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

**CRM-M-61126-2024 (O&M)
Date of decision: 09.01.2025**

Namdar Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J.S. Brar, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking issuance of direction to the official respondents not to harass the petitioner by conducting multiple enquiries at the instance of respondents No.2 to 4 in violation of Standing Operating Procedure on preliminary enquiries and post-FIR handling of complaints relating to investigation in criminal cases dated 15.02.2024 issued by the office of Director General of Police, Punjab.

2. Learned counsel for the petitioner, *inter alia*, contends that father of the petitioner were three brothers namely Natha Singh, Mitha Singh and



Nazar Singh. Natha Singh-father of the petitioner was having three sons and one daughter, whereas Mitha Singh and Nazar Singh were issueless. Mitha Singh adopted one brother of the petitioner, namely, Gurlal Singh, who is an NRI and the petitioner is his General Power of Attorney holder, as discernible from Annexure P-2 and Nazar Singh adopted another brother of the petitioner, namely, Gurlabh Singh. After death of Mitha Singh on 30.11.2018, on the basis of an application made by his wife Malkeet Kaur in the year 2019 before the DRO-cum-AC 1st Grade, Sri Muktsar Sahib, got sanctioned the mutation of land of her husband in her favour. Thereafter, Gurlal Singh filed an appeal before the Commissioner, Ferozepur Division, Ferozepur, which was accepted and on the basis of aforesaid Will, mutation regarding inheritance of Mitha Singh (deceased) was sanctioned in favour of Gurlal Singh vide order dated 31.03.2021 (Annexure P-3) passed by the Collector (ADC), Sri Muktsar Sahib. It is further contended that Malkeet Kaur died on 27.11.2022 and thereafter, her nephews namely Parminderpal Singh and Satwinderpal Singh filed a suit for permanent injunction (Annexure P-1) against Gurlal Singh and petitioner Namdar Singh, which was withdrawn on 10.04.2024. After that, Parminderpal Singh and Satwinderpal Singh started harassing Gurlal Singh and the petitioner by giving false complaints against them to the police. On 12.05.2021, Malkeet Kaur (since deceased) submitted an application before the Senior Superintendent of Police, Sri Muktsar Sahib and in its conclusion report dated



14.07.2021 (Annexure P-4), it is mentioned that she was not able to produce the original document in her favour, therefore, the said application was filed. Even the appeal filed by nephews of Malkeet Kaur (deceased), namely Parminderpal Singh and Satwinderpal Singh, showing themselves to be her legal heirs, under Section 13 of Punjab Land Revenue Act, 1887 against Gurlal Singh on 03.05.2021, stands dismissed vide order dated 21.12.2023 (Annexure P-5) passed by the Commissioner, Ferozepur Division, Ferozepur.

3. Learned counsel for the petitioner further contends that on 28.05.2021, the petitioner made an application (Annexure P-6) to the Senior Superintendent of Police, Sri Muktsar Sahib, in which it is mentioned that Deputy Superintendent of Police, Malout is hand in gloves with Parminderpal Singh and Satwinderpal Singh, who have political links and he is harassing the petitioner by calling him again and again. Even on 02.12.2021, Malkeet Kaur (since deceased) made a statement (Annexure P-7) before the Inquiry Officer to the effect that her application qua Will be consigned to record room, as the case is pending before the Commissioner, Ferozepur Division, Ferozepur and she would be agreeable to the order passed by the Court. On 20.10.2022, a compromise (Annexure P-8) was effected between Malkeet Kaur (since deceased) and Gurlal Singh, through his GPA holder-petitioner, in which she stated that she is compromising the matter without any undue influence. Even thereafter, one application has been filed against the petitioner before the



Deputy Superintendent of Police, Malout, who, without issuing notice under Section 179 of BNSS, is calling him under the political pressure of Arashdeep Singh, Personal Assistant to the Minister Baljit Kaur, in order to implicate the petitioner in a false case. On 30.05.2023, SI Raman Kumar, SHO Lakhewali submitted a kalandra under Section 164 of BNSS before the Court of SDM, Sri Muktsar Sahib, in which Deputy Superintendent of Police, Malout submitted a report and it was concluded that since the appeal filed by Gurlal Singh had been accepted by the Commissioner, Ferozepur Division, Ferozepur, there is no need to proceed further and the said kalandra was dismissed and consigned to the record room vide order dated 29.02.2024 (Annexure P-9).

4. Learned counsel for the petitioner further submits that the petitioner would be satisfied, in case a direction is issued to the Senior Superintendent of Police, Sri Muktsar Sahib to consider and decide the representation of the petitioner in this regard, in a time bound manner. The petitioner would file a detailed representation within a period of two weeks.

5. Notice of motion to the official respondents only.

6. On asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, assisted by Mr. Satbir Singh Goripuria, DAG, Punjab, accepts notice on behalf of respondent No.1-State and Mr. Arjun Kapur, Advocate accepts notice on behalf of respondents No.2 & 3. Learned counsel for the petitioner is directed to supply copy of complete paperbook to them during course of the day.



7. Keeping in view the prayer made by the petitioner and without commenting anything on the merits of the case, present petition is disposed of. In case the petitioner submits a representation within a period of two weeks from today, Senior Superintendent of Police, Sri Muktsar Sahib will consider and decide the same within a period of four weeks from the date of receipt of representation from the petitioner, in accordance with law.

09.01.2025
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**[HARPREET SINGH BRAR]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No