

125

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

CRWP-3684-2022

Date of decision : 22.04.2022

Harpal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vinod K. Kaushal, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a Criminal Writ Petition filed under Articles 226/227 of the Constitution of India in which two prayers have been made. First prayer which has been made is with respect to impartial investigation in FIR No.159 dated 29.06.2021 registered under Section 379-B of the Indian Penal Code, 1860 at Police Station Chattiwind, District Amritsar Rural. Second prayer which has been made is for protection of life and liberty of the petitioner.

Learned counsel for the petitioner 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 Criminal Writ Petition with liberty to pursue alternative remedies in accordance with law.

Second prayer which has been made in the present Criminal Writ Petition is with respect to protection of life and liberty of the petitioner, who is 71 years old, regarding which, the petitioner has moved a representation dated 16.04.2022 (Annexure P-4) to the Senior Superintendent of Police-respondent No.2 and has detailed such incidents in the same which would show that there is reasonable apprehension in the mind of the petitioner with respect to his life and liberty.

Learned counsel for the petitioner has submitted that the petitioner would be satisfied in case the present Criminal Writ Petition is disposed of with direction to respondent No.2 to look into representation dated 16.04.2022 (Annexure P-4) on the limited aspect of protection of his life and liberty and after seeing threat perception, take appropriate action in accordance with law.

Notice of motion to respondent Nos.1 to 3 only.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent Nos.1 to 3 and on a specific query put by this Court, he has stated that he has no objection in case, respondent No.2-Senior Superintendent of Police, looks into the representation dated 16.04.2022 (Annexure P-4) with a limited prayer for only protection of life and liberty of the petitioner 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 petitioner with respect to the first prayer which is for impartial investigation in the abovesaid FIR, the petitioner is permitted to withdraw the present Criminal Writ Petition qua first prayer, with liberty to pursue alternative remedies, in accordance with law.

With respect to the second prayer which is for protection of life and liberty of the petitioner, the present Criminal Writ Petition is disposed of with direction to respondent No.2-Senior Superintendent of Police, to look into the representation dated 16.04.2022 (Annexure P-4) with a limited prayer for only protection of life and liberty of the petitioner and after making necessary enquiries and assessing the threat perception to the petitioner, respondent No.2 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.2 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 State from proceeding against the petitioner, if involved in any case.

22.04.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**