

106

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP-11331-2021
Date of Decision: 07.12.2021

DR. ROSY DHAWAN

..... Petitioner

Versus

UT OF CHANDIGARH

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. R. Kartikeya, Advocate,
for the petitioner.

Mr. Charanjit Bakhshi, APP U.T. Chandigarh.

SUDIP AHLUWALIA, J. (ORAL)

Learned counsel for the petitioner relies upon the decision of the Division Bench of this Court in the case of ***“Raninder Singh and others Vs. State of Punjab and others reported as 2008 (2) ILR 417”***, in which the concerned petitioner was finally granted a brief protection by way of permitting him to be notified about his involvement in any cognizable case as yet unknown to him in the following manner:-

“ (30) In view of the above, this petition succeeds. The petitioners shall be given four working days clear notice in case an FIR disclosing the commission of a cognizable offence is registered against them. These directions shall operate only for a period of one year i.e. upto 30th September, 2009 and not thereafter.”

2. Learned counsel for the petitioner also relies upon the decision of a Coordinate Bench of this Court in the case of ***“Charanjit Singh @ Channi Vs. State of Punjab and others, reported as 2013 2 RCR (Cri)383”*** in which similar relief was granted, the operative portion of which is reproduced herein:-

“The Court is allowing the prayer for a stipulated

period in view of the acquittal of the petitioner in eight cases. Accordingly, the present petition is disposed of with a direction to respondent No.2, Commissioner of Police, Ludhiana, that in case the petitioner is required to be arrested in a matter other than the FIRs mentioned in the reply, having party faction connotations, the petitioner be given three days advance notice to enable him to avail legal remedies. This order shall remain operative for a period of next three months and shall be available to the petitioner only in case any fresh FIR is registered and the same is ridden with political connotations”

3. Submission of the petitioner in this regard is that her husband has been implicated in various complaints lodged, in which the petitioner has also been unnecessarily roped in. Learned counsel for the petitioner has drawn attention of the Court to the proceedings in respect of FIR No.75 dated 21.09.2020 Police Station Sector 19, in which initially a submission was made before the Court that investigation against the petitioner's husband was almost complete and the challan would be filed soon thereafter, but the petitioner herself was surprisingly arrested only two days later. She was, however, subsequently granted regular bail on 26.11.2021 by the Ld. Court below vide order Annexure P-5.

4. Her apprehension now is that she can be similarly arrested in any number of other criminal cases filed against her husband which are beyond her knowledge. Ofcourse, in Para No.8 of the petition, the petitioner has disclosed about the existence of at-least two FIRs being FIRs No. 76 & 56 dated 19.03.2018 and 06.10.2021, respectively, of the same Police Station.

5. In the opinion of this Court once the existence/pendency of any specific case is known to the person apprehending arrest, the appropriate remedy in such circumstances would clearly be to approach

the Competent Court to apply for bail (anticipatory or otherwise). The blanket protection would, as sought by the petitioner can only relate to those cases where she apprehends that she may be implicated but, which are not in existence to her knowledge on the date of apprehension.

6. In the circumstances, relying upon the aforesaid two decisions cited on behalf of the petitioner the present petition is disposed off, with a direction that in case her involvement is found in any, FIR or criminal case not yet known to the petitioner, she shall be given notice of four working days before resorting to any coercive process against her, so as to enable her approach the Competent Court for protection of her life.

7. This direction shall operate for a period of one month, at this stage.

07.12.2021

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**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No