IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34172-2021(O&M).
Date of Decision:-27.08.2021.

Manjinder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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Present: Ms. Shivya Sehgal, Advocate for the petitioner.

(Through Video Conferencing)

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VIKAS BAHL, J. (Oral)

In the present petition filed under Section 482 Cr.P.C. primarily two-fold prayers have been made. The first prayer which has been made is with respect to taking action on the representation dated 12.02.2020 (Annexure P-6) in which it ha stated that action be taken against the private respondents.

Faced with the dictum of law laid down by Hon'ble 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learned counsel for the petitioner states that with respect to the said prayer, the present petition be dismissed as withdrawn with liberty to

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the petitioner to seek appropriate remedy, in accordance with law. Accordingly, with respect to the said prayer, the present petition is dismissed as withdrawn with liberty to the petitioner to seek alternative remedy, in accordance with law.

The second prayer which has been made by the petitioner is for protection of life and liberty of the petitioner. It has been stated in the representation dated 12.07.2021 (Annexure P-7) that the petitioner has apprehension to his life and liberty and he is being pressurized to withdraw the complaint which has been filed against the private respondents. Learned counsel for the petitioner has limited her prayer to direct respondent No.3 to look into only the aspect of the threat to the petitioner and take appropriate action on the same.

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.3-Senior Superintendent of Police, Tarn Taran, District Tarn Taran, looks into the representation dated 12.07.2021 (Annexure P-7) with a limited prayer for only protection of life and liberty of the petitioner 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.3 to look into the representation dated 12.07.2021 (Annexure P-7) with a limited prayer for only protection of life and liberty of the petitioner and after making

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necessary enquiries, respondent No.3 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.3 to make his independent enquiry/assessment with regard to the representation (Annexure P-7) with a limited prayer 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 petitioner, if involved in any case.

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

(VIKAS BAHL)
JUDGE

August 27, 2021.
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Whether speaking/reasoned:- Yes / No

Whether Reportable:- Yes / No.

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