

2025:PHHC:158289



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

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CRWP-9509-2024

Date of decision: 12.11.2025

NARINDER SHARMA

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Mohit Kapoor, Senior DAG, Punjab.

Mr. Pushp Jain, Advocate for respondents No. 6 to 10.

VINOD S. BHARDWAJ. J.(Oral)

The present petition has been filed for seeking directions to respondents No.2 to 4 to protect life and liberty of the petitioner and his family members at the hands of private respondents and for issuing directions to the said respondents not to harass the petitioner on any false criminal complaint.

2. Learned Counsel appearing on behalf of the petitioner contends that the petitioner is a tenant in the property that is owned by respondent No. 6 and 7. In the said property/workshop, petitioner has been running the business of making buses body under the name and style of M/s Ambey Fabricator since last 12-13 years. The rent of the premises was fixed at the rate of Rs. 8000/- per month which is being paid on regular basis. However, the respondents wanted to take unlawful possession of the said property, as a result whereof the petitioner filed



one Civil Suit in the nature of permanent injunction to restrain the respondents and their associates from interfering in the peaceful possession of the petitioner. An interim stay was granted in favour of the petitioner. The respondents No. 6 and 7 however started threatening the petitioner and his family members. Various unidentified persons came to the workshop/premises of the petitioner and started giving beatings to him and his son, resulting in severe injuries. They have sustained various injuries including four injuries on the son while 01 injury was sustained by the petitioner herein. A complaint was accordingly submitted by the petitioner to the respondent-authorities on 03.09.2024 but the Police failed to take any action on the same and was in fact allying with the private respondents, hence, the present petition was filed. Video of the alleged incident was handed over to the Police, however, no action was taken thereupon notwithstanding the fact that an injunction had been granted against the private respondents not to interfere in the peaceful possession of the petitioner.

3. A Short reply by way of affidavit of Rishabh Bhola, IPS, Assistant Commissioner of Police, North Jalandhar already stands filed. It is stated in the same that the present petition is an abuse of the process of law and that an FIR has infact been registered against the petitioner as well as his son. The relevant extract of the affidavit reads thus: -

“6. That the present petition is abuse of the process of law as the same has been filed with ulterior motive to escape action in FIR No. 187, under Sections 115(2), 117(2) and 3(2) of BNS dated 28.09.2024, police Station Division No. 8 against



Narinder Sharma (Present Petitioner), Rahul Sharma (Son of the Present Petitioner) and Satish Sharma (Brother of the Present Petitioner). The same was lodged on the complaint of Balvir Singh (Respondent No. 6).

7. That the statement of Balvir Singh (Respondent No. 6) was recorded by the ASI Gurmail Singh on dated 09.03.2025, wherein he had stated that he has rented out a plot and two shops to the petitioner and when he approached the petitioner to vacate his property, the petitioner started arguing with him and suddenly the petitioner and his sons attacked him and his friends and he suffered injuries. The Respondent no. 6 further stated in his statement that he has serious threat perception from the petitioner and his sons.

True translation of the statement of the Respondent No. 6 namely Balvir Singh dated 09.03.2025 is hereby annexed herewith as Annexure R-1/T whereas the true copy of the same is attached as Annexure R-1.

That the statement of Ishu Respondent No. 9 as well as Teju Respondent No. 10, were recorded by ASI Gurmail Singh on dated 09.03.2025 wherein the respondents no. 9 and 10 had stated that they had no enmity with the petitioner and his family.

True translation of the statements of the Respondent No. 9 namely Ishu and Respondent No. 10 namely Teju dated 09.03.2025 are hereby annexed herewith as Annexure R-4/T and Annexure R-5/T respectively whereas the true copies of the same are attached as Annexure R-4 and Annexure R-5.

9. That the statements of the Respondents no. 7 and 8 were also recorded by ASI Gurmail Singh on dated 09.03.2025, wherein they stated that the on dated 30.08.2024, they along with the Respondents no.6 had gone to the shop of the petitioner regarding the rent agreement and to take the copy of the Aadhar Card of the petitioner, but suddenly petitioner with his son Rahul and Satish



attacked the Respondent no. 6. They had further stated that they took the Respondent no. 6 to the hospital for medical treatment, where MLR was also issued.

True translation of the statements of the Respondent No. 7 namely Raja and Respondent No. 8. namely Sheela, dated 09.03.2025 are hereby annexed herewith as Annexure R-2/T and Annexure R-3/T respectively whereas the true copies of the same are attached as Annexure R-2 and Annexure R-3.

10. That as per the MLR of Respondent No. 6 namely (as mentioned in challan) Balvir Singh suffered total 4 injuries and his tooth got uprooted, which were inflicted by the present Petitioner and his sons.

11. That after thorough inquiry with regard to the threat perception by the Present Petitioner from Private Respondents, it has come to fore that there is no threat perception to the Present Petitioner but the present petition has been filed to pressurize the private Respondents and to circumvent the legal action in the aforesaid FIR. However, keeping in view the sensitivity of the matter the present petitioner has been provided the contact number of the concerned SHO as well as of the Police Station so that in case of any exigency he may contact the police authorities for any help/action. The PCR in the area has been advised to make more frequent patrolling the area.

4. Counsel appearing on behalf of the respondents No. 6 to 10 has not filed any separate reply and relies on the reply filed by the official respondents.

5. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the documents appended alongwith the present petition.



6. It is undisputed that the incident in question took place within the premises of which the respondents claim to be the landlords and the petitioner is in an actual physical possession. It is also undisputed that the Civil Court had granted an injunction against the landlord to not interfere in the peaceful possession of the petitioner. Notwithstanding the same, the private respondent(s) claims to have entered into premises on the pretext of seeking rent. The very fact that a specific order had been passed by the Civil Court renders the respondents intent in entering the premises suspect. It is also apparent that the petitioner as well as his son had suffered as many as 05 injuries. The probabilities thus weigh in favour of the petitioner that the injuries given on the person of the respondent could have been suffered in exercise of the right of private defence by the petitioner herein. However, in the reply that has been filed by the Assistant Commissioner of Police, North, Jalandhar, there is no discussion with respect to the complaint, documents and evidence furnished by the petitioner. I am of the opinion that the Assistant Commissioner of Police, North Jalandhar has seemingly not carried out an impartial job in examining and assessing the allegations levelled by the petitioner and the allegations as set out by the respondents herein and has instead examined one-sided version. The mandate of investigation always is to examine all the allegations in totality before arriving at any conclusion. However, the investigation done here doesn't seem to have followed the above cardinal principle.



7. In the case of Bharati Tamang v. Union of India, (2013) 15 SCC 578 it was observed that If deficiency in investigation or prosecution is visible or can be perceived by lifting the veil which try to hide the realities or covering the obvious deficiency, Courts have to deal with the same with an iron hand appropriately within the framework of law.
8. Considering that the officer has failed to carry out a proper investigation into the allegations levelled by the petitioner and looking into the background including an order passed by the Civil Court, it has thus become necessary for issuance of directions to the Commissioner of Police, District Jalandhar to take appropriate action on the representation that has been submitted by the petitioner and if the allegations levelled by the petitioner are true, to register a cross case on the basis of the allegations set out by the petitioner and to thereafter investigate the matter as per law.
9. The present petition is accordingly disposed of.

NOVEMBER 12, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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