

-1-

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

101

CRWP-10299-2022

Date of decision: 22.05.2023

Karnail Singh

...Petitioner

Versus

State of Punjab and others

...Respondent

CORAM: HON'BLE MR.JUSTICE SANJAY VASHISTHPresent: Mr. Bhavesh Aggarwal, Advocate
for the petitioner.

Mr. Vinay Kumar Gupta, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. On 28.02.2023, the following order was passed:-

“ Petitioner-Karnail Singh, aged 75 years has approached this Court to seek direction to respondents No. 2 and 3 to protect the life and liberty of the petitioner at the hands of respondent No. 4.

Learned counsel for the petitioner submits that petitioner's wife and son have already died and his two daughters are already settled abroad. Taking benefit of situation, respondent No. 4 started preparing forged documents i.e. sale deed dated 28.03.2005 (Annexure P-1) in regard to the agricultural land and then again prepared Adhaar card and passport, by which, he started showing himself to be son of the petitioner-Karnail Singh.

On acknowledging the said fraud, petitioner objected and thereupon, respondent No. 4 started harassing and threatening the petitioner with the help of anti-social elements. Earlier, petitioner had submitted one representation dated 12.06.2021 (Annexure P-3) and approached this Court, which was disposed of vide order dated 21.12.2021 passed in CRM-M-53517-2021. Direction was issued to respondent No. 3-Senior Superintendent of Police, Police District Batala, District Gurdaspur to forthwith consider the grievance(s) raised by the petitioner in the aforesaid representation made to him/her and take action thereupon as he/she deems fit, in accordance with law.

Order dated 21.12.2021 says as under:-

“Learned counsel for the petitioner submits that at this stage, he would be satisfied if direction are issued to respondent No. 3-Senior Superintendent of Police, Police District Batala, District Gurdaspur to consider and take a final decision on representation dated 12.06.2021 (Annexure P-1) made by theb petitioner.

Learned State counsel, who appears on advance notice, has

-2-

no objection if the above prayer is accepted. After hearing learned counsel for the parties, the present petition is disposed of with a direction to respondent No. 3-Senior Superintendent of Police, Police District Batala, District Gurdaspur to forthwith consider the grievance(s) raised by the petitioner in the aforesaid representation made to him/her and take action thereupon as h/she deems fit, in accordance with law.”

On being asked by the Court, counsel for the petitioner is not able to answer as to when, order dated 21.12.2021 passed by co-ordinate Bench of this Court, was informed/brought to the notice of Senior Superintendent of Police, Batala. Counsel seeks short adjournment.

Adjourned to 11.05.2023.”

2. Thereupon, respondent-State filed its reply dated 17.05.2023.

Learned State counsel refers to paragraph No. 4 of the reply and submits that infact, civil dispute between the parties has been given a different colour for the purpose of filing the petition before this Court. Paragraph No. 4 of the reply says as under:-

“It is humbly submitted that the answering deponent had further directed SHO Police Station Sri Hargobindpur to submit his report. The SHO Police Station Sri Hargobindpur had further entrusted the same to ASI Sarwan Singh, Incharge PP Harchowal, PS Sri Hargobindpur. The SHO Police Station Sri Hargobindpur had submitted his detailed report before the answering deponent. From the perusal of the report submitted by the SHO Police Station Sri Hargobindpur the following facts have been revealed out:-

i) The a complaint/representation was submitted by the Karnail Singh S/o Karam Singh resident of Harchowal Tehsil Batala, District Gurdaspur (petitioner) before the Senior Superintendent of Police, Batala for the registration of FIR against Kulwant Singh S/o Bakshish Singh resident of Village Harchowal Tehsil Batala District Gurdaspur and concerned revenue officials and witnesses for their illegal act of cheating, committing fraud and breach of trust and causing loss by way of fraudulently registration of sale deed dated 28/03/2005 without his knowledge, contents and sale consideration amount and the said complaint was entrusted to Deputy Superintendent of Police, Control Room Batala.

ii) That, Deputy Superintendent of Police, Control Room Batala conducted the enquiry of the said complaint/representation and submitted his report to the effect that the complainant had filed the case in the Id. Court and is still pending. Enquiry officer directed both the parties to pursue their matter in the Hon’ble court and recommended to file the said complaint/representation. The said complaint was filed by the office of Senior Superintendent of Police, Batala on 8.12.2022.

iii) It is relevant to mention there that the case titled as Retd. Hav. Karnail Singh vs. Punjab State etc. for

filed by petitioner Karnail Singh has been dismissed by the ld. Court of Sh. Mandeep Singh, PCS, Civil Judge, Batala vide order dated 04.05.2023. The other suit for declaration filed by the Retd. Hav. Karnail Singh titled as Retd. Hav. Karnail Singh titled as Retd. Hav. Karnail Singh Versus Kulwant Singh is pending in ld. Court and fixed for 7.7.2023.

It is therefore respectfully prayed that the present petition filed by the petitioner may kindly be dismissed in the interest of justice.”

3. Faced with the situation, learned counsel for the petitioner seeks withdrawal of the petition.
4. Dismissed as withdrawn.

(SANJAY VASHISTH)
JUDGE

22.05.2023
Harish Kumar

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No