

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-43375 of 2014
Date of Decision: 29.09.2017

Raj Kumar

....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajesh K. Dadwal, Advocate
for the petitioner.
Mr. Ayush Sarna, AAG, Punjab.
Mr. S.S. Sandhu, Advocate
for respondent no.3-CBI.
Mr. Aman Bansal, Advocate
for Mr. Pankaj Bhardwaj, Advocate
for respondent no. 6.

SURINDER GUPTA, J.(Oral)

Heard.

Learned counsel for the petitioner submits that petitioner was a witness in case bearing FIR No. RC No. 1(S)/2006/SIU-1 dated 27.03.2006 registered at CBI/SCR-1/New Delhi, for offences punishable under Sections 120-B, 420, 468 and 471 IPC and Section 13 (1) (d) read with Section 13 (2) of Prevention of Corruption Act. The petitioner had made statement against respondent no. 6, who is also resident of Ludhiana. Thereafter, in order pressurize and harass the petitioner, respondent no. 6 got him involved in so many cases in connivance with the police. The petitioner was also involved in one case registered in Jammu for offence punishable under Section 376 IPC, wherein Special Mobile Magistrate, allowed regular bail to him after taking note of all the facts within seven days of his arrest.

Learned counsel for the petitioner confines the relief claimed in

this case only to the extent that in the event of petitioner facing any threat to his life and liberty from the hands of respondent no. 6 or any of the accused in aforesaid case, direction may be given to Commissioner of Police, Ludhiana to take immediate action on his representation to this effect.

The petitioner is a witness in the case registered by CBI in which respondent no. 6 is an accused. He had on earlier occasions also brought this fact to the notice of trial Court that he is facing threats to his life and liberty but the matter was filed on the report of Additional Director General of Police (Intelligence), Punjab that he does not need any security. It is the primary duty of the State to protect a witness as and when he faces threat from the accused or from any other quarter. This is not only the duty but a solemn responsibility of the State. CBI in its reply has also stated that the relief as sought by petitioner, if any, may be allowed.

In view of submissions of learned counsel for petitioner, I find no reason to go into merits of the petition and dispose of the same with direction to Director General of Police, Punjab and Commissioner of Police, Ludhiana to look into the representation of petitioner, if he faces any threat to his life and liberty at any point of time and take appropriate action in this regard. At the same time, it is also made clear that nothing contained in this order shall be treated as giving protection to petitioner in any civil, criminal or any other proceedings pending or instituted against him.

September 29, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No