

CRWP-8868-2021 (O&M)

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

CRWP-8868-2021 (O&M).
Date of Decision:-30.09.2021.

Mayank Bhandari

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

CRM-W-1166-2021

This is an application under Section 482 Cr.P.C for preponement of the main case, which is stated to be listed on 10.11.2021.

For the reasons mentioned in the application and also the fact that the in present case, the prayer is for protection of life and liberty, the present application is allowed and the main case is taken up for hearing today itself.

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This is a criminal writ petition under Articles 226/227 of the Constitution of India for issuance of writ in the nature of *mandamus* for directing the official respondents to protect the life and liberty of the petitioner.

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Learned counsel for the petitioner has submitted that the petitioner is not an accused in any FIR and yet, he is being repeatedly called by respondent No.4 at the instance of respondent No.5. In para 12 of the petition, various dates have been mentioned on which the petitioner has been called to the Police Station. The said dates are 19.07.2021, 22.07.2021, 26.07.2021, 27.07.2021, 28.07.2021, 05.08.2021, 25.08.2021 and 06.09.2021. It is further submitted that the petitioner is being asked to compromise with respondent No.5 and is being made to sit for the whole day in the Police Station without even recording his statement. Learned counsel for the petitioner has further submitted that the petitioner would be satisfied in case if the petitioner has to be called, then the procedure under Section 160 Cr.P.C. should be followed.

Notice of motion.

On advance notice, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of respondent Nos.1 to 4. He has opposed the present petition but has stated that in case the petitioner is involved in any criminal case, then the procedure, as per law would be followed before calling him to the Police Station.

Keeping in view the above-said facts and circumstances, moreso, the fact that the petitioner is not involved in any criminal case, the present petition is disposed of with a direction to respondent No.4-Station House Officer, Police Station Women Cell, Jalandhar to comply with the provisions of Section 160 Cr.P.C. before calling the petitioner to the Police Station.

It is clarified that in case the petitioner is an accused in any

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FIR, then the benefit of the present order would not enure to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the present case.

(VIKAS BAHL)
JUDGE

September 30, 2021.
sandeep
Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No