

Rahul Verma

...Petitioner

Versus

Union Territory, Chandigarh and others

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.S. Dhaliwal, Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, APP, U.T.

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. Learned State counsel has vehemently opposed the present petition on the ground that the petitioner has defrauded the people and he is not even cooperating with the investigator. A complaint has been filed against him in which he is not joining the investigation.

It is not for this Court to tell the State that in case, the complaint discloses commission of cognizable offence then it is obligatory for the police to register an FIR in the light of ***Lalita Kumari Vs. State of UP (2014) 2 SCC 1***. As far as present case is concerned, the petitioner's prayer is to give protection to him /family and property which cannot be denied.

4. 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 for one week from today. However, if the petitioner no longer requires the protection, then at their 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.

5. This protection is subject to the stringent condition that from the time such protection is given, the petitioner 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.

6. 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 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.

7. 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.

8. *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. This order shall remain in force one month. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

29.07.2022
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.