

CRWP-1330-2020

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

CRWP-1330-2020.
Date of Decision:-15.09.2021.

Payal and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ankit Kharbanda, Advocate for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a criminal writ petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the official respondents to protect the life and liberty of the petitioners.

On 07.02.2020, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“In the instant criminal writ petition under Articles 226/227 of Constitution of India, prayer has been made for issuance of a writ in the nature of Mandamus directing respondents No. 2 and 3, to protect the lives and liberty of the petitioners, at the hands of respondents No. 4 to 8.

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Notice of motion for 17.03.2020.

On the asking of Court, Mr. Pawan Sharda, Sr. DAG, Punjab, accepts notice on behalf of respondents No. 1 to 3.

Learned counsel for the petitioners is directed to supply requisite number of copies of paper-book to learned State counsel during the course of the day, failing which this petition would entail dismissal for want of prosecution. Respondents No. 4 to 8 be served through ordinary process, registered post and dasti as well, on furnishing process fee, requisite number of copies of paper-book, registered covers and incidental expenses, if any, within a period of two weeks' from today.

In the meanwhile, respondent No.2-Senior Superintendent of Police, Gurdaspur, is directed to look into the matter and find out the existence of alleged threat perception to the lives and liberty of the petitioners. Respondent No. 2 shall also verify the antecedents of petitioners and residential address given by them and submit report on or before the date fixed.

In case of non-compliance of this order in its letter and spirit, this criminal writ petition would entail dismissal for want of prosecution.”

Learned counsel for the petitioners has submitted that the present petition was filed in the year 2020 and during the pendency of the present petition, the issue has been resolved and at present there is no threat to the petitioners.

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In view of the above-said statement, the present petition is disposed of as infructuous.

However, liberty is granted to the petitioners to move a representation to respondent No.2-Senior Superintendent of Police, Gurdaspur, in case they have any apprehension to their lives and liberty in future and respondent No.2 is directed to look into the matter and take appropriate action accordance with law.

It is, however, clarified that this Court has not gone into the merits of the allegations made by the petitioners and it would be open to respondent No.2 to make his independent enquiry/assessment with regard to the representation, if any, moved by the petitioners with a limited aspect 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 petitioners, if involved in any other case.

(VIKAS BAHL)
JUDGE

September 15, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No