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

CRWP-7944-2021

Date of decision : 27.09.2021

Rakesh Kumar Bhalla and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Manmeet Singh Rana, Advocate for the petitioners.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

By filing the present Criminal Writ Petition under Articles 226/227 of the Constitution of India, primarily two prayers have been made in the petition as well as in representation dated 21.04.2021 (Annexure P-1).

First prayer is for taking strict legal action against the private respondents and second prayer is for protection of life and liberty of the petitioners as on account of certain incidents, they are apprehending danger to their life and liberty.

With respect to the first prayer i.e. for taking strict legal action against the private respondents, faced with the dictum of law laid down by Hon'ble the Supreme Court of India in case titled **Sakiri Vasu Vs. State of U.P. and others, 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, learned counsel for the petitioners seeks permission of this Court to withdraw the present petition qua first prayer with liberty to seek alternative remedies in accordance with law.

Ordered accordingly.

With respect to the second prayer i.e. for protection of life and liberty of the petitioners, learned counsel for the petitioners has submitted that the petitioners would be satisfied in case respondent No.2-Commissioner of Police is directed to look into the representation dated 21.04.2021 (Annexure P-1) with a limited prayer for only protection of their life and liberty and takes appropriate action in accordance with law.

Notice of motion to respondent Nos.1 to 3 only.

On advance notice, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of respondent Nos.1 to 3 and on a specific query put by this Court, he has stated that he has no objection in case, respondent No.2-Commissioner of Police, looks into the representation dated 21.04.2021 (Annexure P-1) with a limited prayer for only protection of life and liberty of the petitioners 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-Commissioner of Police, to look into the representation dated 21.04.2021 (Annexure P-1) with a limited prayer for only protection of life and liberty of the petitioners and after making necessary enquiries, 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 petitioners 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 petitioners, if involved in any case.

27.09.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**