

**IN THE HIGH COURT OF UTTARAKHAND  
AT NAINITAL**

**Writ Petition (Criminal) No. 1029 of 2012**

Gurpawan Singh Cheema  
and another. ....Petitioners.

Versus  
State of Uttarakhand  
and others. ....Respondents.

Present  
Mr. Arvind Vashisht, Advocate for the petitioners.  
Mr. M.A. Khan, AGA for the State of Uttarakhand.  
Mr. Vipul Sharma, Advocate for respondent no. 3.

**Hon'ble Servesh Kumar Gupta, J.**

1. Having heard learned counsel for the parties and on going through the averments deposited in the counter affidavit and supplementary affidavit, it is evidently clearly that respondent no. 3 Amit Mahajan, with whom the alleged incident occurred on 03.08.2012 at about 03.00 p.m., is carrying a business of iron scrap at Rudrapur. It appears that he is a big businessman. As per allegations, all the accused persons named in the First Information Report including the petitioners kept on pressuring him to give some money, if he wants to run his business peacefully in the area.

2. A long criminal history has been displayed in the papers filed along with the counter affidavit indicating that Gurpawan Singh Cheema (petitioner no. 1) is basically an untoward person. Many a times, FIRs were lodged against him and even, he was found in recovering the illegal money on road by posing himself to be a Regional Transport Officer. Regarding such incident, an FIR was also lodged by Kaushal Pratap Yadav, RTO, Bijnor on 08.12.2011.

3. Looking into the criminal history and nature of offence, this Court is not ready to accept that there is

business rivalry between Amit Mahajan and Gurpawan Singh Cheema.

4. Learned counsel for the petitioners has drawn attention of this Court towards the call details of Amit Mahajan, linking him to be in connection with police officers. This Court feels that there is nothing unusual, if such a big businessman was in regular contact with police officers in order to ensure safety of himself and his business, so these call details are not of much relevance.

5. In view of what has been stated above, this Court does not find any merit in the petition and accordingly, the same is dismissed. Stay application no. 11599 of 2012 also stands rejected.

**(Servesh Kumar Gupta, J.)**

31.10.2012

SKS