

(2021) 03 P&H CK 0386

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 8227 Of 2021

Ramesh Nath And Another

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 22-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Citation : (2021) 03 P&H CK 0386

Hon'ble Judges : Avneesh Jhingan, J

Bench : Single Bench

Advocate : S. K. Garg Narwana, Jasjit Singh Johal, Harpeet Kaur

Final Decision : Dismissed

Judgement

Avneesh Jhingan, J

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is filed under Section 482 Cr.P.C. for providing security and protection to the petitioners as well as other members of the Dera. Further prayer is for seeking direction to register FIR against the accused mentioned in para No. 4 of the petition.

As per the pleadings, the petitioners had made a representation dated 4.5.2020 but no action was taken.

Learned counsel for the petitioners submits that the petitioners belong to a particular community. They had Samadhi in the village Bhor Gaon, District Rohtak for more than 100 years; Dera was established about 300 years ago on the land donated by Khap of eight villages. He further submits that the official respondents be directed to register an FIR against the persons mentioned in the petition. It is contended that the incident of 4.5.2020 was reported and thereafter immediately representation was made to Station House Officer but no

action was taken. The photographs of demolition annexed with the petition are relied upon. Submission is that one of the accused is a sitting Member of Parliament. It is stated that since no action is taken, the matter be referred to Central Bureau of Investigation.

On 22.2.2021, learned counsel for the State appearing on advance notice sought time to have instructions.

Today, learned counsel for the State, on instructions from Superintendent of Police, Rohtak submits that there was a Mela at the DERA for three days and due security was provided. She further submits that with regard to the representation made by the petitioner, two Committees - one headed by Additional Deputy Commissioner and other headed by Sub Divisional Officer were formed. The reports of Committees are ready and the same will be communicated to the petitioners within two weeks from today. The contention is that threat perception with regard to the petitioners was considered and in case any such prayer is made in future, the same would be dealt with expeditiously and in accordance with law. She further submits that the issue with regard to demolition of Samadhi etc. was subject matter before the Committees.

Without commenting on the issue as to whether the petitioners can seek security for all the members of the Dera, suffice to say that as per the statement made, during the Mela the police had made arrangements as per the need of the hour. Threat perception to the petitioners was considered and the matter has been kept open. As and when petitioners in case approach the police apprehending threat, the same would be considered expeditiously.

The grievance raised that no action is being taken on the representation dated 4.5.2020 no longer exists. The reports of two Committees would be communicated to the petitioners within two weeks.

The petitioners will be at liberty to avail remedies in accordance with law if aggrieved of the enquiry reports.

In view of disputed facts, it would not be appropriate for this Court to give directions for registration of FIR against the persons named in the petition. The petitioners have remedies in accordance with law in case FIR is not registered.

No case is made out for transfer of the case to Central Bureau of Investigation. The petitioners are yet to get the reports of the Committees. It is not the case as alleged in the petition that the matter was not being proceeded with.

The petition is dismissed.