



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

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CRWP-6232-2024 (O&M)
Date of decision: 02.09.2025

Harish Kumar and Another

....Petitioners

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Pankaj Midha and Mr. Jatin Bansal, Advocates for the petitioners

Mr. Manipal Singh Atwal, DAG Punjab

Mr. Jasraj Singh, Advocate for respondent No.3

Mr. Manuj Nagrath, Advocate for respondent Nos.9 and 10

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of direction to respondent Nos.1 and 2 to protect life and liberty of the petitioners.

2. Learned State counsel refers to para 1 of the preliminary submissions of status report dated 27.01.2025 filed by Assistant Commissioner of Police, Sub-Division Central, Jalandhar, which reads thus:

“That on 24.09.2024, the Hon’ble Court Justice Kirti Singh passed an order to maintain the status quo and listed for final arguments for 03.10.2024 in the writ CRWP-6232 of 2024 filed by the petitioners. On 25.09.2024, Sh. Amanpreet Singh, respondent No.7 submitted an application Vijay Kumar and Harish Kumar for doing unauthorised construction over the Gurudwara Sahib boundary wall despite the impugned order of 24.09.2024. Rama Mandi Police, Jalandhar put DDR in this regard vide DDR No.17 dated 25.09.2024 and S.I. Narinder Mohan I/C PP Dakoha, along with S.I. Arun Kumar, ASI Jorawar Singh, HC Michal Masih, CT-Jasmitra Singh, CT-Shiv Kumar, L/CT-Rajwinder Kaur, L/CT-Amandeep Kaur, CT-Hari Om and Daoha Chowki force, ASI Bhajan Ram, ASI Dev Raj, CT-Pargat Singh, CT-Ajay Kumar Bains, L/PHG Jeneva, L/PHG Sonia went to Baba Budha Ji Nagar at Place of construction, where police found that Vijay Kumar along with his labour doing construction. The order has been shown to

petitioners but they did not adhere the order of the Hon’ble Court and continues their construction, meanwhile there was the situation became tense as the other parties were also appeared. At the same time, Vijay Kumar instigated labour to continue construction over the dispute property and further instigated that nobody dared to stop construction over the dispute property. So, there was grave apprehension about a breach of the peace of disturbing public tranquility. Vijay Kumar and his labour and muscle men disturb the public tranquility and violate peace by their wrongful acts. Hence, police have taken preventive action against Vijay Kumar and his accomplice and taken him into custody vide GD No.18 dated 25.09.2024 U/S 126/170 BNSS by concealing material facts, the petitioner has filed a false, frivolous and vexatious contempt application, whereas petitioners Harish Kumar and Vijay Kumar @ Vijay Dakoha are the wrongdoers. By concealing the facts mentioned above, petitioners filed the contempt petition and presented criminal miscellaneous applications. Whereas it is in the knowledge of the petitioner that Vijay Kumar @ Vijay Dakoha was arrested by the Police and, on the same day, produced before the Court of the Executive Magistrate instead of filing bail bonds on behalf of Vijay Kumar @ Vijay Dakoha, the petitioner filed the present petition CRM-W-1216 of 2024. It is a settled law that one cannot taken advantage of its own wrong.”

- 3. In view of the above, no further orders are required to be passed.
- 4. Disposed of accordingly. However, leaving the petitioners to avail of any alternate remedy, that may be available, in accordance with law.

(AMAN CHAUDHARY)
JUDGE

02.09.2025

M.Kamra

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