

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-22351-2015 (O & M)
Date of decision:06.05.2016

Kulvir Kaur

...Petitioner(s)

Versus

U.T. of Chandigarh and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sumeet Goel & Mr. K.S. Nalwa, Advocates,
as amicus curiae.

Mr. R.S. Rai, Sr. Advocate,
with Mr. J.S. Toor, standing counsel
for Union Territory, Chandigarh.

Rajan Gupta, J. (oral)

Instant petition was filed before this court by Kulvir Kaur seeking a direction to protect her life and liberty as she was being harassed as her relatives were accused in a case registered vide FIR No.86 dated 01.06.2015 under Sections 307/34 IPC and Sections 25/27/54/59 of Arms Act at Police Station North, Chandigarh.

Incident occurred at 2.00 p.m. on the intervening night of 1st & 2nd June, 2015, outside a discotheque running in the name and style of Score in Sector 8, Chandigarh. A co-ordinate Bench issued notice of motion on July 30, 2015. After learned counsel for Union Territory put in appearance, a query was raised by this court about the timings of closure of discotheques/night clubs operating in the city. Information was also sought regarding antecedents of private security guards employed by such clubs. Certain other queries were raised on subsequent dates.

Mr. Sumeet Goel and Mr. K.S. Nalwa, Advocates were appointed as amicus curiae to assist the court. They submitted that there were no clear guidelines framed by the Union Territory for operation of the discotheques/clubs, etc. and timings for closure thereof.

On November 06, 2015, it was submitted before this court by standing counsel for Union Territory that he had sought instructions from the Advisor. Union Territory was in process of framing of comprehensive policy to govern all such issues pertaining to functioning of clubs and discotheques. It was also stated that the draft policy would be produced before this court. On December 21, 2015, a draft policy was produced and a final notification was issued on February 26, 2016 which would take effect from April 1, 2016, in view of certain issues concerning excise policy.

At this stage, an application has been moved by the learned amicus curiae pointing out that a conscious decision was taken by the Union Territory while framing the policy namely "Controlling of Places of Public Amusement, 2016". Counsel for Union Territory had made a statement before this court on March 17, 2016, that same would be implemented in letter and spirit. Despite a suo motu decision taken by the Union Territory to frame the Policy, an effort has been made to project that Policy had been framed in view of direction issued by this court.

Pursuant to notice issued in CRM-13810-2016, Mr. Rai, Sr. Advocate, for Union Territory, has produced the record in a sealed cover. Same has been opened and perused. Certain queries have

been put to him in light of the notings contained in the file referring to directions given by this court. Mr. Rai asserts that the notification has been issued after consultation with various departments of Union Territory. However, while processing the file, notings in question may have been recorded inadvertently by the officials of the administration.

As the policy has come into operation, issues arising in the petition stand settled. The grievance of the petitioner stands redressed in view of statement made before this court by Union Territory counsel on 27.08.2015 that action, if any, pursuant to the FIR would be taken only as per law. Petition is, thus, disposed of. Record of the case be resealed and handed over to standing counsel for Union Territory.

06.05.2016

sukhpreet

**(RAJAN GUPTA)
JUDGE**