

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRWP-11818-2022
Decided on : 10.04.2023

Sukhchain Singh

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Vinod Kumar, Advocate for
Mr. Raman Kumar, Advocate
for the petitioner(s).

Mr. JS Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

As per office report, service of the notice upon respondents
No.4 to 10 has been affected, but there is no representation.

After hearing the present protection petition on 19.12.2022,
following order was passed:-

“Prayer in the instant petition filed under Article 226 of the Constitution of India, is for issuance of directions to respondent No. 2, to provide protection of life and liberty to the petitioner, at the hands of private respondents No. 4 to 10.

Learned counsel for the petitioner submits that petitioner had performed marriage with Amandeep Kaur who is daughter of respondent No. 4 (Dheer Singh). He further submits that there was one FIR No. 53 dated 17.11.2016 under Sections 363 and 366 of IPC (Sections 342, 376 of IPC and Section 6 of POCSO Act added later on), registered at Police Station Jhander, District Amritsar Rural, which was got lodged against the petitioner at the instance of respondent No. 4- Dheer Singh. Subsequently on the basis of compromise, said FIR was quashed by co-ordinate Bench of this Court vide order dated 17.08.2021.

Now, wife of the petitioner, namely, Amandeep Kaur, has left the company of petitioner and has started residing with her parents. Learned counsel submits that now respondent No. 4 (father of Amandeep Kaur) and other private respondents are not allowing petitioner to enter into the village to help out and to provide medical facilities to his father, who is bed ridden with ailment of his kidney. Private respondents are issuing threats to petitioner that he will face

CRWP-11818-2022

- 2 -

dire consequences, if he ever tries to enter the village, even for providing medical facilities to his ailing father.

In the context of said threat perception, petitioner has allegedly moved a representation dated 22.11.2022 to respondent No. 2- Sr. Superintendent of Police, Amritsar Rural (Annexure P-2), wherein, all apprehensions have been expressed, but till date no action is being taken.

Notice of motion.

On asking of the Court, Mr. Anmol Singh Sandhu, AAG, Punjab, accepts notice on behalf of respondents No. 1 to 3 (State). He seeks time to file status report.

Adjourned to 15.02.2023. ”

Status report dated 15.02.2023 filed by respondents No.1 to 3 is already available on record. Learned State counsel refers paragraph Nos.5 to 7 of the same, which are reproduced hereinbelow:-

“5. That the respondent No. 3 has reported that the matter was enquired into through ASI Nagwinder Singh, who had recorded the statement of the petitioner and besides that the petitioner has visited the Police Station Jhander on 28.12.2022, 29.12.2022 and 30.12.2022 but he could not produce any evidence regarding any alleged threat from the respondents No. 4 to 10. It was further reported that petitioner had stated that he will present his version on 31.12.2022 in presence of his counsel but thereafter, he did not turn up.

6. During the course of enquiry, the statements of the respondents were also recorded, who have stated that they have entered into a compromise with the petitioner in 2021 and they are not on talking terms with him. They have also stated that they have no objection, if the petitioner visits the village. It is reported that no facts relating to having any kind of alleged threat to the life and liberty of the petitioner from the respondents Nos. 4 to 10, or any other person were verified as alleged by the petitioner in his application dated 22.11.2022 (Annexure p-2) during the enquiry. Hence, the respondent No.3 has reported that no further action is required by the Police on the basis of the aforesaid application. The true translation of aforesaid enquiry report dated 24.01.2023 is attached herewith for the kind perusal of this Hon'ble Court as Annexure R-1/T.

7. That it is humbly submitted that so far, as the protection of life and liberty of the petitioner is concerned, the police authorities of the Amritsar (Rural) are committed and duty bound to protect the life and liberty of the petitioner by providing every possible help to him whenever required by him. The answering respondents undertake that necessary action will be immediately taken to ensure safety of life and liberty of the petitioner after carrying out ground level assessment and if the need be, adequate security will be provided to him in accordance with the rules and procedure. ”

Faced with the situation, counsel for the petitioner does not press the present petition at this stage.

Accordingly, petition stands disposed of being not pressed, at this stage.

(SANJAY VASHISTH)
JUDGE

April 10, 2023
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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*