



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

246

CRWP-5794-2024
Date of Decision: 30.09.2024

SUKHWANT SINGH
Versus
STATE OF PUNJAB AND OTHERS
...Petitioner
...Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Ms. Malkit Kaur, Advocate for the petitioner.
Ms. Avneet, AAG, Punjab along with
Mr. Deepak Pareek,IPS, SSP, SAS Nagar.

GURBIR SINGH, J (ORAL)

On 29.07.2024, following order was passed by this Court:-

“ On 20.06.2024, the following order was passed by this Court, which is as under:-
The instant criminal writ petition has been filed by an old father (petitioner) seeking protection of his life and personal liberty from his son.
Learned counsel for the petitioner submits that the petitioner had moved an application dated 15.06.2023 (Annexure P-6) to the Senior Superintendent of Police, Mohali (SAS Nagar) but no action has been taken so far and now the petitioner is at the mercy of the local people. It is further submitted that the petitioner is an owner of approximately 16 acres of land which was got transferred by his son respondent No.6 fraudulently.
Notice of motion to official respondent Nos. 1 to 5, only at this stage.
Mr. Manmeet Singh Teji, AAG, Punjab accepts notice on behalf of the State. He seeks some time to file the reply.
State to place on record the copy of the order



passed on the application dated 15.06.2023 (Annexure P-6) filed by the petitioner. If no order is passed on the said application, then concerned officer shall give explanation for the delay in disposing of the application.

Reply to the petition be filed.

It be ensured that reply be filed well in time otherwise gazetted officer/concerned from the office of SSP, Mohali (SAS Nagar) shall appear in person on the next date.

Adjourned to 02.07.2024.

Till then SSP, Mohali shall ensure that no harm is caused to the petitioner at the hands of the private respondents.

Later on 02.07.2024, the following order was passed by this Court, which is as under:-

‘Learned Deputy Advocate General, Punjab submits that due to exam duty with regard to the recruitment of the constable, reply could not be prepared. He seeks short adjournment.

On his request, adjourned to 29.07.2024.

Reply be filed by way of affidavit of some gazetted officer on or before the next date of hearing with advance copy to the counsel opposite, otherwise SSP Mohali shall appear in person.’

Status report dated 27.07.2024 by way of an affidavit of Harsimran Singh Bal, PPS, Superintendent of Police (City-II), District SAS Nagar, on behalf of the respondent Nos.1, 2 and 5 has been filed today in the Court and the same is taken on record, subject to all just exceptions.

It is not mentioned in the affidavit when these representations have been disposed of. This is also one of the grievance of the petitioner by filing the affidavit. An attempt has been made to mislead the Court.

The Director General of Police, Punjab will look into the matter and submits a report. It was also mentioned in the earlier order, if it is not filed then the concerned officer shall appear in Court in person but the concerned officer has also not come present. The DGP, Punjab is directed to look into the matter and submits a report.

Adjourned to 17.09.2024.

Report be filed on or before the next date of hearing.”



Thereafter, on 17.09.2024 when the matter was taken up, the following order was passed:

“ Learned State counsel seeks some more time to file the reply.

Mr. Deepak Pareek, IPS, Senior Superintendent of Police, SAS Nagar, Mohali along with Mr. Harsimrat Singh Bal, DSP, SAS Nagar, City-II, Mohali is present in the Court. He submits that the Director General of Police (DGP), Punjab had ordered to the Deputy Inspector General of Police (DIG), Ropar Range for conducting an inquiry but DIG is on leave. He seeks short adjournment to file reply. He also assures the Court that he will look into the matter personally and try to redress the grievance of the petitioner in accordance with the law.

Keeping in view that SSP, SAS Nagar, Mohali has assured to do the needful, compliance report as per order dated 20.06.2024 be filed on 30.09.2024.

Interim order to continue.”

In compliance of the aforesaid order, status report by way of affidavit of Nilambari Jagadale, IPS, Deputy Inspector General of Police, Rupnagar Range, Rupnagar has been filed and the same is taken on record. As per said affidavit, the para No. 17 which is reproduced below for reference:

“ That in compliance with the orders passed by this Hon'ble Court and in compliance with the directions issued by the office of Director General of Police, the deponent has personally looked into the present case. The allegations levelled by the petitioner are neither substantiated with any evidence or witness nor did the dispute between the parties revealed commission of any cognizable offence. The dispute, if any, between the parties is civil in nature. No action by the police is required in the present matter.”



The dispute is between father and son. No overt act has been mentioned in the petition that private respondents committed any offence against the body of the petitioner. The petitioner in fact wants sufficient space to live. No such order can be passed in this petition. Petitioner is free to take legal course. The petitioner wants that legal action regarding forgery be taken by official respondents against private respondents. This relief is also not part of protecting life and liberty. A person who invokes the writ jurisdiction of this Court must restricts his prayer for which writ can be issued. One must come to the Court with clean hands. Pleadings and prayer clause must be unambiguous and not vague. There is tendency to create confusion and linger on the matter. Such practice must be curbed. The petitioner is free to initiate action as per law on appropriate proceedings on the allegation of forgery against private respondents.

In this petition, no writ can be issued to official respondents. This writ petition is dismissed with liberty to the petitioner to take appropriate remedy in accordance with law.

30.09.2024*renu***(GURBIR SINGH)
JUDGE**

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