

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

206

**CRWP-11013-2022
Decided on : 31.01.2023**

Gursev Singh and another

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Satpreet Grewal Kapila, Advocate
for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab.

Mr. Hoshiar Singh Jaswal, Advocate
for respondents No.5 to 7 and 9 to 11.

SANJAY VASHISTH, J. (Oral)

Instant petition is for issuance of directions to respondents No.1 to 3, to protect the lives and liberty of the petitioners from false implication in a criminal case at the instance of respondents No.5 to 11.

Respondent No.5 - Ramanjit Kaur is daughter-in-law of the petitioners, and other respondents are her family members. Out of the wedlock of respondent No.5 with Harjinder Singh (deceased son of the petitioners), two daughters were born, who are now aged 07 years and 05 years, respectively.

Considering the plight of the petitioners, as stated in the petition, on 22.11.2022, following orders was passed:-

“Petitioners i.e. petitioner No. 1-Gursev Singh, aged about 64 years and petitioner No. 2-Harinder Kaur, aged about 60 years, have approached this Court for seeking issuance of directions to respondents No.1 to 3 for providing protection of their lives and liberty from the hands of private respondents No. 5

to 11.

Learned counsel for the petitioners submits that son of the petitioners, namely, Harjinder Singh, who was serving Punjab Police as a Constable No. 4-C/701 and was posted in Commando 4th Battalion, Phase 11, SAS Nagar, Mohali, has expired and after his death all the retrial benefits are transferred in the names of respondent No. 5-Ramanjit Kaur (wife of Harjinder Singh) and his two daughters. It is further submitted that respondent No. 5 has also got service in the Police Department on compassionate grounds and is now well-settled. Despite that maternal family members of respondent No. 5 i.e. respondents No. 6 to 11 are harassing and creating pressure on the petitioners for disposal of their two other properties i.e. one residential house and other property at Kurali which is under constructions. In fact, private respondents are taking undue benefits of helpless situation of the petitioners.

Apprehending danger at the hands of private respondents, petitioners have already submitted one representation dated 12.10.2022 (Annexure P-4) to respondent No. 2-Senior Superintendent of Police, SAS Nagar, Mohali, but no heed is being paid by the police official.

Notice of motion for 20.12.2022.

On asking of the Court, Mr. J.S. Arora, DAG, Punjab, appears and accepts notice on behalf of respondents No. 1 to 4 (State).

Meanwhile, respondent No. 2 – Senior Superintendent of Police, SAS Nagar, Mohali, is hereby directed to look into the representation dated 12.10.2022 (Annexure P-4) qua threat perception and if there is any substance in it, take necessary steps, in accordance with law, to ensure that lives and liberty of petitioners is not jeopardized at the hands of the private respondents.

Reply/status report be filed on or before the next date of hearing i.e. 20.12.2022.”

On 25.01.2023, state has filed status report dated 24.01.2023,

which is already on record. Para Nos. 5, 6 & 7 of the said status report says as under:-

“5. That it is respectfully submitted that in pursuance thereof, the SHO, PS Majri got the aforesaid representation enquired through ASI Pawan Kumar, PS Mari and submitted his report dated 17/12/2022 with the findings that the son of the complainant/petitioner, who was working as Constable in Commando-4 of Police Department, got married to respondent No. 5 on 24/11/2013 and out of the said wedlock, 2 daughters Daljot Kaur and Avijot Kaur were born. The son of the petitioner Harjinder Singh had suddenly died on 03/07/2021 at his house in Kurali, after which, both the parties had entered into a panchayati compromise with each other, in which regard, the petitioners had submitted their sworn affidavits, based upon which, the respondent No. 5 got the compassionate appointment to the post of Constable in Commando-4 and she also got the money of the GPF Fund against the death of her husband Harjinder Singh. As per the said compromise, the kothi of deceased Harjinder Singh at Singhpura Road, Kurali was also transferred in the name of respondent No. 5, her 2 daughters and her mother Harinder Kaur. The allegations levelled by the petitioners in their complaint against the private respondents are not proved and the sworn affidavits submitted by the petitioners were not found to have been obtained by any kind of pressure. Accordingly, finding no action required on the aforesaid complaint, it had been recommended to consign the representation of the petitioners to the record room.

6. That it is respectfully submitted that the deponent thoroughly perused and considered the aforesaid report of the SHO, PS Mari, District SAS Nagar and while agreeing with the same, the deponent submitted his report before the SSP, District SAS Nagar through SP (Rural), District SAS Nagar with the recommendation to consign the representation of the petitioners to the record room. The SSP, District SAS Nagar thoroughly perused and considered the aforesaid report and while agreeing with the same, approved it and consigned the aforesaid representation of

the petitioners to the record room. The true translated copy of the report of the deponent and the letter dated 19/12/2022 of the office of SP (Rural), District SAS Nagar are being attached herewith as Annexure R-1/T and Annexure -2/T respectively for the kind consideration of this Hon'ble Court.

7. *That it is respectfully submitted that the petitioners were duly apprised about the outcome of the enquiry on the complaint. It is relevant to mention here that though no threat was assessed to the life and liberty of the petitioner at this stage, however, the petitioners have been got noted the phone numbers of the SHO, PS Majri, MHIC PS Majri and police helpline number in case they face any kind of threat to their life and liberty.*

In view of the facts and circumstances narrated above, the deponent most humbly prays that the present petition filed by the petitioner may kindly be disposed of, in the interest of justice. The answering respondent undertakes to comply with any other order or direction, which this Hon'ble Court may pass, in the facts and circumstances of the present case.”

As per the averments made in aforesaid paras of status report filed by the State, it appears that in actual there is no threat perception, but is an ordinary dispute within the family members about the properties after the death of son of the petitioners.

Thus, this Court does not find any substantial reason to entertain present petition, especially, in the absence of any threatening circumstance explained by the petitioners.

Dismissed.

(SANJAY VASHISTH)
JUDGE

January 31, 2023

J.Ram

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