

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118 (I) CRWP-651-2024
Date of Decision : February 27, 2024

HARMINDER SINGH AND OTHERS -PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS -RESPONDENTS

(II) CRWP-1149-2024

MUKAND LAL SHARMA -PETITIONER

V/S

STATE OF PUNJAB AND OTHERS -RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Varun Chhibba, Advocate and
Mr. Amandeep Singh Sidhu, Advocate
for the petitioners (in CRWP-651-2024).

Mr. Sukhcharan Singh Gill, Advocate
for the petitioner (in CRWP-1149-2024).

Mr. Pardeep Bajaj, D.A.G., Punjab

KULDEEP TIWARI, J. (ORAL)

1. Since the relief(s) claimed in both these petitions are alike, therefore, both these petition are amenable for being decided through a common verdict.
2. The relief(s), as sought in both these petitions, pertains to issuance of directions upon the official respondents concerned to ensure protection of life and liberty of the petitioners at the hands of private respondents.
3. This Court had, on 23.01.2024, passed the hereinafter

extracted order upon CRWP-651-2024:-

“1. This Court deems it appropriate to, at this stage, without issuing notice, direct the learned State counsel to file a status report, on affidavit of the S.S.P. concerned, detailing therein, whether the threat perception, as alleged by the petitioners, genuinely exists or the same is based upon mere assumptions and presumptions.

2. List on 20.02.2024, for awaiting status report.”

4. Likewise, on 08.02.2024, this Court had passed the hereinafter extracted order upon CRWP-1149-2024:-

“Without issuing notice to the respondents, the learned State counsel is directed to file status report qua the threat perception, if any to the petitioner.

Adjourned to 20.2.2024.

To be heard alongwith CRWP-651-2024.”

5. In compliance of the order extracted hereinabove, two separate status reports, on affidavit of Suhail Qasim Mir (IPS), Deputy Commissioner of Police, Ludhiana, have been filed before this Court.

6. A perusal of the status reports (supra) reveals that both these petitions are in fact, under the guise of protection of life and liberty, aim at thwarting the investigation of FIR No.3 dated 08.01.2024, registered at P.S. Model Town, Ludhiana, wherein, the petitioners No.4 and 5 (in CRWP-651-2024), and, the sons of the petitioner (in CRWP-1149-2024) have been nominated as accused.

7. The learned counsels appearing for the petitioners (in both petitions) though have addressed arguments with regard to falsity of the allegations, as carried in the FIR (supra), besides have also raised objection *qua* the mode and manner of investigation of the FIR (supra),

however, this Court is not inclined to consider all such arguments, inasmuch as, the sphere of the instant petitions covers only the prayer *qua* protection of life and liberty of the petitioners, and, these petitions do not assail the validity of the FIR (supra).

8. What further constrains this Court to dismiss the instant petitions, is that, the status reports (supra) reveal that despite the petitioners being called time and again, through notices, yet they admittedly did not make their personal appearances before the police officials concerned for recording their statements *qua* the alleged threats. Moreover, today when the learned counsels for the petitioners have been posed a query as to why the petitioners did not appear before the police officials concerned, thereby enabling the latter to evaluate whether the alleged threat perception exists or not, no satisfactory answer, except lame excuses, has been made by them.

9. Despite hearing the arguments of the learned counsels for the petitioners (in both petitions) at length, whose primary arguments were misdirected, inasmuch as, they revolved around validity of the FIR (supra), instead of to the cause of action as canvassed in the instant petitions, this Court does not find any tangible reason to draw an inference that the alleged threat perception genuinely exists, especially in view of the fact that the petitioner did not appear before the police officials concerned, despite repeated notices, for recording their statements.

10. The relevant extract of the status report, as filed in CRWP-651-2024, and, which lends credence to the inference (supra), as drawn by this Court, is extracted hereinafter:-

“5. That it is submitted that despite the issuance and receipt of the

aforementioned Notices, Petitioner No.1, Harminder Singh, failed to appear before the deponent for the purpose of recording his statement concerning the threats faced by him and the other Petitioners. This absence persisted despite clear instructions and multiple efforts to facilitate his participation, as outlined through notices dated 12/02/2024, 13/02/2024, and 15/02/2024, aimed at securing his statement on the alleged threats. It is pertinent to mention that the deponent had recently assumed the charge of the post of Deputy Commissioner of Police (DCP), Ludhiana City, on 09/02/2024. Given the proximity of the next date of hearing before this Hon'ble High Court on 20/02/2024, the aforesaid Notices were expediently issued for the petitioners to appear on short notice at the Office of the Deponent.

6. That as per the report submitted by the SHO of P.S. Model Town, Ludhiana, on the statement provided by an individual named Deepak Kathuria a FIR No. 03 dated 08/01/2024 has been registered at Police Station Model Town, Ludhiana, under Sections 420, 465, 467, 468, 471, and 120-B of the IPC wherein Petitioners No. 4 and 5, namely Upjeet Singh and Naresh Kumar, alongside ten other nominated accused and one unknown individual have been arraigned as accused.

7. That it is further pertinent to mention that the investigation of the aforementioned FIR, registered at PS Model Town, Ludhiana, is currently being conducted by a Special Investigation Team (SIT). This SIT has been duly constituted by the Commissioner of Police, Ludhiana, underscoring the complexity of the case.

8. That in light of the abovementioned facts, it is submitted that, hitherto, no statement or credible information has been received by the deponent regarding any threats faced by the present petitioners concerning their life and liberty. It is noteworthy to specify that Petitioners No.4 and 5 namely Upjeet Singh and Naresh Kumar are implicated as accused in the aforementioned FIR No.3 registered at PS Model Town, Ludhiana. Persistent efforts are underway by the investigating agency to apprehend Petitioners No.4 and 5, along with the other nominated accused identified in the said case. Additionally, it is significant to mention that Petitioner No.4 had sought Pre-Arrest bail under

application number BA/839 of 2024 in relation to the case in question. However, the said application was dismissed for having been withdrawn by the Ld. counsel representing Petitioner No.4 before the Ld. Addl. Sessions Judge, Ludhiana, on 03/02/2024.

9. That it is humbly submitted that hitherto there is no discernible threat to the life and liberty of the petitioners. It is further submitted that the investigating agency is diligently proceeding against the accused, Petitioners No.4 and 5, strictly in accordance with the law and established procedures.”

11. In view of the above, the instant petitions are **dismissed**. However, liberty is reserved to the petitioner to raise all the issues and claims, as raised hereinabove, in an aptly instituted motion before the competent court concerned. Moreover, a direction is also issued to the official respondents concerned to ensure that, in future, in case the petitioners allege any threat to the lives and liberty of the petitioners, then after evaluating the genuineness thereof, necessary steps warranted under law be taken.

February 27, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No