the weapon of offence was made from them. After conducting the necessary investigation, the final report under Section 173 Cr.P.C. was presented in the Court for trial. Even, a supplementary challan under Section 173(8) Cr.P.C., was also presented against accused Gurcharan Singh @ Gora. He further contends that the case FIR No. 265 dated 07.11.2021 under Sections 341, 323, 324, 148 and 149 IPC, Police Station Gate Hakima, Amritsar (Annexure P-5) was also investigated by Station House Officer, Police Station Gate Hakima, Amritsar and the allegations levelled by the petitioner in the said case were found to be false. A cancellation report was accordingly prepared by the police and the same is pending for adjudication in the Court of learned Illaqa Magistrate, Amritsar. He further, on instructions from ASI Ashwani Kumar, contends that with regard to FIR No. 57 dated 05.06.2022 under Sections 323, 324, 341, 148 and 149 IPC registered at Police

Station Division D, Amritsar, the matter is under investigation and five accused have been arrested and three separate challans have been presented in the Court of learned Illaqa Magistrate concerned. He further contends that it is the duty of the State of Punjab to protect the life and liberty of the petitioner and his other family members. In case, any complaint is received from the petitioner with regard to threat to his life and liberty, appropriate action shall be taken on the same, in accordance with law. He further contends that the police would ensure that there is no breach of peace and tranquility in the area.

In view of the assurance made by the learned State counsel, this Court does not deem it appropriate to pass further orders and the petition is, accordingly, disposed off.

02.06.2023
amit rana

(N.S.SHEKHAWAT)
JUDGE

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