

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2025:PHHC:135783



(231)

CRWP-6809-2024

Date of Decision: 25.09.2025

Balvir Dass

--Petitioner

Versus

State of Punjab & others

--Respondents

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

Present:- Mr. Deepanshu Grover, Legal Aid Counsel for the
petitioner.

Mr. Saurav Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ.J (Oral)

The present petition has been filed under Article 226 of the Constitution of India praying for directions to the official respondents no.2 and 3 to protect the life and liberty of the petitioner and his family members from the hands of private respondents no.4 to 8.

2. The present petition was filed in the year 2024, however, there was no appearance on behalf of the petitioner either on the last date of hearing i.e. 15.10.2024 or even today. Hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Deepanshu Grover, Advocate (PH/6447/2025), who is present in the Court, is appointed as the Legal Aid Counsel to represent the case on behalf of petitioner to arrive at a decision. He has gone through the case file and submits that the petitioner had purchased a vacant plot in the shape of a shop within the Lal Dora of the village from respondent no.6-Gurwinder Singh as the same fell in his share in the domestic partition effected between the other private respondents.

The agreement to sell was executed on 04.02.2023. The private respondents and some unknown persons then tried to interfere in the possession of the petitioner over the plot in dispute. Accordingly, Civil Suit No.209 of 2023 was filed by the petitioner in the Civil Court, Sunam against the private respondents, wherein interim stay had been granted to the petitioner. He submits that the respondents had been interfering in the possession of the petitioner and they had been extending threats to the petitioner that they would dispossess the petitioner from the shop despite the stay order of the Civil Court. On 19.04.2024, the private respondents and some unknown persons entered the house of the petitioner armed with deadly weapons and threatened the petitioner to vacate the possession over the plot in dispute, failing which the petitioner and his family members would be harmed. Hence, the present petition had been filed.

3. Consequent to the notice issued to the respondents, reply by way of affidavit of Prithvi Singh, Dy.S.P., Sub Division, Dirba on behalf of respondents no.1 to 3 has been filed. The relevant extract of the reply reads as under:-

“3. That the representation dated 19.04.2024 annexed with the present petition as Annexure P-3, was received from the petitioner BalvirDass vide diary no. PGD-ID 336680 in the office of SSP, Sangrur. inquiry into the said representation was conducted by SHO, P.S. Chhalji. The inquiry Officer after conducting a thorough inquiry, submitted its report dated 25.05.2024 and on the basis of said inquiry report, the answering deponent further submitted its report vide no. 310/5P/DSP Dirba dated 05.06.2024 that from the inquiry conducted by SHO, P.S. Chhajli, it has been found that, during inquiry, the Inquiry Officer in order to join the applicant Balvir Dass in the inquiry, notice No. 450/5A/PS

Chhajli dated 24.04.2024 and 475/5A/PS Chhajli dated 28.04.2024 were got noted. Apart from this, ASI Sanjeev Kumar also informed the applicant Balvir Singh to join the inquiry and record his statement several times over the telephone. But he did not join the inquiry.

Apart from this, the persons from opposite side namely, Gurwinder Singh @ Guri and Amritpal Singh sons of Joginder Singh, Gurmail Kaur widow of Joginder Singh, Kulwant Kaur wife of Amritpal Singh and Kuldeep Kaur wife of Gurwinder Singh @ Guri residents of near G.M. Model school Chhajali were made to join the inquiry. Above-said Gurwinder Singh @ Guri has recorded his statement that, "I am a resident of the above-said address. I do work as labourer. Our dispute over the shop is going on with Balvir Dass son of Jangir Dass, a resident of Chhajali. Regarding which Balveer Dass has filed a case No. CS/209/2023 in the Court at Sunam, in which the next date of hearing is 22.07.2024. Whatever decision, would be taken by the Hon'ble Court, the same will be accepted to me. We never abused Balvir Dass or his family members nor gave any threats nor we will do so in the future also. There is no truth in the application which has been filed by Balvir Dass against us. Balvir Dass has been submitting applications only to put pressure on us." The statement of Gurwinder Singh has been duly corroborated by Amritpal Singh, Kulwant Kaur, Gurmail Kaur and Kuldip Kaur.

From the inquiry report of Station House Officer, Police Station Chhajli, the matter was found to be a dispute over the land of shop. Regarding which Balvir Dass has filed a case number CS/209/2023 in the Court at Sunam, in which the next date of hearing is 22.07.2024. Apart from this, a preventive action has already been initiated vide DDR No. 20 dated 27.03.2023, Roznamcha, Police Station, Chhajli against the opposite party namely Gurvinder Singh @ Guri and Amritpal Singh sons of Joginder Singh, Gurmail Kaur widow of Joginder Singh, residents of near G.M. Model School, Chhajli.

Currently there is no apprehension of threat to peace. So, since the matter is already under the consideration of the Hon'ble Court, there is no action required to be taken by the local police on the application. In view of the said facts, it was recommended that the application may kindly be consigned to the office record.

*After agreeing with the said inquiry report, the representation (Annexure P-3) was consigned to the record, by the Senior Superintendent of Police, Sangrur on 08.06.2024. **(True translated copy of inquiry report is annexed as Annexure R-1/T and true translated copy of statement of Gurwinder Singh @ Guri (respondent no. 6) is annexed as Annexure R-2/T for the kind perusal of this Hon'ble Court.***

4. That according to the detailed facts mentioned above, due to dispute over the land of shop, which is of a civil nature, no action was required to be taken by the local police, on the representation Annexure P-3. However, keeping in view the apprehension of breach of peace, preventive action was initiated vide DDR no. 20 dated 27.03.2023 Rojnamcha, P.S. Chhajli against Gurvinder Singh @ Guri and Amritpal Singh sons of Joginder Singh, Gurmail Kaur widow of Joginder Singh, residents of near G.M. Model School, Chhajli. So, the present petition rendered as infructuous and same deserves to be disposed of, in accordance with law.”

4. Legal Aid Counsel appearing on behalf of the petitioner does not dispute that notwithstanding the said reply being filed in September, 2024 and more than a year having elapsed since then, no counter affidavit has been filed by the petitioner.

5. It is evident from the perusal of the aforesaid reply that the police had inquired into the representation submitted by the petitioner and recorded a finding that there is no subsistent threat to the petitioner.

6. Having heard learned counsel for the parties at length and noticing the contents of the status report/reply filed by the respondents,

there is no valid apprehension or possibility necessitating any extensive measures to be taken by the respondents, this Court is of the opinion that no further directions are required to be passed in the present petition and the same is, accordingly disposed of.

7. At this stage, Mr. J.S. Bhinder, Advocate for the petitioner has appeared and has not disputed the aforesaid position.

A copy of this order be sent to the High Court Legal Services Authority for necessary action.

(VINOD S. BHARDWAJ)
JUDGE

25.09.2025

lucky

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