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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-9984-2023

Date of decision: 10.10.2023

Gurmeet Singh

....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Akashdeep Miglani, Advocate for petitioner.

Mr. Dhruv Dayal, Additional AG Punjab.

ARUN MONGA, J. (ORAL)

1. The petition herein is under Article 226 of the Constitution of India, seeking the issuance of a writ in the nature of mandamus, directing respondents No.2 and 3 to protect the life and liberty of the petitioner who apprehends a threat from the private respondents.

2. Learned counsel for the petitioner contends that the petitioner is facing a criminal trial in District Court Rupnagar, and respondent No.4, Balwinder Singh, who is posted as Naib Court, approached him and stated that his friend ASI Jaspal Singh has good relations with the Judicial Officer. He threatened the petitioner to pay Rs.1,50,000/- failing which he would face dire consequences.

2.1 On 30.01.2023, when the petitioner, along with two persons, namely, Swaran Singh and Sarabjit Singh, came to Court, respondents No.4 and 5 stopped him outside the Court and forced him to make a payment of the first installment of Rs.20,000/- in the Google Pay account of respondent No.5, Jaspal Singh. He accordingly made the payment, a copy of which is annexed as Annexure P-1. Thereafter, respondents No.4 and 5, in connivance with each other, started blackmailing the petitioner. On 13.05.2023, the petitioner was forced to take a gold loan, and they took Rs.90,000/- from him. The petitioner made another payment of

Rs.5000/- to them. On 13.09.2023, he filed a representation followed by various representations but to no avail.

3. Notice of motion.

4. On the service of an advance copy of the petition, the learned State counsel appears and accepts notice on behalf of the State of Punjab. He opposes the petition, arguing that the matter is at the investigation stage, and the law will take its own course.

5. In my opinion, the petitioner ought to have availed other legal remedies available to him seeking redressal of his grievance before directly approaching this Court. Ordinarily, in case of a grievance arising out of an unfair or improper investigation of an FIR, the aggrieved person can seek recourse to the remedy of approaching a police officer superior in rank as per Section 36 Cr.P.C. Even thereafter, if the grievance is yet unmitigated, one can then take judicial recourse by approaching a Magistrate of competent jurisdiction under Section 156(3) Cr.P.C., who can order an investigation and submission of a report by the police. Not only that, an aggrieved party can choose to file a criminal complaint under Section 200 Cr.P.C., if so advised. Reference may be had to the Apex Court judgment in Sakiri Vasu versus State of U.P and others.

6. In the premise, the instant petition is dismissed. The petitioner is, however, at liberty to approach the appropriate forum for redressal of his grievance, as aforesaid.

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

(ARUN MONGA)
JUDGE

10.10.2023

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No