

LPA No.1171 of 2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA No.1171 of 2021
Date of decision : 07.12.2021

Anju & another

.....Appellants

VERSUS

State of Haryana and others

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR JUSTICE SANDEEP MOUDGIL**

Present: Mr. Devender Arya, Advocate, for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the order dated 26.11.2021 passed by the learned Single Judge, whereby the Criminal Writ Petition preferred by the appellants praying for issuance of a direction to the Superintendent of Police, District Mahendergarh and Station House Officer, Police Station Mahendergarh, to look into the complaint/representation dated 24.11.2021 (Annexure P-8) and grant protection to their life and liberty at the hands of the private respondents, has been dismissed on the ground that there is mere expression of apprehension and no specific details have been mentioned with regard to there being any threat. Another aspect which has been taken into consideration by the learned Single Judge is that the appellants apprehend their involvement in false criminal cases on the basis of the complaint of the private respondents.

Learned counsel for the appellant asserts that the appellants give up their assertion with regard to the false implication in the cases. He states that in case there is any criminal case registered against them, they

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would avail of their remedy in accordance with law. However, with regard to the threat to their life and liberty at the hands of the private respondents, the said aspect may be gone into by respondents No.2 and 3 at the first instance and thereafter, if some substance is found therein, proceed to grant them necessary protection.

Notice of motion to respondents 1 to 3.

On the asking of the Court, Mr. Raman K. Sharma, Additional Advocate General, Haryana, accepts notice on behalf of respondents No.1 to 3.

We have considered the submissions made by learned Counsel for the parties and gone through the impugned judgment.

This Court had while dealing with a similar issue in LPA No.769 of 2021 titled as 'Ishrat Bano and another Vs. State of Punjab and others' decided on 03.09.2021, observed 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

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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.”

In the light of the above, we dispose of the present appeal without going into merit of the case or commenting thereon by directing Superintendent of Police, Narnaul, District Mahendergarh – respondent No.2 and Station House Officer, Police Station Mahendergarh – respondent No.3 to look into the representation dated 24.11.2021 (Annexure P-8) and in case some substance is found therein, take appropriate steps in accordance with law so that the life and liberty of the appellants is not jeopardized except in due course of law.

In case there is any criminal case registered against the appellants, they may avail of their remedy in accordance with law.

(AUGUSTINE GEORGE MASIH)
JUDGE

07.12.2021
Harish

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No