



CRM-M-21621-2018 (O&M)

-1-

113 + 248

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

**CRM-M-21621-2018 (O&M)
Date of Decision:- 11.09.2024**

Shamsher Singh and Others

.... Petitioners

Vs.**State of Haryana and Others**

.... Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Ranjan Lakhanpal, Advocate
for the petitioners.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.

Petitioners Shamsher Singh, Neelam Rani, Bharat Singh and Nirmla Devi have filed petition under Section 482 Cr.P.C. for directing respondents to provide immediate protection and safety to them.

2. It is argued that petitioners' sister Santro Devi, age 40 years was being harassed by misgredients of village. As such FIR No. 86 dated 21.04.2013 was registered under Section 354/452/294/34 of IPC, which is Annexure P-1. Harassment of Santro Devi did not stop and ultimately, being fed up with taunts and insult received from villagers and other persons, she committed suicide on 09.05.2014. Regarding this incident, FIR No. 94 dated 09.05.2014 was registered under Section 306 of IPC, which is Annexure P-2. Police is openly siding with opposite party in both FIRs. Police has presented cancellation report in FIR No. 86 dated 21.04.2013, Annexure P-1. Petitioners were not allowed to appear in Court to file their objections.

**CRM-M-21621-2018 (O&M)****-2-**

They filed CRM-M No. 30266 of 2014 in which impugned order dated 25.08.2015, Annexure P-3, was set aside and they were permitted to appear before Illaqa Magistrate. The Investigating Officer was also directed to appear on the said date before the Magistrate. Said case is still pending before Judicial Magistrate Ist Class, Narwana. He also filed petition seeking independent probe by constituting Special Investigation Team. Instead of taking action against accused persons, petitioners were picked up from their residence and were harassed and were compelled to sign on some dotted lines. A representation was given to police, which is Annexure P-4 but no action was taken. Ultimately, present petition was filed.

3. Status report is already filed, according to which proper investigation was carried out by police. In pursuance of order dated 14.08.2014 in Civil Writ Petition No. 16304 of 2014, appropriate steps were taken to protect life and liberty of petitioners. Letter addressed to DSP and SHO, Police Station Garhi is Annexure R-2. Action taken vide letter dated 29.10.2015 in pursuance of order dated 15.10.2015 in Civil Writ Petition No. 22101 of 2015 is Annexure R-3. In-fact, Bharat Singh petitioner No. 3 is wanted in FIR No. 118 dated 08.06.2023 under Section 323, 34, 376(a)(b), 506 of IPC and Section 6 of POCSO Act, Police Station Garhi. Allegations levelled by petitioners are without any basis. It is further pointed out that in case there is any threat perception to petitioners, appropriate steps will be taken. It is further argued that regarding FIR No. 86 dated 21.04.2013 under Section 354, 294, 452, 34 of IPC, Police Station Garhi, cancellation report was prepared and same was accepted by learned Judicial Magistrate Ist Class, Narwana vide order dated 03.07.2014. Regarding FIR No. 94 dated



CRM-M-21621-2018 (O&M)

-3-

09.05.2014, under Section 306 of IPC, Police Station Garhi, it is pointed out that untrace report has been submitted in Court in which notice has been issued for 14.09.2024.

4. I have considered the arguments advanced by learned counsel for petitioners as well as learned counsel representing State and have carefully gone through the status reports filed from time to time. So far as protection of life and liberty of petitioners is concerned, learned counsel representing State pointed out that appropriate measures will be taken, in case there is any threat perception to life and liberty of petitioners.

Regarding untrace report filed pertaining to FIR No. 94 dated 09.05.2014, under Section 306 of IPC, Police Station Garhi, it is pointed out by learned counsel for petitioners that said untrace report will be contested by concerned petitioner Bharat Singh, as per law.

5. Under these facts and circumstances, let life and liberty of petitioners be protected, considering threat perception and petitioner No. 3 Bharat Singh is also at liberty to proceed in cancellation report accepted in FIR No. 86 dated 21.04.2013 under Section 354, 294, 452, 34 of IPC, Police Station Garhi, as per law and he is also at full liberty to contest untrace report in FIR No. 94 dated 09.05.2014, under Section 306 of IPC, Police Station Garhi, as per law.

6. Petition is accordingly, disposed of.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

11.09.2024

lalit

(AMARJOT BHATTI)
JUDGE