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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRWP-9315-2023 (O&M)****Date of decision: 20.09.2023**

Subhodh Kumar

....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Parunjeet Singh, Advocate for petitioner.

Mr. Dhruv Dayal, Additional AG Punjab.

ARUN MONGA, J. (ORAL)

Instant is a petition under Article 226 of Constitution of India for issuance of directions to respondent No.2-Senior Superintendent of Police, Jagraon to protect the life and liberty of the petitioner on account of continuous threats and harassment meted out to him by respondent No.3-SHO, Police Station, City Jagraon and other local police officers at the instance of private respondent No.4-Pankaj Garg.

2. Learned counsel for petitioner submits that the petitioner, engaged in selling burgers, and his wife Bablee Kumari owns a shop. Pankaj Garg unlawfully placed a lock on this shop. In response, the petitioner's wife filed a case (CS 719/2023) against Pankaj Garg, currently pending before the Civil Judge in Jagraon. The case was initiated on August 6, 2023, and the next hearing is scheduled for September 21, 2023. Unexpectedly, on September 12, 2023, the petitioner received calls from SHO Jagjit Singh, identifiable by mobile numbers 8699395894 and 6284361403. SHO Jagjit Singh used offensive language and summoned the petitioner to the police station. Later that evening, government officials arrived at the market and forcibly took the petitioner to the City Jagraon Police Station, where they found the police personnel in an inebriated state. The police threatened the petitioner, stating that his wife had filed a case against Pankaj Garg and that Pankaj Garg had filed a

counter-complaint against him. The police demanded that the petitioner either reach a compromise or face false charges. Subsequently, the petitioner and his wife received numerous threatening calls. They have been subjected to unwarranted harassment by the police despite making several complaints to stop this harassment.

3. Petitioner is allegedly being repeatedly called by respondent No.2-SSP Jagraon, without complying with the mandatory provisions of Section 160 Cr.P.C.

4. Learned State counsel on advance service of copy of petition appears and submits that though reply is yet to be filed. However, he on instructions from police official present, submits that respondent No.2 would comply with the mandatory provisions of Cr.P.C, including Section 160 thereof, before calling the petitioner, in case the petitioner is not involved in any other case.

5. In the premise, petition is disposed of with a direction to the official respondents to issue a notice under Section 160 Cr.P.C. in writing before calling the petitioner for any enquiry, in case there is no FIR registered against the petitioner.

6. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

20.09.2023

Vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No