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

CRM-M-42870-2021

Date of decision : 13.10.2021

Ali Jawed and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sahil Thakur, Advocate for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. in which primarily two prayers have been made. First prayer is with respect to directing the official respondents to investigate into FIR No.152 dated 31.08.2021, in a proper and impartial manner.

Faced with the dictum of law laid down by Hon'ble the 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 petitioners seeks permission of this Court to withdraw the present petition qua first prayer

with liberty to pursue alternative remedies in accordance with law.

In view of the above, the present petition qua first prayer is dismissed as withdrawn with liberty aforesaid.

Second prayer made in the present petition is to protect the life and liberty of the petitioners and their family members.

Learned counsel for the petitioners has pointed out that a detailed representation dated 06.09.2021 (Annexure P-5) has been submitted by petitioner No.2 to the Commissioner of Police, Jalandhar, in which certain instances have been given to show that petitioner No.2 and his family members are apprehending danger to their life and liberty. It is also pointed out that Paramjit Singh Goldy and his accomplices are involved in several cases and the petitioners are apprehending danger from them. It has further been submitted that the petitioners would be satisfied, if the Commissioner of Police, Jalandhar is directed to look into the representation dated 06.09.2021 (Annexure P-5) on the limited aspect of only protection of their life and liberty and after considering the threat perceptions, takes appropriate action in accordance with law.

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, the Commissioner of Police, Jalandhar looks into the representation dated 06.09.2021 (Annexure P-5) with a limited prayer for only protection of life and liberty of the petitioners and their family members

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 Commissioner of Police, Jalandhar, to look into the representation dated 06.09.2021 (Annexure P-5) with a limited prayer for only protection of life and liberty of the petitioners and their family members and after making necessary enquiries, the Commissioner of Police 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 petitioners and it would be open to the Commissioner of Police, Jalandhar to make his independent enquiry/assessment with regard to the representation 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 petitioners, if involved in any case.

13.10.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No