

CRWP-549-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision:-20.09.2021.

Sandeep Pathak

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

VIKAS BAHL, J. (Oral)

In the present criminal writ petition filed under Article 226 of the Constitution of India, primarily two prayers have been made. The first prayer is with respect to directing the official respondents to conduct free and fair investigation and making arrest of the private respondents in case FIR No.0219 dated 30.12.2020 under Sections 307/511/323/341/506/427/148/149 IPC, registered at Police Station Kotwali, Bathinda. The second prayer is for issuance of a writ in the nature of *mandamus* to take appropriate strict action upon the representation dated 06.01.2021 (Annexure P-3) filed before respondent No.2 by the petitioner for protecting his life and liberty.

With respect to the first prayer, learned counsel for the petitioner, faced with the dictum of law laid down by Hon'ble Supreme Court of India in case titled **Sakiri Vasu Vs. State of U.P. and others,**

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reported as **2008 (2) SCC 409** and in **M. Subramaniam and another Vs. S. Janaki and another**, **Criminal Appeal No.102 of 2011**, decided on 20.03.2020, prays to withdraw the present petition with liberty to pursue alternative remedies, in accordance with law.

In view of the above-said statement of the learned counsel for the petitioner, the present petition with respect to the first prayer is dismissed as withdrawn with the liberty aforesaid.

Learned counsel for the petitioner has submitted that the petitioner has submitted a representation dated 06.01.2021 (Annexure P-3) to the Director General of Police, Punjab, in which certain facts have been stated by virtue of which, the petitioner has submitted that there is apprehension to his life and liberty. Learned counsel for the petitioner has submitted that a similar representation would be forwarded to respondent No.3-Senior Superintendent of Police, Bathinda and he would be satisfied in case the said respondent No.3 is directed to look into the said representation and after assessing the threat perception, take appropriate action with respect to the sole aspect of protection of life and liberty.

Learned State counsel has submitted that he would oppose any prayer for any action against any person but, however, on the limited aspect of life and liberty, he would have no objection in case limited aspect of protection of life and liberty is looked into by respondent No.3 and appropriate action is taken thereon.

After considering the facts and circumstances of the present case, this Court deems it appropriate to direct respondent No.3 to look into the representation, if any, moved by the petitioner with a limited prayer for only protection of life and liberty of the petitioner and after making

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necessary enquiries, respondent No.3 shall take appropriate action, in accordance with law.

It is, however, clarified that this Court has not gone into the merits of the allegations made by the petitioner and it would be open to respondent No.3 to make his independent enquiry/assessment with regard to representation, if any, moved by the petitioner with a limited prayer aforesaid.

In view of what has been observed above, the present petition is disposed of in the abovesaid terms.

It is, however, clarified that this order shall not debar the State from proceeding against the petitioner, if involved in any case.

(VIKAS BAHL)
JUDGE

September 20, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No