

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRWP No. 6230 of 2020 (O&M)

Date of decision : August 21, 2020

Habila

....Petitioner

versus

State of Haryana and others

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Jatin Khurana, Advocate, for the petitioner

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Habila has come up in this civil writ petition under Articles 226/227 of the Constitution of India seeking issuance of writ in the nature of mandamus directing the official respondents to protect the life and personal liberty of the petitioner and his family.

Notice of motion to official respondents.

Service of private respondents is dispensed with.

Mr. Baljinder Virk, DAG Haryana puts in appearance and accepts notice on behalf of the official respondents. Let copy of the paper book be supplied to him.

After hearing learned counsel for the parties and perusing the records, as is contended on behalf of the State and as is fairly conceded to at the bar by the counsel for the petitioner, son of the petitioner is facing a criminal case bearing FIR No. 198 dated 1.6.2020, under Sections 67-B of Information Technology Act, 2000 and Sections 363, 366-A, 188, 506 IPC and Sections 6 & 17 of the Protection of Children from Sexual Offences Act, 2012, Police Station Ferozpur Jhirka, District Nuh. However, having regards to the fundamental right of the petitioner for protection of life and personal liberty in terms of Article 21 of the Constitution of India, the present petition stands disposed of with the directions to the official respondents to ensure due protection of life and personal liberty of the petitioners at the hands of private respondents and to act on his representation Annexure P/3 fully in accordance with law. However, it is made clear that this would not be a blanket for the official respondents to prosecute the petitioner in case of any future eventuality.

The petition stands disposed off.

August 21, 2020
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No