



107

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

CRWP-2174-2025

Date of decision: 05.03.2025

Dipti Singh and others

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Lupil Gupta, Advocate
for the petitioners.

Mr. Subhash Godara, Addl.A.G., Punjab.

Mr. Balbir Singh Sewak, Advocate
for respondent No.6.**HARPREET SINGH BRAR, J. (ORAL)**

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* by directing respondents No.2 to 5 to ensure protection of life and liberty of the petitioners at the hands of respondent No.6.

2. Learned counsel for the petitioners submits that the son of petitioners No.1 and 2 has been falsely implicated in FIR No.20 dated 02.02.2025, registered under Sections 103, 351(3), and 190 of the BNS and Sections 25, 54, and 59 of the Arms Act at Police Station Sadar Bathinda, District Bathinda. The only evidence available on record against the son of petitioners No.1 and 2 is the disclosure statement of the co-accused named in the FIR, namely, Kuldeep Singh and Gurmeet Singh. The petitioners have



already submitted an application before the Deputy Inspector General (DIG), Bathinda Range, seeking a declaration of their son's innocence. Pursuant to this application, an inquiry was marked to the Deputy Superintendent of Police (Rural), Bathinda, on 19.02.2025, which remains pending to date.

3. It is contended that, in order to circumvent due process and exert undue pressure on the petitioners to withdraw their application, the jurisdictional police authorities at Police Station Sadar Bathinda are harassing the petitioners and coercing them to produce their son, namely, Paramjit Singh @ Bhindarjit Singh before the police. It is further submitted that Paramjit Singh @ Bhindarjit Singh is innocent and has been falsely implicated due to village-level factionalism. As per settled legal principles, the alleged disclosure statement of the co-accused, on the basis of which he has been nominated as an accused, is not per se admissible in evidence. Reliance is placed on Sections 25, 26, and 27 of the Indian Evidence Act as well as the judgment of the Hon'ble Supreme Court in *Alok Nath Dutta v. State of West Bengal, 2007 (1) RCR 468*, to contend that no person can be arrested solely on the basis of a confession procured from a co-accused while in police custody. It is submitted that the police authorities seek to arrest the son of petitioners No.1 and 2 solely on the strength of a disclosure statement, which neither appears to be trustworthy nor has been recorded in accordance with law. Such a practice has been repeatedly deprecated by constitutional Courts. Furthermore, it is alleged that respondent No.5 is threatening the petitioners with false criminal implications.

4. In these circumstances, the petitioners pray for appropriate directions to the jurisdictional police authorities to provide seven days' prior



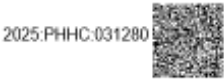
notice, as mandated under Sections 160 and 41-A of the Code of Criminal Procedure, before taking any coercive action. A representation in this regard has already been submitted to the DIG, Bathinda Range, but no action has been taken to date.

5. Upon hearing learned counsel for the parties and perusing the records, it appears that the petitioners have approached this Court on frivolous grounds, with an oblique motive to exert pressure on the jurisdictional police authorities. The pleadings fail to disclose specific details, such as time, date, or manner, regarding the alleged harassment by the police authorities. Moreover, the allegation of harassment stands belied by the fact that, to date, the son of petitioners No.1 and 2 has not been arrested, and his anticipatory bail application is listed for hearing today. Significantly, there is nothing on record to suggest that either the petitioners or their son is being badgered by the jurisdictional police authorities.

6. Furthermore, the petition is entirely silent on the reason for the presence of petitioners No.3 to 7 before this Court. No explanation has been offered regarding their locus standi or how they are affected by the matter in question. This reflects a blatant attempt to misuse the judicial process, warranting strong disapproval. This Court cannot remain a silent spectator to the growing trend of frivolous litigation, which not only clogs the judicial system but also diverts attention from genuine cases requiring urgent adjudication. The present petition, being devoid of merit and filed with a clear intent to abuse the process of law, deserves to be dismissed with costs.

7. Accordingly, the petition stands dismissed with costs of Rs. 10,000/-.

A copy of the order be sent to the learned Chief Judicial Magistrate, Bathinda



for taking appropriate steps for the recovery of the said costs from the petitioners within a period of four weeks from today. Copy of this order be sent to Chief Judicial Magistrate, Bathinda for compliance.

(HARPREET SINGH BRAR)
JUDGE

05.03.2025
Neha

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