

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-21883-2021

Date of decision : 10.11.2021

Santokh Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHLPresent: Mr.Sarju Puri, Advocate
for the petitioner.

Mr.A.K.Kaundal, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

In the present petition, primarily two prayers have been made by the petitioner. First prayer has been made to conduct proper and fair investigation in FIR no.02 dated 03.01.2020 registered under Sections 324, 323, 326, 148, 149 IPC at Police Station Zira, District Ferozepur.

With respect to this prayer, learned counsel for the State has submitted that out of eight accused, five accused have already been arrested and the raid is being conducted to arrest the remaining accused.

Learned counsel for the petitioner has submitted that in view of the above, he does not press the present petition with respect to the first prayer with liberty to approach the court of Magistrate by moving an appropriate application as per law laid down by Hon'ble Supreme Court of India in case titled as ***Sakiri Vasu vs. State of U.P. And others, reported as 2008(2) SCC 409*** and in ***M.Subramaniam and another vs. Janaki and***

Thus, with respect to the first prayer, the present petition is dismissed as withdrawn with liberty as aforesaid.

With respect to the second prayer for granting protection to the life and liberty of the petitioner, it is submitted by learned counsel for the petitioner that he has given a representation dated 06.05.2021 (Annexure P-6) to respondent no.2-Senior Superintendent of Police, in which certain facts are mentioned regarding the apprehension of threat to the life and liberty of the petitioner and his family members.

Learned counsel for the petitioner has submitted that the petitioner would be satisfied in case respondent no.2-Senior Superintendent of Police is directed to look into representation dated 06.05.2021 (Annexure P-6) with respect to only protection of life and liberty of the petitioner and his family members and after seeing threat perception, takes appropriate action in accordance with law.

On a specific query put by this Court, learned counsel for the State has stated that he has no objection in case, respondent No.2-Senior Superintendent of Police, looks into the representation dated 06.05.2021 (Annexure P-6) with a limited prayer for only protection of life and liberty of the petitioner and his family members and takes appropriate action in accordance with law.

After considering the facts and circumstances of the present case, this Court deems it appropriate to direct respondent No.2-Senior Superintendent of Police, to look into the representation dated 06.05.2021 (Annexure P-6) with a limited prayer for only protection of life and liberty of the petitioner and his family members and after making necessary enquiries and assessing the threat perception to the petitioner and his family

members, respondent No.2 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.2 to make his independent enquiry/assessment with regard to the representation with a limited prayer aforesaid.

In view of what has been observed above, the present Criminal Writ 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

November 10, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No