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

CRWP-3002-2022

Date of decision : 02.04.2022

Shamsher @ Shero Devi and another

...Petitioners

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Ms. Nisha Rana, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

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**VIKAS BAHL, J. (ORAL)**

This is a Criminal Writ Petition filed under Article 226 of the Constitution of India for issuance of writ in the nature of mandamus directing respondent Nos.1 to 3 to provide protection of life, liberty and property of the petitioners and also to provide security to their family members from the hands of private respondent Nos.4 to 14 and to decide the representation dated 22.03.2022 (Annexure P-10).

Learned counsel for the petitioners has submitted that the petitioners, who are aged about 54 years and 68 years, respectively, restrict their prayer to only protection of their life and liberty and with liberty to agitate their rights over the property in the civil proceedings/contempt proceedings. He has further submitted that on the basis of averments made

in the representation dated 22.03.2022 (Annexure P-10), there is threat to the life and liberty of the petitioners. It has been contended that as far as the civil rights of the petitioners with respect to the property are concerned, the same have not been pressed in the present Criminal Writ Petition and the petitioners would be satisfied in case the present Criminal Writ Petition is disposed of with a direction to respondent No.3 to consider representation dated 22.03.2022 (Annexure P-10) only on the aspect of protection of life and liberty of the petitioners and not on the aspect of possession/cultivation of crop or any other matter related to the civil dispute, which is pending in the RSA or in the contempt proceedings and after considering the threat perception, to take necessary action in accordance with law.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that only on the limited aspect of protection of life and liberty of the petitioners, the said representation dated 22.03.2022 (Annexure P-10) could be looked into by respondent No.3.

Keeping in view the abovesaid facts and circumstances, the present Criminal Writ Petition is disposed of with direction to respondent No.3 to look into representation dated 22.03.2022 (Annexure P-10) only on the limited aspect of protection of life and liberty of the petitioners who are stated to be aged about 54 years and 68 years respectively and after making necessary enquiries and assessing the threat perception to the petitioners and their family members, respondent No.3 shall take appropriate action in accordance with law.

It is made clear that in the present case, no aspect as to whether the petitioners are entitled to possession or should be given right to cultivate the land or any dispute which is pending in RSA No.405 of 2018 or in the contempt petition i.e. COCP-1321-2021 or even with respect to proceedings under Section 145 Cr.P.C. and to the subsequent petition bearing No.CRM-M-53830-2021 pending before the Coordinate Bench of this Court, has been adjudicated upon. Respondent No.3 is only required to assess as to whether there is any threat perception to the life and liberty of the petitioners or not, without getting into the question of the land in dispute and as to who has the right to cultivate the land.

It is, however, clarified that this Court has not gone into the merits of the allegations made by the petitioners 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 Criminal Writ petition is disposed of in the abovesaid terms.

It is, however, clarified that this order shall not debar the State from proceeding against the petitioners, if involved in any case.

**02.04.2022***Pawan***(VIKAS BAHL)  
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**