

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

107-A

CRWP-9152-2020

Date of decision: 07.04.2021

Sudesh Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Gaurav Singla, Advocate for
Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for respondents No.1 to 3.

None for respondents No.4 to 7.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Article 226 of the Constitution of India for protection of his life and liberty and providing adequate security to him.

The petitioner has pleaded in the petition that on 10.03.2020 respondents No.4 to 7 along with three unknown persons, when asked to remove the vehicle parked in the street, abused him and fired at him with intention to kill him but he escaped the injury and murdered his brother Vijaypal who reached the spot on his telephonic call regarding which FIR No.83 dated 10.03.2020 was registered under Sections 148, 302, 307, 323 and 506 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") and Section 25 of the Arms Act, 1959 in Police Station Gadpuri, District Palwal on complaint

of the petitioner. The police is not properly investigating the case regarding which he has filed CRM-M-24288-2020. The petitioner made representation dated 17.06.2020 to respondent No.3 that persons named as accused in the above said FIR are threatening to kill him and his family members. The petitioner also made representation dated 04.10.2020 to respondent No.2. However, no action has been taken on the same.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Yashpal Singh, HPS, Deputy Superintendent of Police, Palwal District Palwal on behalf of respondents No.1 to 3.

In the reply while mentioning the details of the steps taken for investigation of the case it has been pleaded that no complaint has been directly received from the petitioner by the police at Palwal regarding threat to the petitioner and his family. Two complaints have been received through the Director General of Police, Haryana and Inspector General, Rewari Range, Rewari which were inquired into and found to be untrue. Respondents No.1 to 3 have accordingly prayed for dismissal of the petition.

Learned Counsel for the petitioner has submitted that representations dated 17.06.2020 and 04.10.2020 were made to respondents No.2 and 3 seeking necessary protection but no action has been taken so far in the matter and prayed for issuance of appropriate directions in this regard.

Learned State Counsel has no objection if appropriate directions for providing requisite protection to the petitioner are given.

In view of the facts and circumstances of the case, the petition is disposed of with the directions to respondent No.2-Superintendent of Police, Palwal to look into the grievances of the petitioner as set out in the petition and also expressed in the above said representations and take appropriate action for protection of life and liberty of the petitioner and his family members as may be warranted by the circumstances.

The Registry is directed to send a copy of this order along with copy of the petition along with above-said representations to respondent No.2-Superintendent of Police, Palwal for requisite compliance.

07.04.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No