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

CRM-M-51408-2021
Date of decision : 09.12.2021

Sona Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Raman Goklaney, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

In the present petition and in the representation dated 15.10.2021
(Annexure P-4), primarily two reliefs have been sought.

First relief sought is for issuance of directions to the official respondents to carry out the proper, fair and impartial enquiry in FIR No.60 dated 25.05.2021 registered under Sections 420 and 120-B of the Indian Penal Code, 1860 and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 at Police Station Sadar Jalalabad (W), District Fazilka and also to arrest the accused in the same.

With respect to the abovesaid first relief, 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 petitioner seeks permission of this Court to withdraw the present petition qua first relief with liberty to pursue alternative remedies in accordance with law.

In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid qua first relief.

Second relief sought in the present petition and in the representation dated 15.10.2021 (Annexure P-4) is to protect the life and liberty of the petitioner and his family members.

Learned counsel for the petitioner has submitted that in the representation dated 15.10.2021 (Annexure P-4), which had been given to several officers including respondent No.3, it had been stated that the accused persons are threatening the petitioner and his family members and are pressurizing them to withdraw the FIR/criminal case and to compromise the matter and on account of the said threat, there is reasonable apprehension to the life and liberty of the petitioner and his family members.

Learned counsel for the petitioner has further submitted that the petitioner would be satisfied in case respondent No.3-Senior Superintendent of Police, is directed to look into the representation dated 15.10.2021 (Annexure P-4) on the limited aspect of protection of life and liberty of the petitioner and his family members and after considering the threat perceptions to the petitioner and his family members, takes appropriate action in accordance with law.

Notice of motion to respondent Nos.1 to 4 only.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of respondent Nos.1 to 4 and on a

specific query put by this Court, he has stated that he has no objection in case, respondent No.3-Senior Superintendent of Police, looks into the representation dated 15.10.2021 (Annexure P-4) with a limited prayer for only protection of life and liberty of the petitioner and his 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 respondent No.3-Senior Superintendent of Police, to look into the representation dated 15.10.2021 (Annexure P-4) with a limited prayer for only protection of life and liberty of the petitioner and his family members and after making necessary enquiries, respondent No.3 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.3 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 case.

09.12.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No