

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

209 (PROCEEDINGS THROUGH V.C.)

LPA No.851 of 2021 (O&M)
Date of Decision: September 27th, 2021

Soma Rani and another

...Appellants

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Lupil Gupta, Advocate
for the appellants.

Ms. Monica Chhibber Sharma, Sr. Deputy Advocate General,
Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

In pursuance to the notice issue by this Court, according to which the counsel for respondent No.4 has been duly served but has not put in appearance, we proceed to take up the matter for consideration.

In the light of the fact that the appellants, who were petitioners before the learned Single Judge, had made a prayer that they had submitted a representation dated 04.08.2021 (Annexure P-5) to the Senior Superintendent of Police, Fazilka and Station House Officer, Fazilka-respondents No.2 and 3 respectively, highlighting therein that their life and liberty is at peril at the hands of the private respondents, we in the light of the observations made by this Court in ***LPA No.769 of 2021*** titled as ***Ishrat Bano and another Versus State of Punjab and others***, wherein it has been stated as follows:-

“The aspect which we are considering and dealing with is with regard to the threat to the life and liberty to the appellants as has been asserted by them. No doubt, in case a criminal case is registered against any of the parties, the law should take its own course, however, the life and liberty of any person who has approached the Court with such a grievance need to be taken care of and the protection be provided as permissible in law. No person can be permitted

or allowed to take law in his hands and therefore, keeping in view the said aspect, we dispose of the present appeal by observing that the Senior Superintendent of Police, Maler Kotla, shall take into consideration the representation dated 17.08.2021 (Annexure P-5) submitted by the appellants and if some substance is found therein, take appropriate steps in accordance with law to ensure that the life and liberty is not jeopardized of the appellants at the hands of the private respondents. This direction shall not be construed in any manner to restrain the official respondents to proceed against the appellants in case there is some criminal case registered against them. The law shall take its own course and it shall be open to the authorities/investigating agency to proceed against the appellants, if required in law and in accordance thereto.”

dispose of the present appeal in same terms directing the Senior Superintendent of Police, Fazilka-respondent No.2 to look into the representation of the appellants submitted on 04.08.2021 (Annexure P-5) and in case some substance is found therein, take appropriate steps in accordance with law so that life and liberty of the appellants is not jeopardized except in due course of law.

We make it clear that in case any of the appellants is wanted in a criminal case, the law shall take its own course and this order of ours shall not be taken to be restraining the investigating agency to proceed against the appellants in accordance with law.

(AUGUSTINE GEORGE MASIH)
JUDGE

September 27th, 2021
Puneet

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No