

114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.5358 of 2022
Date of Decision: 02.08.2022

Mahain Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.Ritesh Pandey, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

ANOOP CHITKARA, J.

Fearing for life and liberty at the hands of the private respondents, the petitioner, invoking the fundamental right of life guaranteed under Article 21 of the Constitution of India, has come up before this Court seeking protection through the State.

2. Notices served upon the official respondents through the State's counsel. Given the nature of the order that this Court proposes to pass, neither the response of official respondents nor the issuance of notices to the private respondents is required.

3. If the allegations of apprehension of threat to life 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 petitioner and his family members for one week from today. However, if the petitioner no longer requires the protection, then at his request, 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.

4. This protection is subject to the stringent condition that from the time such protection is given, the petitioner and his family members shall not go outside the boundaries of the place of residence, except for medical necessities, to buy household necessities, and for bereavements in the families of the close relatives or close friends. This restriction saves the petitioner from apprehended risk and ensures that the protection is not flaunted.

5. It is clarified that there is no adjudication on merits and 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 the petitioner and his family members is required in any cognizable case. It shall also be open for the petitioner to approach this Court again in case of any fresh threat perception.

6. As far as representation dated 08.03.2022 (Annexure P-2) is concerned, learned counsel for the petitioner submits that he would be satisfied in case directions may be issued to respondent No.2 to decide the representation dated 08.03.2022 (Annexure P-2) by passing speaking and reasoned order within time bound manner.

7. The prayer is not opposed.

8. Given above, respondents No.2-SSP, Batala to decide the representation dated 08.03.2022 (Annexure P-2) by passing a speaking and reasoned order within 30 working days from today.

9. In case, the grievance of the petitioner still exists, he shall be at liberty to avail legal remedy in accordance with law including approaching this Court.

10. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner and State can download this order and other relevant particulars from the official web page of this court and attest it to be a true copy. The concerned officer can also verify its authenticity and may download and use the downloaded copy for immediate use.*

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

(ANOOP CHITKARA)
JUDGE

02.08.2022
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Whether speaking/reasoned: Yes
Whether reportable: No.