



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

CRWP-4066-2024

Date of Decision : 13.08.2024

JAGDEV SINGH AND OTHERS

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Dr. Kanu Sharma, Advocate with
Mr. Vishal Sharma, Advocate and
Mr. Gaurav Sharma, Advocate,
for the petitioners.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition filed under Article 226 of the Constitution of India, prayer is made for issuance of *mandamus* upon the official respondents to conduct inquiry/investigation as well as to ensure protection of the life and liberty of the present petitioners at the hands of private respondents no.7 to 24.

2. In the instant matter, vide order dated 16.05.2024, this Court had directed the State to file a reply to the instant petition, after ascertaining, whether, there is any threat perceptions to the life and liberty of the present petitioners. In deference to the above directions, today learned State counsel has filed a status report, dated 12.08.2024, by way of an affidavit of Sh. Kamaljit Singh, DSP, Sub-Division Sardulgarh,

District Moga, which is ordered to be taken on record and a copy thereof supplied to learned counsel for the petitioners.

3. The reply (*supra*), reflects that there was a scuffle between the petitioners and the private respondents, pertaining to a land dispute, and prosecution agency was set into motion on an information (medical *ruqa*) received at Police Station Sardulgarh from Sub-Divisional Hospital (SDH), Sardulgarh, regarding admission of injured persons i.e. Jagdev Singh, Jagmeet Singh and Rajwinder Singh. Thereupon, the statement of the complainant Jagdev Singh was recorded by the investigating officer concerned and after obtaining the MLR of the injured concerned, an FIR no.48 dated 20.03.2024, under Section 324, 323, 148 and 149 IPC was registered against the accused persons, i.e. respondents no.7 to 24 and 25 and other 4-5 known persons at Police Station Sardulgarh.

4. What further transpires from the study survey of the reply (*supra*), that on the statement of one Makhan Singh son Jagir Singh, a cross-case vide DDR No.57, dated 20.03.2024, under Sections 324, 323, 148 and 149 IPC, has been registered against the present petitioners, who are the victims in the FIR (*supra*). The investigation in the FIR was carried out and some of the accused persons were arrested and subsequently, they were enlarged on regular bail, and some of the persons were found innocent. In the similar way, during the process of conducting investigation in the cross-case to the FIR, some of the accused persons including the present petitioners were arrested and as the offences being

bailable in nature, they were released on bail by the investigating officer concerned.

5. It also transpires from the perusal of the reply (*supra*), that during investigation offence under Section 325 IPC, was added, in the FIR case, and now the investigation is at final stage.

6. Reply further states that on 12.07.2024, again a complaint was received from Amanpreet Kaur wife of Malkeet Singh, regarding scuffle between the two groups on a piece of land. Therefore, the prosecution agency in order to maintain law and order situation, preventive action, under Sections 126 and 170 of BNSS was taken, against number of persons which includes some of petitioners and some of the private respondents. So far as the specific representation dated 15.04.2024 (Annexure P-4), is concerned, wherein the petitioners have shown apprehension to their life and liberty, same has been examined and inquired into by the SHO concerned, and it was found to be incorrect rather it has been opined that arrest of some of the persons in cross-case is still pending, therefore, the instant petition has been filed.

7. This Court has also examined petition filed by the petitioners and finds that the petitioners have conveniently concealed the *factum* of registration of cross-case registered vide DDR (*supra*), against them, and also have not disclosed that some of the petitioners are still running from the clutches of law. The petitioners conveniently in order to get a favourable order from this Court disclosed selective facts. In case the petitioners are invoking the inherent powers of this Court, they should have approached this Court with clean hands, but unfortunately, in the

present case, the endeavour is to obtain some favourable order by concealing the material facts.

8. Even otherwise, there is nothing on record which could substantiate the case of the present petitioner and from which this Court can infer that there is any threat perceptions to the present petitioners, requiring this Court to pass any *mandamus* upon the official respondents at this stage.

9. Though this Court wants to impose exemplary costs on account of material concealment as discussed above, however maintaining the utter restraint, the instant petition is ordered to be **dismissed**.

10. It goes without saying that in case, in future, there is any genuine apprehension to the life and liberty of the present petitioners, they can approach the competent authority/forum.

August 13, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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