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

CRWP-10255-2021 (O&M)

Date of Decision:- 18.09.2024

Rashpal Singh Bahia

....Petitioner

Vs.

State of Punjab and Others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Vijay Lath, Advocate
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

Mr. Gurinder Singh Dhillon, Advocate
for respondent No. 6.

AMARJOT BHATTI, J. (Oral)

1. Petitioner Rashpal Singh Bahia filed criminal writ petition under Article 226 of Constitution of India for issuance of direction to respondents No. 1 to 4 to protect life, liberty and property of petitioner from the hands of respondents No. 5 and 6 or for issuance of any other direction which the Court may deem fit and proper in the given facts and circumstances of case.

2. Learned counsel for petitioner argued that petitioner is running business under the name and style of Tandoori Bites on the given address since 2003. He had taken said premises on lease from original owner Naib Singh. He has relied upon two agreements i.e. one dated 04.03.2003 and another dated 11.08.2005, which are Annexures P-1 and P-2 respectively. It is further pointed out that after the death of Naib Singh in the year 2012, his legal heirs i.e. wife Satinder Kaur, daughter Amandeep Kaur and son

Ramandeep Singh allegedly gave General Power of Attorney to Gurwinder Singh and sold the property to Apinder Singh Nijjar vide sale deed dated 03.03.2020. Said Apinder Singh Nijjar is stated to be resident of America and Kuljit Singh Bahia-respondent No. 6 is claiming himself to be his General Power of Attorney holder. It is argued that Kuljit Singh Bahia-respondent No. 6 with the support of Senior Superintendent of Police, SAS Nagar, Mohali-respondent No. 5 started compelling petitioner to keep their share in his business, otherwise, he will have to face dire consequences. He was repeatedly harassed by respondents No. 5 and 6, who are also trying to take forcible possession of premises regarding which civil litigation started. Copy of plaint in suit for permanent injunction filed by petitioner-Rashpal Singh Bahia in case titled "Rashpal Singh Bahia and Another Versus Kuljit Singh Bahia", is Annexure P-3. He has also relied upon one inquiry report Annexure P-4 and complaint addressed to Director General of Police and others, which is Annexure P-5. Learned counsel for petitioner also placed on record still photographs, Annexure P-8, when police and respondent No.6 visited his office and one CD is also annexed as Annexure P-7. Petitioner is facing serious threat to his life and liberty as well as to his property.

3. On filing of this petition, life and liberty of petitioner was protected by passing order dated 28.10.2021 and status report was called for. As per status report, learned counsel representing official respondents No. 1 to 4 pointed out that Special Investigating Team has been constituted to find out the reality regarding property in question. After thorough inquiry conducted from both sides, it was revealed that dispute was regarding property. Civil suit is pending in the Court of Phagwara. Inspector General of Police, Jalandhar Range, Jalandhar has already

directed in writing to SSP, Kapurthala to take preventive action, if so required, based on the facts on ground.

4. Respondent No. 6 also filed his detailed reply, confirming the dispute regarding property. All the allegations levelled by petitioner are without any basis. Learned counsel representing respondent No. 6 categorically stated that there is an undertaking from the side of respondent No. 6 that he will not take any action, except in due course of law. Civil litigation is already going on and in that case also they will proceed as per law.

5. Nobody has appeared on behalf of respondent No. 5. However, on inquiry, it is stated that he is no more posted at the given address.

6. Considering the aforesaid factual position, it is clear that civil litigation is already going on between the parties regarding the property in question. Civil rights of parties will be decided by the Court concerned. So far as threat to life and liberty of petitioner is concerned, respondents No. 3 and 4 are directed to take adequate steps in case of any representation or threat perception brought to their notice by petitioner.

7. With aforesaid direction, present petition is accordingly, disposed of.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

18.09.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No