

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

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CRWP-11158-2022 (O&M)**Date of Decision:25.04.2023**

Balbir Singh

...Petitioner

Vs.

State of Punjab and
others

...Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWATPresent : Mr. Gurcharan Dass, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. V.P. Singh, Advocate
for respondents No. 4 to 11**N.S.SHEKHAWAT, J. (Oral)**

The petitioner, who is aged about 72 years, has filed the present petition under Article 226 of the Constitution of India for issuance of directions to respondents No. 1 to 3 to protect his life and property as he apprehends threat at the hands of respondents No. 4 to 11.

Learned counsel for the petitioner submits that the petitioner had purchased land measuring 15 Kanals 14 Marlas situated in village Mohan Bhandarian, District Amritsar from Baljit Singh, Jasbir Singh, Manbir Singh, Kulwinder Kaur, Partat Singh and Kulbir Singh all residents of village Mohan Bhandarian, Tehsil Ajnala, District Amritsar vide sale deed dated 12.06.2019 (Annexure P-1). After the purchase, the possession of the property was handed over by the sellers to the petitioner on the date of registration of the sale deed itself. Learned counsel for the petitioner further contends that on

11.02.2022, respondents No. 4 to 11 entered into the land of the

petitioner, attacked him and damaged his tractor, regarding which, an application was moved by him to the local police for taking appropriate action, in accordance with law. Again on 14.02.2022 at about 1.00 p.m., the petitioner was attacked and was beaten up by the private respondents. Again an application was moved on 14.02.2022 itself for grant of protection of life and liberty. Another application was moved by the petitioner on 17.02.2022 to the Senior Superintendent of Police (Rural) Amritsar. Learned counsel for the petitioner further contends that he was being repeatedly threatened and the local police had colluded with the private respondents and no steps have been taken by the official respondents to protect the life and property of the petitioner.

In response to the notice, a short reply by way of affidavit of the Senior Superintendent of Police, Amritsar, Rural, had been filed by the State of Punjab. The learned State counsel submits that a detailed inquiry qua the application submitted by the petitioner was conducted in the most fair and impartial manner. It has been stated that during the inquiry, the petitioner could not produce any proof or witness with regard to the alleged occurrences dated 11.02.2022 and 14.02.2022. Learned State counsel further contends that the dispute between the parties was relating to the land, which did not require any interference by the police. Since the parties could enter into a conflict at any point of time, the Deputy Superintendent of Police (Headquarters) Amritsar Rural vide his report dated 27.05.2022 ordered for initiation of preventive proceedings against both the parties. Accordingly, a *kalandara* under Sections 107/150 Cr.P.C. dated 26.09.2022 was prepared against the petitioner as well

as private respondents No. 4 to 11, but the same could not be presented before the Court of learned Sub-Divisional Magistrate, Ajnala. However, a fresh *kalandara* under Sections 107/150 Cr.P.C. was again prepared on 02.12.2022 against both the sides and the same was presented in the Court of Sub-Divisional Magistrate, Ajnala, District Amritsar Rural (Annexures R-4/T and R-5/T).

Learned State counsel further submits that preventive proceedings have already been initiated against both the parties and the matter is pending consideration before the Court of Sub Divisional Magistrate, Ajnala, District Amritsar. Apart from that, a dispute with regard to the land in question is pending for consideration before this Court in RSA No. 2299 of 1997. He further contends that the strict directions have been issued to the Deputy Superintendent of Police, Sub-Division Ajnala (Rural) and SHO Police Station Jhander, Amritsar (Rural) to protect the life and property of the petitioner, in accordance with law. Learned State counsel has further assured the Court that every step shall be taken up by the local police to protect the life and property of the present petitioner and, in case, any complaint is received from him, appropriate steps shall be taken in accordance with law.

On the other hand, learned counsel appearing on behalf of private respondents submits that a Regular Second Appeal 2299 of 1997 is pending with regard to the possession of the land and both the parties have been ordered to maintain status quo with regard to the land in question. He further contends that the petitioner has moved the instant petition before this Court as an instrument to misuse of process of law. However, I do not agree with the said submissions as

petitioner has confined his relief only to the grant of protection of life and property of the petitioner and this Court has not made any comments with regard to the possession of the parties over land in question.

In view of the submissions made by the learned State counsel, no further action is required to be taken in the instant case and the petition is ordered to be disposed off accordingly.

All pending applications, if any, are disposed off, accordingly.

25.04.2023

amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No