

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.27177 of 2015
Date of decision: December 24, 2015

Kapoor Chand and others

...Petitioners

Versus

Union of India and others

....Respondents

CORAM:HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

--

Present: Mr. Parveen Dahiya, Advocate, for
Mr. SPS Tinna, Advocate, for the petitioner.

Mr. Chetan Mittal, Sr. Advocate-Asst.
Solicitor General of India with
Mr. Alok Jain, Advocate-Sr. Panel Counsel,
for the respondent-UOI.

Mr. K.D.S. Sidhu, Advocate,
for respondent No.2 to 5.

HARINDER SINGH SIDHU, J.

An unfortunate incident had taken place on 11.12.2015, wherein, the son of petitioners No.1 and 2, namely Sh.Bhim Tank was killed in a shockingly gruesome manner and brother of petitioner No.2, namely Gurjant Singh was seriously injured.

FIR No.120 dated 12.12.2015 under Section 302, 307, 326, 148, 149 and 120-B of IPC was registered in Police Station Bahaw Wala, Tehsil Abohar, District Fazilka and investigation is in progress.

Apprehending danger to their lives and fearing intimidation from some of the accused, who are still at large, the petitioners have filed this writ petition praying for directions to the respondents to provide adequate security to them to ensure that their life and liberty be protected and also that they are not pressurised/intimidated in any manner from prosecuting the case.

Notice of motion was issued and Shri Mr. Chetan Mittal, Sr. Advocate with Alok Jain, Advocate appears on behalf of respondent No.1 and Shri K.D.S. Sidhu, Additional Advocate General, Punjab appears on behalf of respondents No.2 to 5.

At the very outset, Mr. Sidhu states that petitioners No.1 and 2 have already been provided security, comprising one ASI, one Head Constable and two Home Guards. He further states that petitioner No.3 had been offered security but he had refused.

Learned counsel for the petitioners states that the security provided to petitioners No.1 and 2 is wholly inadequate and the petitioners remain unguarded at times.

Mr. Sidhu, on instructions from Shri Harjit Singh, S.P. Abohar, states that if the security provided is considered inadequate, the same can be augmented to ensure that petitioners No.1 and 2 are provided adequate around the clock security at all times. He also states that adequate security would also be provided to petitioner No.3 and his parents who are also the parents of the injured, namely Gurjant Singh.

Accordingly, the respondent-State of Punjab is directed to provide adequate around the clock security to the petitioners and the parents of petitioner No.3, who are also the parents of injured Gurjant Singh. It shall be the responsibility of respondent No.3 to ensure that this order is complied with and that at no time the petitioners and the parents of petitioner No.3 are left unguarded.

The present direction would operate and bind the respondent-State till the time of presentation of challan in FIR No. 120 dated 12.12.2015 referred to above, after which it will be open to the respondent- State to review the security.

It will be open to the petitioners to approach this Court in case there is any laxity in regard to the security provided or if any of them receives any threat, direct or indirect, or is intimidated or sought to be influenced or prevented in any manner from prosecuting the case.

With the above directions, the petition stands disposed of.

24.12.2015

dkw

**(HARINDER SINGH SIDHU)
JUDGE**