



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

Date of decision: 12.09.2024

.... Petitioners

Versus

.... Respondents

Present: Mr. Baltej S. Sidhu, Senior Advocate with
Mr. Gurpreet S. Brar, Advocate, for the petitioners.

Ms. Avneet, AAG, Punjab.

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1. Present criminal writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction in the nature of mandamus directing the respondents to ensure the life, liberty and well-being of the petitioners and further, respondent No.4 be directed not to harass the petitioners on the basis of complaint made by respondent No.5.

2. The case of the petitioners is that on 09.01.2019, petitioner No.1-Jasbir Kaur entered into an agreement to sell her land measuring 11 acres at Village Mohlan @ Rs.11 lacs per acre, with respondent No.5-Baldev Singh, and received Rs.15 lacs as earnest money. The date of execution of sale deed was fixed as 30.05.2019. But due to unsound financial position, respondent No.5 was not in a position to get the

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sale deed executed, however, on the request of the petitioners, respondent No.5 gave them a self-declaration dated 04.02.2019 that by selling his plot at Faridkot city, he would arrange the amount and get the sale deed executed on the date fixed, failing which, the agreement be treated as cancelled and the earnest amount would be forfeited by petitioner No.1. But on 25.02.2019, respondent No.5 entered into an agreement to sell of the said land with another person, namely, Manjeet Singh @ Rs.12,70,000/- per acre and received earnest money of Rs.37 lacs and he also fixed the date of execution of sale deed as 30.05.2019. However, on the date fixed i.e. 30.05.2019, neither respondent No.5 came nor he brought Manjeet Singh for execution of sale deed before the Sub-Registrar.

2.1 After waiting for long and further, petitioner No.1 was in dire need of money, she entered into an agreement to sell for the said land of 11 acres on 11.08.2019 with one Swaran Singh @ Rs.14 lac per acre and received earnest money of Rs.15 lacs. The date of execution of sale deed was fixed as 15.11.2019. But he also did not turn up before the Sub-Registrar, for the reasons best known to him.

2.2 Thereafter, in order to harass and humiliate the petitioners, respondent No.5-Baldev Singh filed a complaint before Senior Superintendent of Police, Sri Muktsar Sahib i.e. respondent No.2, regarding cheating on the pretext of selling land. On the said complaint, DSP, Sri Muktsar Sahib conducted a detailed inquiry and found no fraud, as alleged.



2.3 On 12.05.2022, said Baldev Singh-respondent No.5 along with his henchmen came in the field of petitioner No.1 and threatened the labourers working over there to flee away from the land and also abused them and said that he would take possession of that land. The matter was reported to the police. DSP, Malout had been conducting inquiry. Petitioners were being called time and again by the DSP to join investigation. The petitioners also submitted application to respondents No.2 to 4 that they were being harassed by the police at the hands of respondent No.5, but to no avail.

3. It is contended that the police in connivance with respondent No.5 are continuously harassing the petitioners for refund of the earnest money which has been forfeited as per the terms and conditions of agreement to sell dated 09.01.2019 (Annexure P-1).

4. Vide order dated 20.12.2023, status report dated 19.10.2023 filed on behalf of respondent No.1 to 4, has already been taken on record. Thereafter, the matter could not be taken up for hearing. The relevant extract of said report reads as under:-

“... It submitted that the private respondent No.5 made an application (No.1065-PC4/22 dated 09.05.2022) to the S.S.P., Sri Muktsar Sahib in which he alleged that the petitioner No.1 agreed to sell the land to him and that she is now not executing the sale deed and the request was made for conducting enquiry which was marked to the D.S.P, Malout.

During the enquiry, the statements of both the parties were recorded. During the enquiry, it was found that no police action was required to be taken regarding the allegations contained in the above said application, which are now the

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subject matter of the present petition. The enquiry report No.641-PC-Reader-DSP-Malout dated 21.01.2023 submitted by the DSP, Malout was also approved by the S.S.P., Sri Muktsar Sahib.

7. That it is submitted that the police never harassed or threatened the petitioners and never pressurized the petitioners for refunding the amount. Further, the allegations that there is danger to the life and liberty of the petitioners from the police or the private respondent No.5, are false. False allegations have been leveled against the police. No cause of action has accrued to the petitioners.”

5. In view of above report, no action is required on the present petition and it is disposed of accordingly. However petitioners are free to approach respondent Nos. 1 to 4, in case they apprehend any danger to their life and liberty.

(GURBIR SINGH)
JUDGE

September 12, 2024

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No