

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109)

CRWP-6735-2021

Date of Decision : October 27, 2021

Bhoop Singh

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Ritu Punj, (Legal Aid Counsel) Advocate,
for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed seeking a direction for the protection of the life and liberty of the petitioner as enshrined under Article 21 of the Constitution of India.

Learned counsel for the petitioner submits that the petitioner is a law abiding citizen and had raised his voice during the lock down period as NGOs being run by respondent No.6 were serving food, which was not fit for human consumption. Learned counsel for the petitioner further submits that as the petitioner raised his voice against the said illegal action, 30 persons including the police personnel along with the members of the NGOs in question, in collusion with the District Administration forcefully entered the house of the petitioner. Learned counsel for the petitioner further submits that the said action of the police personnel as well as the respondent No.6 was arbitrary and illegal. Learned counsel for the

petitioner further submits that not only this, FIR No.180 dated 07.05.2020, under Sections 186, 188 and 353 IPC as well as Section 56 of the Disaster Management Act, 2005 at Police Station City Palwal, District Palwal, has been registered against the petitioner, which amounts to abuse of process of law. Learned counsel for the petitioner further submits that keeping in view the above said facts, there is an apprehension in the mind of the petitioner that his life and liberty is at threat at the hands of not only respondent No.6, but also other respondents.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State, on the other hand, submits that the present petition has been filed to browbeat the police officials so that they are not able to carry out due investigation in the FIR registered against the petitioner. Learned counsel for the respondent-State further submits that the allegations have been prima facie even proved during the investigation and the challan has already been submitted against the petitioner.

At this stage, learned counsel for the petitioner concedes that the petitioner has never approached the police authorities raising any apprehension qua threat to his life and liberty and has rather filed the present petition.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

From the facts and circumstances, which have been narrated hereinbefore, it is clear that there is an FIR registered against the petitioner wherein, the allegations have been proved in the investigation and the challan has already been presented.

Nothing has been specified by the petitioner as to how, there is an apprehension of threat to his life and liberty. No act has been brought to the notice of this Court so as to corroborate the apprehension being projected in the present petition. Though it is the duty of the State to protect the life and liberty of every citizen in case, the same is under threat and the said apprehension of threat to the life and liberty is corroborated by certain facts.

In the present case, the facts and corroboration of the apprehension of the threat to the life and liberty of the petitioner and his family, are missing and therefore, no such direction can be given, at this stage. However, it is made clear that in case, the petitioner approaches the police with any representation raising apprehension of threat alongwith the facts corroborating the said apprehension, the concerned police authorities are directed to look into the said aspect and decide the claim of the petitioner within a period of six weeks as and when raised.

The present petition is disposed of in above terms.

October 27, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No