



CRWP-1426-2023 (O&M) -1-

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

CRM-W-945-2024 in/and CRWP-1426-2023
Date of Decision:- 07.08.2024

Pritpal Singh ...Petitioners

Versus

State of Punjab and Others ...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Jasinder Singh Thind, Advocate and
Ms. Rupinder K. Thind, Advocate
for the petitioners.

Mr. Amandeep Singh, DAG, Punjab.

AMARJOT BHATTI, J.

CRM-W-945-2024

This is an application filed under Section 482 Cr.P.C. for placing
on record rejoinder in above mentioned case.

No objection raised by learned counsel for State of Punjab.

For the reasons enumerated in application, same is allowed.

Accompanied document i.e. Rejoinder is taken on record, subject to just
exceptions.

CRM-W stands allowed.

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1. Petitioner Pritpal Singh has filed criminal writ petition under
Article 226 of Constitution of India for issuance of writ in the nature of
Mandamus directing respondent No. 2 to protect life and liberty of

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petitioner and his family from the hands of respondent No. 4 to 7 and for taking appropriate action on his application dated 09.02.2023 (Annexure P-8) or any other direction which the Court may deem fit and proper in the facts and circumstances of case.

2. Learned counsel for petitioner argued that one FIR No. 89 dated 19.08.2021 was registered in District Police Commissionerate, Jalandhar, Police Station Division No. 2 against one Gautam Sharma. Said Gautam Sharma filed petition for quashing of FIR in High Court in which he relied upon CCTV footage of his camera installed in his house in order to establish that he was not apprehended by police as alleged in aforesaid FIR. Thereafter, he started receiving threat from respondent No. 4 to destroy said CCTV footage or to submit false affidavit in his favour and against Gautam Sharma. He even visited his house on 01.01.2022 at 06:12 PM in plain clothes when his wife was present in the house who disclosed that her husband was not present in house. ASI Chain Singh - respondent No. 4 threatened his wife. Subsequently, on 29.01.2023 FIR No. 13 was registered under Section 13-A of the Gambling Act, 1867 and Section 7(3) of Lotteries (Regulation) Act, 1998 and Section 353, 186, 332 of IPC, which is Annexure P-6. He filed anticipatory bail in which he was granted *interim* relief by the Court of learned Additional Sessions Judge, Jalandhar, vide order dated 03.02.2023, Annexure P-7. He is receiving threats that he will be involved in NDPS Act case. Ultimately, he was left with no other alternative but to file present petition seeking protection of his life and liberty.

3. Learned counsel representing respondents No. 1 to 3-State filed

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their status report dated 13.03.2023 that Gautam Sharma had filed CRM-M-47057-2021 for quashing of FIR No. 89 dated 19.08.2021 under Section 13A of the Gambling Act and Section 420 of IPC, registered at Police Station Division No. 2, Jalandhar. Special Investigation Team was constituted to inquire the allegations levelled by Gautam Sharma. CCTV footage was also inquired into. As per inquiry report, departmental inquiry was initiated against ASI Harjit Singh. Regarding the allegations levelled by present petitioner against ASI Chain Singh, it was found since Pritpal Singh was involved in a case under Gambling Act, ASI Nishan Singh had visited the house of Pritpal Singh for verification. ASI Chain Singh was not seen in said CCTV footage. Said ASI Nishan Singh has been transferred from Police Station Division No. 2, Jalandhar on 15.11.2021. On the statement of Gurjit Lal, FIR No. 13 dated 29.01.2023 was registered against Pritpal Singh under Section 13-A of Punjab Gambling Act as well as Section 7(3) of Lotteries (Regulation) Act, 1998 and under Section 186, 353, 332, 120-B IPC at Police Station Division No. 4, Jalandhar. In-fact, Pritpal Singh is doing work of Gambling and Lottery. Petitioner was joined in investigation on 07.02.2023 and DDR No. 31 dated 07.02.2023 was entered. He obtained anticipatory bail order on 08.02.2023 and joined investigation at Police Station Division No. 4, Jalandhar. ASI Heera Lal, Police Station Division No. 4, Jalandhar had gone to effect service of Pritpal Singh petitioner. His wife disclosed that her husband had gone to Ludhiana to meet his relative. Again process was issued but his house was found locked. Aforesaid ASI Chain Singh, ASI Nishan Singh, SI Mukesh Kumar and ASI Surjit Singh were joined during inquiry proceedings. Their

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statements were recorded. In-fact, present petitioner is involved in number of cases which are detailed in para No.11 of status report dated 13.03.2023. He is a history sheeter. In view of order dated 15.02.2023, as a precautionary measure, petitioner has been supplied mobile number of Control Room, SHO, Police Station Division No. 2, Jalandhar and Head Munshi of aforesaid police station and in case of any threat, he can approach the police. Deputy Commissioner of Police (Investigation), Jalandhar had transferred investigation of FIR No. 13 (Supra) to Police Station Division No. 1 vide order dated 04.03.2023, which is Annexure R-2/T. Subsequently status reports were filed by respondents No. 4 to 7. The allegations levelled by petitioner are denied, and same are false and without any basis.

4. I have considered the petition filed by petitioner seeking protection of his life and liberty from the hands of respondents No. 4 to 7. As per his version, he alleged apprehension to his life and liberty as well as to his family on account of one FIR registered against Gautam Sharma in which CCTV footage of camera available in his house was used by him to show his innocence. It is also matter of record that later on present petitioner was also involved in FIR No. 13 dated 29.01.2023 under Section 13-A-3-67 of Gambling Act, 7(3) of Lotteries (Regulation) Act, 1998 and other provisions of IPC. Investigation of this case was transferred to Police Station Division No. 1, Jalandhar. So far as criminal cases on the basis of aforesaid FIRs are concerned, those will be decided on its own merits.

Status report indicates that present petitioner is involved in 14 criminal cases which are registered against him from the year 2003 onwards till



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recent FIR No. 13 dated 29.01.2023, Annexure P-6. Obviously, in case any FIR is registered against him, the Investigating Officer is to proceed with investigation of case as per law. At the same time, either he or his family cannot be harassed unnecessarily. Status report indicates that in pursuance of order dated 15.02.2023, present petitioner has been given mobile phone number of Control Room, SHO Police Station Division No. 2 as well as of MHC, in case he finds any threat perception. Therefore, respondents No. 2 and 3 have already taken adequate measures. No further direction is required in the present petition and same is accordingly disposed of.

Aforesaid protection provided to petitioner will not effect the investigation or trial of criminal cases.

- 5. Writ petition is accordingly disposed of.
- 6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

07.08.2024
lalit

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No