

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

**CRWP No.1148 of 2022
Date of Decision : 08.02.2022**

Sorab Kumar and another ...Petitioners

Versus

State of Haryana and others ...Respondents

CORAM : HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. J.S. Khiva, Advocate
for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

(Through Video Conferencing)

ANOOP CHITKARA,J (ORAL)

Apprehending danger to their lives at the hands' of private respondents No.5 to 8, the petitioner No.1 (adult) whereas petitioner No.2 who is stated to be 17 years 01 month, have come up before this Court seeking protection of their lives.

Notices served upon the official respondents through the State's counsel. An appropriate number of copies of the paper book be supplied to him during the course of the day. Given, the nature of the order this Court proposes to pass, there is no requirement to issue notices to the private respondents.

If the allegations of apprehension of threat to their lives turn out to be true, it might lead to an irreversible loss. Thus, in the facts and circumstances peculiar to this case, it shall be appropriate that the concerned Superintendent of Police, SHO, or any officer to whom such powers have been delegated or have been authorized in this regard, provide appropriate protection to the petitioners for one week from today. However, if the petitioner No.1 no longer require the protection, then it may be discontinued even before the expiry of one week. After that, the concerned officers shall extend the protection on day-to-day analysis of the ground realities or upon the oral or written request of the petitioner No.1.

This protection is subject to the stringent condition that from the time such protection is given, petitioner No.1 shall not go outside the

boundaries of the place of their residence, except for medical necessities, to buy household necessities, and bereavements in the families of the persons who are close to them. This restriction saves petitioner No.1 from apprehended risk and ensures that the protection is not flaunted.

Learned counsel for the petitioners to direct the petitioners to attend the phone call of the Investigator. As far as petitioner No.2 is concerned, being a minor girl as soon as the Investigator contacts her, he shall produce her to the nearest Judicial Magistrate and in case the time is not suitable immediately before a Child Protection Home and after that produce her before the concerned Judicial Magistrate. The concerned Judicial Magistrate shall interact with her and it is the concerned Magistrate's discretion whether to record her statement under Section 164 Cr.P.C or to proceed without that. In case, the petitioners do not attend the phone calls of the investigator and this order is not complied with then the State cannot be blamed for non-compliance.

Learned Judicial Magistrate will either send petitioner No.2 to Child Protection Home and to her parents as per the result of the interaction with her. The identity of the place where petitioners are staying shall not be revealed to the private respondents.

It is clarified that there is no adjudication on merits. It is also clarified that this order is not a blanket bail in any FIR. It is further clarified that this order shall not come in the way if the interrogation of petitioner No.1 is required in any cognizable case. It shall also be open for petitioner No.1 to approach this Court again in case of any fresh threat perception.

Petition is disposed of to the extent mentioned above. All pending applications, if any, stand disposed.

There would be no need for a certified copy of this order and any Advocate for the Petitioners can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy.

(ANOOP CHITKARA)
JUDGE

February 08, 2022
Manpreet

Whether speaking/reasoned : Yes
Whether reportable : No.