

CRWP-10744-2020

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

CRWP-10744-2020.

Date of Decision:-14.09.2021.

Poonam Devi and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ashok K. Sharma, Advocate for the petitioners.

Mr. Manish Dadwal, AAG, Haryana.

VIKAS BAHL, J. (Oral)

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

On 23.12.2020, a Co-ordinate Bench of this Court was pleased to pass the following order:-

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

The petitioners have filed the present petition under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus for directing the official respondents to protect their life and liberty from danger at the hands of

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respondents No.4 to 9 and to decide the representation dated 11.12.2020 (Annexure P-4) made by the petitioner Notice of motion.

Pursuant to supply of advance copy, Mr. Ranvir Singh Arya, Addl. A.G., Haryana has appeared and accepted notice on behalf of respondent No.1 to 3.

Learned State Counsel seeks time to file reply.

Adjourned to 18.02.2021.

Notices to respondents No.4 to 9 be issued for that date and notices be also given dasti, if so desired. In the meanwhile, respondent No.2-Superintendent of Police, Kaithal is directed to look into the grievances of the petitioners as set out in the petition and also expressed in the representation (Annexure P-4) and take appropriate action for protection of their life and liberty as may be warranted by the circumstances. Registry is directed to send a copy of this order along with copy of the petition and above-said representation to respondent No.2-Superintendent of Police, Kaithal for requisite compliance.”

Learned counsel for the petitioner has submitted that in the present case, at present there is no threat perception to the petitioners but he would be satisfied in case there is any threat perception in future to the life and liberty of the petitioners, then the petitioners be granted liberty to file a representation to respondent No.2 and respondent No.2 be directed to look into the matter and take appropriate action in accordance with law.

Learned counsel for the State has stated that he has no objection in case, respondent No.2-Superintendent of Police, Kaithal, looks

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into the representation, if any, filed by the petitioners with a limited prayer for only protection of life and liberty of the petitioners 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 representation, if any, filed by the petitioners with a limited prayer for only protection of life and liberty of the petitioners and after making 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 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 petitioner, if involved in any other case.

(VIKAS BAHL)
JUDGE

September 14, 2021.

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Whether speaking/reasoned:-

Whether Reportable:-

Yes/No

Yes/No