

CRWP-2182-2020 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(212)

CRWP-2182-2020 (O&M).  
Date of Decision:-06.10.2021.

Sahina

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

\*\*\*\*

Present: Mr. Mohammad Arshad, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

(Through Video Conferencing)

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**VIKAS BAHL, J. (Oral)**

This is a criminal writ petition under Article 226 of the Constitution of India, praying for issuance of a writ in the nature of *mandamus* directing the official respondents to provide protection to the life and liberty of the petitioner.

Learned State counsel has submitted that in the present case, the reply has been filed. The relevant portion of the said reply is reproduced hereinbelow:-

*“2. That it is also pertinent to mention here that during the course of investigation conducted by ASI Priyanka and during the course of investigation, a rough site plan of the place of incident was prepared and statements of the witnesses were recorded u/s 161 Cr.P.C. The prosecutrix was recovered and she was got medico-legally examined in CHC, Nuh. The prosecutrix was also produced before the Ld Illaqa Magistrate,*

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*who recorded her statements u/s 164 Cr.P.C. and the prosecutrix was handed over to her family members. After that, the investigation of the present case was conducted by SI Rajma Devi and accused Rishal s/o Lilu r/o Dhulawat was arrested in the present case on 23.03.2020 and he was interrogated by the local police upon, which he suffered his disclosure statement without any pressure and admitted his guilt and also disclosed about his co-accused in the case. The accused has also demarcated the place of incident.*

xxx---xxx---xxx

*4. That it is also relevant to mention here that the private respondent no.5 to 11 Israil s/o Khurshid r/o Rehna, 6 Basir s/o Juhru r/o Rehna, 7 Samsher s/o Bulla r/o Rehna 8. Samshu s/o Mangal r/o Rehna, 9 Aajam s/o Nashiba r/o Tapkan 10 Janu s/o Noor Mohd. r/o Chandeni 11 Walli s/o Fazru were also joined in the enquiry proceedings and statements are recorded in which they have categorically stated that they have neither any danger to the life and liberty of the petitioner nor for his family members. The private respondents have further contended that they will not make any attempt to cause harm to the petitioner, prosecutrix or his family members in future also. Therefore, the allegations against the private respondent no.5 to 11 were not substantiated by cogent and reliable evidence and are found false and frivolous.”*

Learned counsel for the petitioner has submitted that in view of the reply filed by the State, the present petition has been rendered

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infructuous but, however, prays that in case, there is any apprehension to the life and liberty of the petitioner in future, the petitioner may be granted liberty to move a representation to respondent No.3-Superintendent of Police, Nuh, Mewat, Haryana, who may be directed to look into the matter and take appropriate action, in accordance with law.

Keeping in view the above-said facts and circumstances, moreso, the statement made by the learned counsel for the petitioner and also the reply filed by the State, the present petition has been rendered infructuous and is disposed of as such.

However, in case, the petitioner apprehends any danger to her life and liberty in future, it would be open to the petitioner to make a representation to respondent No.3 and respondent No.3 is directed to consider the threat perception to the life and liberty of the petitioner and take appropriate action thereupon, 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 the representation, if any, moved by the petitioner with the limited aforesaid aspect.

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

Since the main case has been disposed of, pending miscellaneous application, if any, shall also stand disposed of.

**(VIKAS BAHL)**  
**JUDGE**

**October 06, 2021.**

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes/No

Yes/No