

(217)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.634 of 2015
Date of decision: 15.10.2015

Pankaj Bansal

.... Petitioner

Versus

State of Haryana and Ors.

.... Respondents

CORAM: Hon'ble Mr. Justice S.S. Saron.
Hon'ble Mr. Justice Amol Rattan Singh.

Present: Mr. Gaurav Jain, Advocate for the petitioner.

Mr. Pawan Girdhar, Addl. A.G., Haryana.

Mr. Karan Vir Singh, Advocate for
Mr. J.S. Toor, Advocate for UT, Chandigarh
(respondents No.4 and 5)

Mr. Radhe Shyam, Advocate for respondent No.8.

S.S. Saron, J.

The petitioner seeks quashing of the order dated 19.3.2015 (Annexure P1) passed by the District Magistrate, Fatehabad whereby a recommendation has been made for temporary release of Vijay Singh (respondent No.8) on parole for conducting agricultural work. A further prayer has been made for quashing the order dated 8.4.2015 (Annexure P2) whereby the Inspector General of Prisons, UT, Chandigarh (respondent No.4) has ordered temporary release of Vijay Singh (respondent No.8) on parole.

Learned State counsel has submitted that the order of temporary release on parole of Vijay Singh (respondent No.8) has since been cancelled and he has been taken back in custody. In fact the operation of the order granting parole to Vijay Singh (respondent No.8) was stayed by this Court vide order dated 8.5.2015. It is thereafter that the order had been cancelled.

Learned counsel for the petitioner has submitted that the petitioner has also made a prayer for protecting him and his family members' life and liberty as there is a grave threat to them from Vijay Singh (respondent No.8).

Learned Counsel for the State in this regard has referred to the affidavit dated 26.6.2015 of Sh. Shamsheer Singh, HPS, Deputy Superintendent of Police Fatehabad, District Fatehabad in which it is inter alia mentioned that Ravi and Anil Kumar sons of Vijay Singh (respondent No.8) had been declared proclaimed offenders by the Court of Mrs. Sumitra Kadian, learned Judicial Magistrate Ist Class, Fatehabad vide order dated 20.2.2014. Both the said proclaimed offenders were arrested on 24.6.2015 in case FIR No.224 dated 24.6.2015 under Section 174-A IPC registered at Police Station Bhattu Kalan and on 25.06.2015 in case FIR No.222 dated 31.08.2013 registered at Police Station Bhattu Kalan under Sections 148, 149, 302, and 216 IPC. They were arrested by ASI Kishori Lal CIA Staff, Fatehabad. After arrest, police remand was sought from the Illaqa Magistrate and after interrogation; they have been in judicial custody since 26.6.2015 and are confined in Central Jail, Hisar.

Learned counsel for the petitioner, however, submits that there are three other accused namely Shankar son of Nathu

Ram, Sukhdeep son of Shankar Lal and Suresh son of Raj Kumar in case FIR No.222 dated 31.8.2013 registered at Police Station Bhattu Kalan for the offences under Sections 148, 149, 302 and 216 IPC. The petitioner apprehends danger from them. It is submitted that the petitioner filed an application for summoning them as additional accused in terms of Section 319 CrPC. However, his application was dismissed by the learned trial Court against which he has filed a criminal revision petition, which is pending in this Court.

Respondents No.1 to 3 in the circumstances shall consider the grievance of the petitioner in respect of the threat perception to him and in case there is a threat perception, appropriate proceedings and measures in accordance with law shall be taken and protection shall be provided to the petitioner.

Accordingly, the Crl. Writ petition is disposed of.

(S.S. Saron)
Judge

(Amol Rattan Singh)
Judge

15.10.2015
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