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

CRM-M-16027-2022

Date of decision : 20.04.2022

Baljit Singh and others

...Petitioners

Versus

Union Territory of Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Nitin Jain, Advocate for the petitioners.

Mr. P.S. Paul, Addl. PP UT Chandigarh.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. in which two prayers have been made. First prayer which has been made is with respect to fair and free investigation to be carried out in FIR No.0005 dated 09.01.2022 registered under Sections 147, 148, 323, 452, 506 of the Indian Penal Code, 1860 (Section 326 of IPC has been added later on) at Police Station Mauli Jagran, Chandigarh. Second prayer which has been made is for protection of life and liberty of the petitioners.

Learned counsel for the petitioners has submitted that as far as the first prayer is concerned, in view 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, he seeks permission of this Court to withdraw the present petition with liberty to pursue alternative remedies in accordance with law.

Second prayer which has been made in the present petition is with respect to protection of life and liberty of the petitioners, regarding which, the petitioners have moved a representation dated 25.01.2022 (Annexure P-13) to the Senior Superintendent of Police, Chandigarh-respondent No.3.

Learned counsel for the petitioners has submitted that a perusal of the said representation would show that there is reasonable apprehension in the minds of the petitioners with respect to their life and liberty.

Notice of motion.

On advance notice, Mr. P.S. Paul, Addl. PP UT Chandigarh appears and accepts notice on behalf of the respondents 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 25.01.2022 (Annexure P-13) with a limited prayer for only protection of life and liberty of the petitioners and takes appropriate action in accordance with law.

This Court has heard the learned counsel for the parties and has perused the paper book.

In view of the statement made by learned counsel for the petitioners with respect to the first prayer which is for fair and free investigation to be carried out in abovesaid FIR, the petitioners are permitted to withdraw the present petition qua first prayer, with liberty to

file appropriate application before the competent Court, in accordance with law.

With respect to the second prayer which is for protection of life and liberty of the petitioners, the present petition is disposed of with direction to respondent No.3-Senior Superintendent of Police, to look into the representation dated 25.01.2022 (Annexure P-13) with a limited prayer for only protection of life and liberty of the petitioners and after making necessary enquiries and assessing the threat perception to the petitioners, 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 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.

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

20.04.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**