

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

CRWP-10953-2022

Date of Decision:19.05.2023

Swaran [Singh@Sarwan](#) Singh and Anr.

...Petitioners

vs.

State of Haryana and others

...Respondents

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

Present : Mr. P.S. Sekhon, Advocate
for the petitioners.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

Ms. G.K Mann, Senior Advocate with
Mr. Gursewak Singh, Advocate
for respondents No.7 to 16.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the present petition under Article 226 of the Constitution of India for issuance of appropriate directions to respondents No. 1 to 4 to protect the lives and liberty of the petitioners and their family members as they apprehend threat at the hands of respondents No.7 to 16. Further prayers were made for the fair and impartial investigation of FIR No.198 dated 24.10.2018, under Sections 323, 324, 506, 148, 149 of IPC, Police Station Guhla, District Kaithal and FIR No.170 dated 16.07.2021, under Sections 323, 324, 506, 34 of IPC (Section 326 IPC added later on) Police Station Guhla, District Kaithal.
2. Learned counsel for the petitioners contends that the petitioner No.1 is the owner in possession of land measuring 4 acres situated at village Bhatian, Tehsil Guhla, District Kaithal. The private respondents No.7 to 16 also

own land measuring 60 acres, adjacent the land of petitioner No.1 and they were harassing and threatening the petitioners to grab their land as the same is situated at the front of the main road. Learned counsel for the petitioners further contends that they had been repeatedly attacked in the past by the private respondents and no action was taken by the police against them.

3. Learned Senior counsel assisted by Mr. Gursewak Singh, Advocate has vehemently opposed the said contentions and submits that the version of the petitioners was investigated by the police and was found to be false. The injuries were found to be self-inflicted and a *Kalandra* under Section 182 IPC was presented against them. Learned senior counsel further submits that the petitioners are habitual offenders, as two more FIRs were registered against them and the petitioners were convicted by the learned Courts below and the petition was liable to be dismissed.

4. A detailed status report has been filed by way of an affidavit of Deputy Superintendent of Police, Guhla on behalf of the official respondents. Learned State counsel contends that so far as the prayer of petitioners with regard to the fair and impartial investigation of FIR No.198/2018 and FIR No.170/2021 is concerned, both the FIRs have been investigated fairly and impartially. He further submits that a final report under Section 173 Cr.PC has already been presented in case FIR No.170 dated 16.07.2021, under Sections 323, 324, 506, 34 of IPC (Section 326 IPC added later on) Police Station Guhla, District Kaithal and a cancellation report has already been presented in FIR No.198 dated 24.10.2018, under Sections 323, 324, 506, 148, 149 of IPC, Police Station Guhla, District Kaithal. Learned State counsel further contends that the various representations were received by the police

and on the directions of Deputy Superintendent of Police, Guhla the matter was inquired into by the SHO, Guhla through ASI Jaipal regarding the incident dated 15.07.2021. After holding a detailed enquiry, the preventive action under Section 107/151 C.r PC and 107/150 Cr.P.C has already been initiated against both the sides. Learned State counsel further submits that it is the bounden duty of the State of protect the lives and liberty of the petitioners and in case an representation with regard to the threat of life and liberty is received, appropriate action shall be taken by the concerned police station as per law. Learned State counsel further submits that all necessary steps shall be taken by the local police to ensure that there is no breach of peace in the area and in case, any violation of law is reported, strict action shall be taken against the said persons.

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

6. Needless to say that the parties shall be at liberty to avail their alternative remedies as per law with regard to the proceedings/trial of the above referred FIR No.198 dated 24.10.2018, under Sections 323, 324, 506, 148, 149 of IPC, Police Station Guhla, District Kaithal and FIR No.170 dated 16.07.2021, under Sections 323, 324, 506, 34 of IPC (Section 326 IPC added later on) Police Station Guhla, District Kaithal.

19.05.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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