



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-6606-2022 (O&M)

Date of decision: 29.07.2024

Arshdeep Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Vikram Satpal Anand, Advocate for the petitioner.

Ms. Niharika Sharma, AAG Punjab.

Ms. Amrita Singh, Advocate for respondent No.4.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present writ petition is for directing the respondents to provide the security to the petitioner.

2. Learned counsel appearing on behalf of the petitioner contends that on 11.07.2013, Kuldeep Singh (nephew of the petitioner) (wrongly mentioned as brother in the petition), his son Pardeep Singh, his wife Gurbax Kaur and two other persons were falsely implicated in a murder case of Nishan Singh @ Shanna. On 12.07.2013, at about 3.30 p.m. certain persons attacked the house and *haveli* of Kuldeep Singh and damaged his property and also killed the cattle. The petitioner tried to stop them (accused persons) whereupon they threatened the petitioner with dire consequences.

Eventually, the case in relation to the above incident was also registered



against the accused persons. The family of his nephew however went absconding. On 15.07.2013 at about 2.00 p.m. the petitioner received a telephone call from Kuldeep Singh, who informed that he is at the farm house of Krishan Lal Sharma-accused in village Rauli, Tehsil Mukerian, District Hoshiarpur and called the petitioner to the said farm house. Kuldeep Singh further told that there is danger to his life. On receipt of the said information, the petitioner rushed to the said farm house along with various other persons. When the petitioner along with other persons reached the bridge of Mukerian Canal, he saw Krishan Lal Sharma coming on his scooter along with Kuldeep Singh. When the petitioner tried to stop him (Krishan Lal Sharma) he did not stop and parked his scooter near the Mukerian Canal, near a Scorpio Jeep, from which a number of persons came out and Krishan Lal Sharma told them that he had fulfilled his promise of handing over Kuldeep Singh to them and they can take revenge of murder of Nishan Singh @ Shanna. The accused persons caught hold of Kuldeep Singh and a scuffle took place in which Kuldeep Singh was murdered in the presence of the petitioner.

3. On 17.07.2013, the dead-body of Kuldeep Singh was found from Kandi Canal and the FIR No.37 dated 21.07.2013 under Section 306 IPC was registered against the accused persons. The petitioner filed a complaint bearing No. COMI/6/2014 wherein all the accused were summoned to face the trial for commission of offences under Sections 302, 364, 201, 120-B read with Section 34 of IPC and Sections 25 and 27 of the Arms Act, 1959 vide order dated 02.04.2016. During the pendency of the



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said complaint, when petitioner along with Avtar Singh son of Sahil Singh were talking with each other regarding their statement, which was to be recorded on 21.08.2017 in Dasuya Court, five persons came on two motorcycles and one Hardeep Singh @ Dabbu raised *lalkara* to kill both of them and he fired shot with his pistol, which hit the Activa of the petitioner, thereafter, he fired another shot which hit the right leg of Avatar Singh and FIR No.62 dated 21.08.2017 under Sections 307, 120-B IPC and Section 25 of the Arms Act, 1959 was registered at Police Station Garhdiwal, District Ferozepur on the statement of petitioner's father. On 06.12.2017, when petitioner's father was coming back from Sohan Sweet Shop after giving milk, he was murdered and FIR No.75 dated 06.12.2017 under Sections 302, 120-B, 148, 149, 506 IPC and Section 25 of the Arms Act, 1959 was registered at Police Station Garhdiwal on the statement of Tarlok Singh brother of the father of the petitioner.

4. Learned counsel for the petitioner submits that yet another incident took place on 22.02.2019 when shots were fired at the petitioner and FIR No.09 dated 22.02.2019 under Sections 307, 34 IPC and Section 25 of the Arms Act, 1959 was registered at Police Station Garhdiwal. There was thus recurring incidents against the life and liberty of the petitioner and his family members which compelled the petitioner to approach this Court for seeking protection.

5. A status report has been filed by the respondent-State by way of an affidavit dated 19.09.2022 of Sh. Kulwant Singh, PPS, Deputy Superintendent of Police, Sub-Division Tanda, District Hoshiarpur, wherein



the factual aspects narrated in the writ petition are not disputed. The relevant extract of paragraph No.6 of the status report reads thus:-

“6. That it is submitted that from the verification made by SI Parwinder Singh, P.S. Garhdiwala, Distt. Hoshiarpur it is found that there is a danger to the life and liberty of the petitioner and his family members at the hands of group members of above said Nishan Singh @ Shana and as such there is a threat perception to the petitioner and his family members. Therefore, the SHO, P.S. Garhdiwala sent report to the Senior Police Officer for providing Police security to the petitioner and his family members. As per permission of the Senior Police Officer, the SHO PS Garhdiwala Distt. Hoshiarpur send one official of PHG Rajinder Singh 25808 from PS Garhdiwala to the house of the petitioner to provide Police security to the petitioner and his family members daily vide DDR No.16 dated 26.05.2022.”

6. It is thus evident from the perusal of the same that one official has been already deputed by the respondents to provide security to the petitioner and no untoward incident has taken place ever since.

7. Learned counsel for the respondent-State as well as the learned counsel for Union of India contend that on the basis of a investigation/secret report appropriate security arrangements have already been made and that all apprehensions stand duly redressed as there is no recurrence of any



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untoward incident.

8. Under the given circumstances, the present writ petition is **disposed of as having been rendered infructuous at this stage.**

9. Needless to mention that the respondents shall continue to take appropriate steps for ensuring the protection of the life and liberty of the petitioner as well as his family members, on the basis of regular assessment of threat perception.

(VINOD S. BHARDWAJ)
JUDGE

29.07.2024
Mangal Singh

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