

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.21105 of 2020
DATE OF DECISION : 30th JULY, 2020

Lukman

.... Petitioner

Versus

State of Haryana & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present : Mr. Abhimanyu Singh, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for issuance of directions to respondent Nos. 1 to 3 to take appropriate action on the representation (Annexure P-1) for arresting the accused; with further prayer to this court to call the status report with regard to the investigation and to protect the life and liberty of the petitioner and his family members.

This Court has already held in another petition i.e. **CRM-M-20457 of 2019 decided on 06.05.2019**, that unless the statutory proceedings have already been initiated by a statutory authority or a Court, under Code of Criminal Procedure (for short, 'Cr.P.C'), Section 482 Cr.P.C cannot be invoked for issuance of any direction to the Police or the authorities. Still further it has been held that a petition under Section 482 Cr.P.C., for enforcement of fundamental right to life and liberty is not maintainable. The remedy can be a writ petition under Article 226 of Constitution of India.

In view of the above, counsel for the petitioner seeks permission to withdraw the present petition with liberty to avail alternative remedies; in accordance with law.

Dismissed as withdrawn with liberty aforesaid.

30th JULY, 2020
'raj/ashwani'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No