

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M No. 33583 of 2018
Date of Decision: 06.08.2018**

Varinder Kumar and another

.....Petitioners

v.

State of Punjab and others

.....Respondents

CORAM HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Rahul Bhargava, Advocate, for the petitioners.

RAJBIR SEHRAWAT, J.

The present petition has been filed seeking directions to respondent No. 2-The Commissioner of Police, Jalandhar, to protect/safeguard the life of the petitioners and further for a direction to the police not to harass them at the instance of respondent No. 3, who is posted as ADCP-City, Jalandhar. Further, prayer is made for taking action against respondent No. 3 and the police officials on the complaint-cum-representation dated 21.07.2018 (Annexure P7) made by the petitioners.

However, during the course of the arguments, learned counsel for the petitioners submits that since the petitioners are apprehending danger at the hands of police only so the police is not likely to take any action on their representation, therefore, they would like to file a criminal complaint against the concerned police officers/officials. But for that purpose they would need to go to the Court of Chief Judicial Magistrate, Jalandhar, for presenting their complaint. During this interregnum, the petitioners apprehend threat to their lives because they cannot even enter Jalandhar without danger to their lives.

Hence, prayer is made that the petitioners be provided protection so that they can approach the competent Court at Jalandhar to file their complaint.

A perusal of the file shows that earlier also the petitioners had approached this Court. Vide order dated 15.12.2015 this Court had directed respondent No.2 to look into the complaint made by petitioner No.1. Again another petition was filed by petitioner No.2, although the same was withdrawn by him with liberty to file fresh with better particulars. Besides this, file also shows that the petitioners have, in fact, approached the Commissioner of Police Jalandhar qua their allegations. Hence, the entire gamut of facts and the documents accompanying the present petition shows that the petitioners might be having some grievance against the respondent No.3, who is a higher police officer.

In view of the above situation, the prayer of the petitioners that they intend to approach the Magistrate for filing complaint against respondent No.3 and that they be enabled to do so, cannot be said to be frivolous or totally unjustified. Since the petitioners are fighting their battle against the police officers/officials, who are highly placed in the District Administration, therefore, the apprehension qua threat to their lives can also not be brushed aside lightly, even if, the same may not be fully substantiated, at this stage, in its right earnest.

In view of the above, the present petition is disposed of with the directions to the Senior Superintendent of Police, Chandigarh to provide police protection to the petitioners, for taking them to the Court of Chief Judicial Magistrate, Jalandhar. For availing this protection the petitioners shall appear before the Senior Superintendent of Police, Chandigarh on 09.08.2018 at

10 am. The Senior Superintendent of Police, Chandigarh shall depute appropriate security personnels from Chandigarh Police, who shall take the petitioners to the Court of Chief Judicial Magistrate Jalandhar. After the petitioners are taken to the Court of Chief Judicial Magistrate Jalandhar, the responsibility of the Chandigarh Police would be over. Thereafter, it would be upto the Chief Judicial Magistrate, Jalandhar to accord appropriate security to the petitioners, if found necessary, and further to deal with the complaint of the petitioners, in accordance with law, if any filed by them before him.

Disposed of.

(RAJBIR SEHRAWAT)
JUDGE

06.08.2018
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Speaking/Reasoned	Yes/No
Reportable	Yes/No