

CRWP-7937-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRWP-7937-2021.  
Date of Decision:-21.09.2021.

Vijay Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

\*\*\*\*

Present: Mr. Tejas Bansal, Advocate for  
Mr. Sanjiv Kumar Aggarwal, Advocate for the petitioner.

(Through Video Conferencing)

\*\*\*\*

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

Primarily two prayers have been made in the present criminal writ petition filed under Articles 226/227 of the Constitution of India. When read along with the complaint dated 17.08.2021 (Annexure P-2), the first prayer is for taking legal action against private respondents.

As far as the first prayer is concerned, learned counsel for the petitioner, faced with 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, prays to withdraw the present petition with liberty to pursue alternative remedies, in accordance with law.

CRWP-7937-2021

In view of the statement of the learned counsel for the petitioner, the present petition is dismissed as withdrawn qua the first prayer with the aforesaid liberty.

The second prayer made by the petitioner in the petition as well as in the complaint (Annexure P-2) is to protect his life and liberty. In the complaint (Annexure P-2), certain averments have been made on the basis of which learned counsel for the petitioner has submitted that the petitioner has a reasonable apprehension to his life and liberty and the petitioner would be satisfied in case, respondent No.2-Superintendent of Police, Kaithal, District Kaithal, is directed to look into the complaint dated 17.08.2021 (Annexure P-2) on the limited aspect of protection of life and liberty of the petitioner and to consider the threat perception and take appropriate action thereafter.

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

On advance notice, Mr. Praveen Bhadu, AAG, Haryana 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-Superintendent of Police, Kaithal, District Kaithal, looks into the complaint dated 17.08.2021 (Annexure P-2) 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.2 to look into the complaint dated 17.08.2021 (Annexure P-2) with a limited prayer for only protection of life and liberty of the petitioner and after making

CRWP-7937-2021

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 petitioner and it would be open to respondent No.2 to make his independent enquiry/assessment with regard to the complaint with the limited aforesaid prayer.

In view of what has been observed above, the present criminal writ petition is disposed of in the above-said terms.

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

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

**September 21, 2021.**

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes/No

Yes/No