



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

124

CRWP-7135-2026 (O&M)
Date of decision: 16.06.2026

Ashwani Kumar and another

...Petitioner(s)

VERSUS

State of Punjab and others

...Respondent(s)

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

Present :- Mr. Ravi Malik, Advocate for the petitioners
(through V.C.).

Mr. Mohit Kapoor, Sr. DAG Punjab and
Sub-Inspector Rajinder Singh.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for directing the officials respondents No.1 to 3 to protect the life and liberty of the petitioners as well as all employees working in his Dhaba from the hands of private respondents No.5 to 7 and their accomplices.

2. Learned counsel for the petitioners vehemently contends that petitioner No.1 is owner of '*Chandigarh Da Dhaba*' situated at National Highway-152, Ambala-Chandigarh National Highway, Village Sarsini, Tehsil Dera Bassi, while petitioner No.2 is his son. He contends that the petitioners are running the said Dhaba for nearly about 20 years. He contends that respondent No.5 is also running a Dhaba in the name and style of '*Sai Kirpa Dhaba*' and respondent No.6 is a close friend of respondent No.5 and husband of present Sarpanch of the said village i.e. village Sarsini,

Tehsil Dera Bassi, District SAS Nagar (Mohali). It is submitted that the private respondents have been constantly threatening and torturing the petitioner(s) and demanding an extortion amount of Rs.10 lakhs.

3. Learned counsel for the petitioners further submits that the petitioners made several requests to the private respondents to mend their ways. It is submitted that on 15.09.2023, certain persons forcefully entered into the Dhaba of the petitioners and committed vandalism, stole money and made an attempt to kill them. He submits that the petitioners preferred an application/complaint to the Punjab State Human Rights Commission for taking action against the private respondents and to protect their life and liberty. It is contended that during the pendency of the said complaint, on 28.06.2024 before the Punjab State Human Rights Commission, the private respondents and employees of respondent No.5 again launched a vicious attack on the petitioners, wherein petitioner No.2 sustained multiple injuries. It is contended that calls were made by petitioner No.1 on emergency helpline number 112 for police help, however, no action was taken by the police officials. He submits that the petitioners accordingly, came before this Court by way of CRM-M-33779-2024 which was disposed of vide order dated 17.07.2024 with a direction to the Senior Superintendent of Police, SAS Nagar (Mohali) to look into the grievance of the petitioners and take appropriate steps. It is submitted that yet again, on 25.05.2026 at about 8.30 in the morning time, Vikram, an employee of the petitioners, was badly beaten by some unknown persons. The said employee was caught and dragged in front of the Dhaba of private respondent No.5 by one of the private respondents and the said incident was recorded in the CCTV

Cameras installed in the Dhaba of the petitioners. It is submitted that a complaint was submitted yet again by the petitioners before the Punjab State Human Rights Commission and the Commission recommended initiation of a departmental inquiry against the police officials of local police. He contends that the petitioners are being continuously threatened by the private respondents and the police is not taking any action.

4. Learned State counsel, on instructions from Sub-Inspector Rajinder Singh, submits that the present petition is an abuse of the process of law and has been filed solely to pressurise the investigating agency. It is submitted that an FIR bearing No.119/2026 under Sections 115(2), 126(2), 351(2), 296, 61(2) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Lalru, District SAS Nagar, has been registered against the petitioners.

5. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents appended with the instant petition with their able assistance.

6. The entire case of the petitioners is based upon an apprehension that the beatings to their employee-Vikram was caused by certain persons who were allegedly affiliated to private respondents. Further, even though the counsel for the petitioners contends that certain incidents have occurred in the years 2023 and 2024 as well, however, there is no medical evidence to substantiate the same or involvement of the private respondents in the said incidents.

7. The present petition thus gives rise to disputed questions of fact but fails to disclose commission of any cognizable offence at this stage. In

the said circumstances, I do not deem it appropriate to issue any directions as prayed for.

8. The petitioners have an efficacious remedy to approach the Illaqa Magistrate and to file an appropriate complaint, in the event of any pending grievance, if so advised.

9. The present petition is ***dismissed*** at this stage with liberty to the petitioners to approach the Illaqa Magistrate.

(VINOD S. BHARDWAJ)
JUDGE

16.06.2026

Mangal Singh

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