



CRWP-4729-2026

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

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CRWP-4729-2026

Sukhdev Singh

...Petitioner

V/s

State of Punjab and others

...Respondents

Date of decision: 07.05.2026**Date of Uploading: 07.05.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Amarjeet Kaur, Advocate for
Mr. Sukhbir Maandi, Advocate for the petitioner.

SUMEET GOEL, J. (Oral)

1. The petitioner has invoked the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India, seeking issuance of directions to respondent No.2 to protect the life and liberty of the petitioner and his family members from the alleged threats extended by the private respondents. Further prayer has been made for issuance of directions to the official respondents to consider and decide the representation dated 15.04.2026 submitted by the petitioner within a stipulated time.

2. The factual matrix of the case in hand, as pleaded in the present petition, is that the wife of the petitioner had contested the election for the post of Sarpanch of Gram Panchayat, Village Timmowal, Block Jandiala Guru, District Amritsar and emerged as successful in the said election. Thereafter, respondent No. 5 started nursing grudge with the petitioner and his family members. It has been alleged that during the election process also, threats were extended to the petitioner and his wife by certain



gangsters namely Dony Bal and Happy Jat compelling them to withdraw from the election contest. The petitioner has further averred that respondent Nos. 4 and 6 are habitual offenders involved in various criminal activities. The petitioner has further pleaded that on 13.02.2025, respondent No. 5 along with his associates allegedly attacked him with deadly weapons and fired gunshots with an intention to kill him which resulted in injuries to him. In respect of the said occurrence, FIR No. 13 dated 14.02.2025 under Sections 109, 351(3), 61(2) of the Bharatiya Nyaya Sanhita and Section 25 of the Arms Act came to be registered at Police Station Khilchian, District Amritsar (Rural). It has been further alleged that despite registration of the said FIR, the petitioner continued to receive threats from the private respondents compelling him to enter into a compromise and also pressurizing his wife to resign from the office of Sarpanch. The petitioner has further alleged that on 02.04.2026, another incident took place when the private respondents allegedly intercepted the petitioner while he was travelling in his vehicle and fire indiscriminately upon him. However, he narrowly escaped the attack whereas his nephew sustained firearm injuries. In relation thereto, FIR No. 87 dated 02.04.2026 under Sections 109, 191(3), 190, 61(2) of the Bharatiya Nyaya Sanhita and Sections 25 and 27 of the Arms Act was registered at Police Station Jandiala, District Amritsar. It has been further pleaded that the petitioner thereafter submitted a detailed representation dated 15.04.2026 before the Senior Superintendent of Police, Amritsar (Rural) (respondent No.2 herein) seeking protection of life and liberty but no effective action has been taken till date which necessitated the petitioner to approach this Court.



3. Learned counsel for the petitioner has iterated that the petitioner and his family members are facing a grave and imminent threat to their lives at the hands of the private respondents who are allegedly connected with anti-social elements and gangsters operating from abroad. Learned counsel has further iterated that despite registration of two FIRs involving allegations of firearm attacks, the local police authorities have failed to provide any security or protection to the petitioner and his family members. It has been further contended that the inaction of the State authorities amounts to violation of the fundamental rights guaranteed under Article 21 of the Constitution of India. Furthermore, the petitioner has no other effective, speedy or statutory remedy available and is therefore, constrained to approach this Court by way of the instant writ petition seeking protection of his fundamental rights.

4. I have heard learned counsel for the petitioner and have perused the paper-book.

5. The present petition has been preferred under article 226 of the Constitution of India, invoking the extraordinary writ jurisdiction of this court. The primary grievance raised by the petitioner pertains to alleged threats extended by private respondents as they unlawfully interfering in the life of the petitioner and his family members which further endangered their liberty and well being. The pleadings on record reflects that insofar as the incidents dated 13.02.2025 and 02.04.2026 are concerned, the FIRs *ibid* have already been registered by the competent police authorities under the relevant penal provisions and investigations are stated to be in progress. In the considered opinion of this Court, once the criminal law machinery has



investigation unless exceptional circumstances are made out which demonstrate mala fides. The writ jurisdiction under Article 226 of the Constitution is undoubtedly wide; however, such extraordinary jurisdiction is required to be exercised with circumspection and restraint. A writ of mandamus directing grant of police protection cannot be issued as a matter of course merely on the basis of apprehensions expressed by a litigant. In the present case, apart from making general allegations regarding threats and political rivalry, the petitioner has not been able to place any cogent material before this Court to establish that the police authorities have completely refused to act in accordance with law. On the contrary, the registration of the FIRs *ibid* relied upon by the petitioner itself demonstrates that the complaint(s) made by the petitioner have been acted upon by the concerned authorities. As regards protection of life and liberty of the petitioner, no such accentuating facts/circumstances have been brought forward by the petitioner which may warrant interference by this Court under Article 226 of the Constitution of India. It is, thus, indubitable that said apprehension expressed on behalf of the petitioner is nothing but a bald assertion. Mere bald and unsubstantiated averments, devoid of cogent material, do not confer any right on the petitioner to invoke the extraordinary writ jurisdiction of this Court. The invocation of writ jurisdiction must be predicated upon demonstrable facts and credible material that *prima facie* establish a legal right & its infringement. The writ court, being a Court of equity & discretion, is not to be moved on the basis of vague, hollow assertions bereft of probative value.

6. The petitioner has averred to have moved a representation



whereof no action alleged to have been taken by the concerned authority. In case the petitioner is aggrieved by commission of any offence against him, the same can be efficaciously redressed by approaching the competent magistrate having jurisdiction in the matter. It would be apposite to refer herein to a judgment of this Court passed in **CRM-M-34678-2024** titled as **AXXXX vs. vs. State of Punjab and others**, decided on 31.07.2024; relevant whereof reads as under:-

“11. As a sequel to above rumination, the following postulates of law emerge:

I. An Illaqa/Jurisdictional Magistrate has; by virtue of Sections 173 and 175 of BNSS, 2023; the necessary powers and jurisdiction to grant plea(s) for issuance of direction(s) for registration of an FIR, monitoring of investigation in an FIR, change of investigating officer and prayer(s) of alike nature.

II. Ordinarily, an applicant/complainant ought to approach, in the first instance, the Court of Illaqa/Jurisdictional Magistrate to seek prayer(s) for issuance of direction(s) for registration of an FIR, monitoring of investigation in an FIR as also other prayers of akin nature.

III. In a given case, if the facts/circumstances so warrant, the High Court is well within its jurisdiction to entertain and consider plea(s) seeking registration of an FIR, monitoring of investigation in an FIR, constituting an SIT (Special Investigating Team), change of investigating officer & all such prayer(s) of such kind and nature. However, it would be prudent that an applicant/complainant, while seeking to invoke the jurisdiction of a High Court under Section 528 of BNSS, 2023 in the first instance seeking prayer(s) of above nature, shows sufficient cause for not having approached the Illaqa/Jurisdictional Magistrate in the first instance.

IV. A High Court, in its inherent jurisdiction under Section 528 of BNSS, 2023 has unbridled, unfettered and plenary powers. The only restriction on exercise of such powers is self-restraint. No inflexible and comprehensive guidelines can conceivably be enumerated governing the exercise of these intrinsic powers by a High Court under Section 528 of BNSS, 2023. There is no gainsaying that the nature, mode and extent of such exercise of powers by a High Court under Section 528 of BNSS, 2023 shall depend upon the



judicial discretion exercised by a High Court in the facts and circumstances of a given case.”

6.1. It is a well-entrenched tenet of the constitutional jurisprudence that the extraordinary jurisdiction under article 226 is not to be lightly or casually invoked, nor is it to be treated as an alternative forum to bypass established legal channels. The writ jurisdiction, though wide & potent in its sweep, is circumscribed by certain self-imposed limitations rooted in prudence. Where a statutory mechanism is available, which is not only efficacious but also adequate in addressing the alleged grievance, the High Court, in exercise of its writ jurisdiction, must exhibit judicial restraint. The writ Court is not to be converted into a Court of first instance for adjudication of disputes for which an efficacious statutory framework exist. A profitable reference in this regard can be made to the dicta passed by a Constitutional Bench of the Hon’ble Supreme Court in the case of ***Union of India vs. T.R. Verma, 1957 AIR Supreme Court 882***, relevant whereof reads thus:

*“..... It is well-settled that when an alternative and equally efficacious remedy is open to a litigant, he should be required to pursue that remedy and not invoke the special jurisdiction of the High Court to issue a prerogative writ. It is true that the existence of another remedy does not affect the jurisdiction of the court to issue a writ: but, as observed by this court in **Rashid Ahmed v. Municipal Board, Kairana, (1950) S.C.R. 566**, “the existence of an adequate legal remedy is a thing to be taken into consideration in the matter of granting writs”. Vide also **K.S. Rashid & Son v. The Income-tax Investigation Commission, (1954 S.C.R. 738, 747**. And where such remedy exists, it will be a sound exercise of discretion to refuse to interfere in a petition under Article 226, unless there are good grounds therefore.”*

The principle of self-restraint, which this Court ordinarily observes in matters where an alternative remedy is available, acquires



profound relevance & weight when such alternative remedy partakes a judicial character. In such instances, the jurisdiction of this Court ought to be exercised with circumspection, *lest* it transgress the bounds of judicial discipline. To entertain a matter in the absence of the exhaustion of an equally efficacious & statutorily prescribed remedy before competent jurisdictional magistrate would not only amount to an impropriety in the exercise of writ jurisdiction but would also constitute a departure from the salutary principle of subsidiarity that undergirds the statutory scheme. It is neither consistent with the hierarchy of remedies nor constant with the orderly administration of justice for this Court to interlude prematurely, thereby rendering the legislative architecture otiose and undermining the forum expressly designated for such redressal.

7. In view of above, it is ordained as under:

- (i) The present petition is bereft of merit and is hereby dismissed.
- (ii) This Court is constrained to observe that the present petition has been filed in a routine and mechanical manner despite the fact that criminal law has already set into motion by registration of two FIRs on the allegations levelled by the petitioner and the representation submitted by him was pending consideration before the competent authority. The pleadings in the present petition do not disclose any exceptional *nay* accentuating circumstances which may warrant invocation of extraordinary writ jurisdiction of this Court. Furthermore, the petitioner has approached this Court without exhausting the remedy(s) available to him under law and without demonstrating deliberate inaction on the part of the authorities.

Accordingly, the petitioner is saddled with costs of ₹10,000/- to be paid to



weeks from today. In case, the said costs are not deposited by each of the petitioner as directed for; the CJM, Amritsar is directed to intimate the Deputy Commissioner, Amritsar who shall have such costs recovered from the petitioner as arrears of land revenue and upon realization thereof, the Deputy Commissioner, Amritsar shall have the same submitted to CJM, Amritsar, for further remittance thereof to Punjab State Legal Services Committee, Mohali. A compliance report be sent by CJM, Amritsar as also Deputy Commissioner, Amritsar to this Court accordingly.

Registry is directed to transmit a copy of this order to the petitioner; CJM, Amritsar as also Deputy Commissioner, Amritsar for requisite compliance.

(iii). Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

May 07, 2026
Ajay

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