

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

CRWP-8296-2022
DECIDED ON: 31st AUGUST, 2022

SURJIT KAUR AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Gurnoor S. Sandhu, Advocate
for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

The instant petition has been filed seeking directions to respondents No.1 to 4 to protect the life and liberty of the petitioners as they are allegedly facing eminent threat at the hands of respondents No. 5 to 8, who are continuously adopting illegal and coercive methods to browbeat the petitioners in order to threaten them to succumb to their illegal demands.

The apprehension made in the present petition is with regard to the life and liberty of the petitioners at the instance of private respondents, who regularly use illegal and coercive tactics to frighten the petitioners for complying with their unlawful demands and said apprehension has been mentioned in the complaints and representation dated 04.05.2022, 11.06.2022, 17.07.2022, 20.07.2022 and 01.08.2022 (Annexures P-5 to P-9 respectively).

However, perusal of complaints and representation referred to above can not make out a case of any apparent threat to the lives and liberty of the petitioners, so far. Moreover, in the complaints and representation the allegations are with regard to the theft of 22 poles, wires and JCB machine from the land owned by the petitioners.

This Court is conscious of the fact and can not over look the aspect prevailing in the social fabric that such petitions are coming up regularly seeking directions under the garb of Article 21 by invoking Article 226 of the Constitution of India, which does not seem to be an appropriate forum. There is no iota of allegation against the private respondents or cause of action except mere bald apprehension to invoke the writ jurisdiction of this Court under Article 226 of the Constitution of India. Neither any relief has been sought from the State in any manner whatsoever nor any sufficient time has elapsed between the date of complaints and representation to the police authorities so as to ascertain if there was an actual threat prevailing at that time to the petitioners. More so, in writ jurisdiction the powers under Constitution are to be exercised sparingly and not in a casual manner.

The grant of relief of providing protection to the petitioners is to be considered primarily on the ground that an actual case of threat perception is made out on the basis of material evidence and direct and specific allegations whereas all such ingredients are missing through out in the pleadings as well as in the complaints/representation (Annexures P-5 to P-9, respectively).

In view of afore-said discussion, this Court is not inclined to intervene. Hence, the present petition stands dismissed.

However, liberty is granted to the petitioners to avail their alternative remedy in accordance with law.

(SANDEEP MOUDGIL)
JUDGE

AUGUST 31, 2022

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No