

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

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**CRWP-11506-2022
Decided on : 20.01.2023**

Balwinder Pal

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. G.S. Randhawa, Advocate
for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab
assisted by ASI Nand Lal.

Mr. Ritesh Pandey, Advocate
for respondents No.7 to 9.

SANJAY VASHISTH, J. (Oral)

1. By way of present petition filed under Article 226 of the Constitution of India, issuance of a writ in the nature of Mandamus, directing official respondents to protect the life and liberty of the petitioner and his family members at the hands of respondents No.7 to 9, has been prayed for.

Besides, prayer for issuance of direction to the official respondents for conducting the fair and transparent investigation in case FIR No. 140, dated 26.10.2022, u/s 336 of IPC, and Sections 27/29/30 of Arms Act, 1959, registered at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur, has also been made. Said FIR has been got lodged at the instance of ASI Malkeet Singh, In-charge PP, Dharamkot Randhawa, Police Station Dera Baba Nanak.

2. Counsel for the petitioner submits that regarding same incident, petitioner has also submitted one representation to the Director General of

Police, Punjab i.e. respondent No.2, wherein, protection to the life and liberty of the petitioner and his family members, has been asked for.

3. On hearing the petitioner, it appears that grouse of the petitioner is the partial conduct of the police, as the persons involved in the incident are not arrayed as accused, and also that appropriate procedure of law has not been followed.

4. After issuing notice of motion, State filed a short reply.

5. Learned State counsel refers to para No.4 of the short reply dated 06.01.2023. Same is reproduced herein-below:-

“4. That, it is humbly submitted that the deponent is filing the present affidavit on the basis of detailed report submitted by SHO Police Station Dera Baba Nanak, with respect to facts and status of the present case. The FIR No.140 dated 26.10.2022 under section 336 IPC, 27/29/30 of Arms Act, Police Station Dera Baba Nanak, District Gurdaspur was registered against Lakhwinder Singh @ Lakhbir Singh S/o Ajit Singh resident of Ghola Dhola, District Gurdaspur with the allegation that special informer has informed to ASI Malkiat Singh, Incharge PP Dharamkot Randhawa in the last intervening night of Diwali on 24.10.2022, the time was around about 8 PM the Ex. Sarpanch Lakhwinder Singh and his other family members have fired in the air with their licensed weapon from the roof of their house. Due to dense population of the village any harm to any person or property could have occurred and as the information is true and reliable and from the above said information offence is found and made out under section 336 IPC, 27/29/30 Arms Act 1959. The statement was sent to Police Station through PHG Manjit Singh No. 1693 for registration of the case and after the registration of the case its number be informed and information is given to control room through wireless and informed the higher officials. During investigation of the case the accused Lakhbir Singh @, Lakhwinder Singh S/o Ajit Singh resident of Ghola Dhola was arrested on 27.10.2022. Another case FIR No.144 dated 28.10.2022 under section

341, 506, 323 IPC Police Station Dera Baba Nanak was registered on the statement of Balwinder Pal So Piar Lal resident of Ghola Dhola PS.Dera Baba Nanak against the abovesaid Lakhbir Singh @ Lakhwinder Singh S/o Ajit Singh resident of Village Ghola Dhola, District Gurdaspur and the accused was arrested on 29.10.2022 and the license rifle DBBL 12 bore has been recovered. The petitioner want to nominate the sons of accused Lakhbir Singh @, Lakhwinder Singh in these cases and there is no truth in the complaint as alleged by the petitioner. On the basis of this complaint two criminal cases have already been registered. At present, as alleged, there is no threat perception to the petitioner from any one. The investigating officer had found that there is no need to take any action into the Sepresentation/complaint annexure P-3.”

6. While referring to para No.4 of the aforesaid reply, learned State counsel points out that *qua* same incident another FIR No. 144, dated 28.10.2022, under Sections 341, 506, 323 of IPC, at Police Station Dera Baba Nanak, was registered at the instance of petitioner. Said FIR was also registered against Lakhwinder Singh @ Lakhbir Singh (respondent No.7), and a licensed gun i.e. DBBL 12 bore has also been recovered, during the investigation in case FIR No.144, dated 28.10.2022.

7. Thus, learned State counsel submits that in regard to the incident dated 24.10.2022, against the private respondent(s) FIR No. 140, dated 26.10.2022, under Section 366 of IPC, and 27/29/30 of the Arms Act, has been registered at P.S. Dera Baba Nanak, District Gurdaspur.

Further, in regard to the incident dated 25.10.2022, as alleged by the petitioner, against accused – Lakhwinder Singh @ Lakhbir Singh (respondent No.7 herein), separate FIR No.144, dated 28.10.2022, under Sections 341, 506, 323 of IPC, has been registered at P.S. Dera Baba Nanak, has also been registered.

8. Learned State counsel further submits that in both the aforementioned cases, investigation is being conducted by the police in a fair and transparent manner.

9. After hearing learned counsel for the parties and perusing the material on record, this Court finds that already police has taken action by registering FIRs against the Lakhwinder Singh @ Lakhbir Singh (respondent No.7) and other accused-persons, and investigation is in progress in both the FIR cases. Still, it would be open for the petitioner to point out at appropriate stage of the proceedings of investigation or the trial regarding any evidence available with him in regard to the incident.

10. Thus, in the backdrop of the facts & circumstances recorded herein-above, nothing substantial is left with the Court to decide in the present petition. Accordingly, petition stands **disposed of** in above-mentioned terms.

(SANJAY VASHISTH)
JUDGE

January 20, 2023

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No