

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

117

CRWP-3446-2024

Date of Decision : May 14, 2024

KANWALJIT SINGH

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Himani Kapila, Advocate
for the petitioner.

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

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as filed under Article 226 of the Constitution of India, the petitioner has sought issuance of directions upon the respondents No.2 to 4, to ensure protection of his and his family's life and liberty at the hands of respondents No.5 to 11.
2. This Court had, on 20.04.2024, directed the learned State counsel to file a reply, detailing therein, whether the alleged threat perception genuinely exists or not.
3. Today, in compliance of the directions (supra), the learned State counsel has filed a reply, on affidavit of Gurwinder Singh, PPS, Deputy Superintendent of Police, Kalanaur, District Gurdaspur, which is taken on record. This reply makes revelations that, in fact, there is a property dispute *inter se* the petitioner and his brothers (respondents No.5 and 6) and there is no threat to the life and liberty either of the petitioner

or his family. What further emerges from this reply, is that, the petitioner is a habitual offender, inasmuch as, he is involved in as many as seven criminal cases. Apart from the above, this reply also discloses that, the petitioner had earlier filed a COCP No.2507 of 2022 before this Court, impleading therein the Senior Superintendent of Police, Gurdaspur (deponent) and another as respondents, however, the said COCP reaped no fruits, as it became rendered infructuous, vide order dated 05.01.2023.

The relevant paragraphs of this reply are reproduced hereinafter:-

*“3. That in compliance of the above said order, the report has been obtained from SHO Police Station Kalanaur, which confers, that the Petitioner had reported a complaint against respondents No. 5 to 11 before Hon'ble SSP, Distt. Gurdaspur and requested to take legal action against the Respondent No. 5 to 11 for causing a threat to life under a property dispute and sought security towards himself and his family from any kind of threat to life cause by and from Respondent no. 5-11 (the details of the complaint is attached with the present Petition as "Annexure- P-7"). Thereafter, an inquiry was conducted by SHO Police Station Kalanaur, whereby, **it was revealed that the issue pertains to the complaint is related to a property dispute by and among the petitioner and his brothers namely Sukhdev Singh and Barinder Singh (Respondent No. 5 to 6).***

*4. It is submitted that during the fresh review of the security of the petitioner, **it appears that there is no fresh threat to the petitioner and his family members from the private respondents as of now.** However, the directions have been issued to SHO Police Station Kalanaur to protect the life and liberty of the petitioner and his family members.*

*5. That it is humbly submitted that the **petitioner is a habitual offender.** The following criminal cases have been registered*

against the petitioner:-

i. FIR No. 58 dated 21.02.2004 u/s 304/279 IPC Police Station Sector-36, Chandigarh.

ii. FIR No. 26 dated 24.03.2004 u/s 420 IPC Police Station Kalanaur.

iii. FIR No. 139 dated 15.11.2007 u/s 420 IPC Police Station Kalanaur.

iv. FIR No. 48 dated 04.03.2007 u/s 279/337/304-A IPC Police Station Ambala, District Una (H.P.).

v. FIR No. 18 dated 24.02.2021 u/s 420/120-B IPC Police Station Kalanaur.

vi. FIR No. 157 dated 01.07.2022 u/s 420/34 IPC Police Station City Gurdaspur.

vii. FIR No. 160 dated 06.07.2022 u/s 420/34 IPC Police Station City Gurdaspur.

6. It is pertinent to mention here that in this regard, the petitioner had filed a COCP No. 2507 of 2022 in the Hon'ble Punjab and Haryana High Court, Chandigarh regarding life and liberty against the then SSP/Gurdaspur, deponent and another. The above-said COCP has been rendered infructuous by the Hon'ble High Court vide order dated 05.01.2023."

4. In view of the specific disclosures made in the reply (supra), when there is no threat to the life and liberty of the petitioner and his family, this Court is not inclined to make the asked for mandamus upon the official respondents. Consequently, the instant petition is **dismissed**.

May 14, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No