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

229

CRWP-3186-2023 (O&M)
Date of decision: 05.08.2024

Kuldeep Kumar @ Kuldeep Kumar Sarthi**...Petitioner**

Versus

State of Punjab and others**...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Ms. Kanu Sharma, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

Mr. Vivek Chauhan, Advocate
for respondent Nos. 6 to 8.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of directions to respondent Nos. 2 to 4 to protect the life and liberty of the petitioner as well as his family members from the hands of respondent Nos. 6 to 8.

2. While issuing notice of motion on 10.04.2023, the following order was passed by this Court:

“Petitioner – Kuldeep Kumar @ Kuldeep Kumar Sarthi, aged 39 years, has filed instant petition for seeking direction to the official respondents to provide the protection of lives and liberty of his own and his family members, which is at risk at the hands of private respondents No.6 to 8.

Learned counsel for the petitioner submits that petitioner himself is a practising Advocate, is a

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whistleblower, and has pointed out the illegal mining done by private respondents to the police, but no action is being taken till date, because, Police Department is hand in gloves with respondents No.6 to 8.

He further submits that since petitioner has raised voice against land mafia people engaged in illegal mining, he and his family members are being threatened time and again. Therefore, feeling apprehensive of the lives of the petitioner and his family members, representations dated 15.06.2021, 04.07.2022, 02.01.2023 (annexed as Annexures P-1, P-2 & P-3, respectively), and followed by a notice dated 19.01.2023 (Annexure P-4), have been served to the official respondents, but no action has been taken thereon so far. Thus, for seeking protection of lives and liberty of the petitioner and his family members, petitioner has approached this Court by way of present petition.

Notice of motion for 19.07.2023.

On asking of the Court, Mr. Anmol Singh Sandhu, AAG, Punjab, who is present in the Court, accepts notice on behalf of respondents No.1 to 5 (State).

Let requisite copies of the complete paper book be supplied to learned State counsel during course of the day.

Respondents No.6 to 8 would also be served and informed about the next date of hearing fixed before this Court, through respondent No.3 – SHO, Police Station Sujampur.

Meanwhile, respondent No.2 – SSP, Pathankot, would examine the representation(s), which are already submitted by the petitioner, and if any substance of truth is found in the same, he/she would ensure the safety of lives and liberty of the petitioner and his family members.

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At this stage, on instructions from ASI Lekh Raj, who is present in Court, learned State counsel points out that earlier also petitioner has made similar representations, and after making an inquiry, it was found that there was no substance of truth in the same.

Be that as it may, let a fresh status report in the matter, after examining the contents mentioned in the representation(s) of the petitioner, be filed in the shape of affidavit of some responsible senior police official, on or before the next date of hearing.”

3. In pursuance thereof, status report by way of the affidavit of the Deputy Superintendent of Police, Sub Division Dhar Kalan, District Pathankot has been filed, which is available on record. A perusal of the same shows that in compliance with the order dated 19.07.2023, a detailed inquiry was conducted on the representation (Annexure P-) filed by the petitioner. However, no evidence was produced by the petitioner in support of his allegations. Even representation (Annexure P-3), filed by the petitioner, was inquired into and it was found that a mound of sand along with a cart was lying in front of the petitioner's house but there was no hindrance in the movement of vehicle/persons. However, still, keeping in view the objections raised by the petitioner, the said cart was got removed from the spot and even a G.D. No. 26 dated 26.01.2023 was registered at the Police Station Sujampur keeping in view the fact that there may be threat to law and order situation. The receipt of representation (Annexure P-4) is denied. It is also submitted that the petitioner had refused to cooperate in the inquiry and to get his statement recorded. The statements persons were recorded and they had stated

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that no such incident had taken place on 16.06.2023. More so, no evidence was produced by the petitioner to corroborate his allegations with regard to alleged incident occurred on 16.06.2023.

4. In view of the aforesaid facts and circumstances and also keeping in view the conduct of the petitioner during the course of inquiry conducted by the police authorities on his representations, this Court is of the considered opinion that no case has been made out to issue any direction to the official respondents. Accordingly, the present petition is dismissed.

05.08.2024 <i>Waseem Ansari</i>	(MANISHA BATRA) JUDGE
<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>