

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(223)

CRWP-1544-2019

Date of decision:- 27.07.2021

Sarita Devi and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Mikhail Kad, Advocate
for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab for respondent No.1 to 3.

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SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Article 226 of Constitution of India seeking direction to the official respondents No.1 to 3 to protect the life and liberty of the petitioners and his family members from the hands of private respondents No.4 to 7. A further prayer has been made to issue appropriate direction to respondent No. 2 to ensure the compliance of Section 160 Cr.P.C. and not to harass the petitioners and his family members especially as petitioner No.1 is suffering from cancer.

Counsel for the petitioners submits that petitioner Nos.1 and 2 are the parents and petitioner No. 3 is the brother of Suresh Kumar Gautam,

who is married to respondent No. 4 and the relations between the couple are strained. He submits that respondent No.4 has given complaints against the petitioners, who apprehend that they may be falsely implicated in criminal cases by her or her relations-respondent Nos. 5 to 7.

In response to, notice issued by this Court to official respondent Nos. 1 to 3, State counsel, upon instructions from SI Ramandeep Kaur, has submitted that as of now the petitioners are not required in any criminal case.

Heard.

In view of the statement of the State counsel and without expressing any opinion on the veracity of the allegations levelled in the petition, the petition is disposed of with a direction to respondent No.2 that in case the petitioners are required to be associated with any FIR lodged by respondent No.4, then a written advance notice in terms of the provisions of Section 160 of the Code of Criminal Procedure, 1973 be served upon them.

It is, however, made clear that the aforesaid order shall not be construed to be an impediment for taking any legal action against the petitioners in case it is legitimately found that they are involved in any offence.

(SUVIR SEHGAL)
JUDGE

27.07.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No